

Democratic Services

Riverside, Temple Street, Keynsham, Bristol BS31 1LA

Telephone: (01225) 477000 *main switchboard*

Direct Lines - Tel: 01225 - 394414

Web-site - <http://www.bathnes.gov.uk>

Date: 24 June 2014

E-mail: Democratic_Services@bathnes.gov.uk

To: All Members of the Development Control Committee

Councillors:- Patrick Anketell-Jones, Neil Butters, Gerry Curran, Ian Gilchrist, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, Douglas Nicol, Bryan Organ, Manda Rigby, Martin Veal and David Veale

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

Chief Executive and other appropriate officers
Press and Public

Dear Member

Development Control Committee: Wednesday, 2nd July, 2014

You are invited to attend a meeting of the **Development Control Committee**, to be held on **Wednesday, 2nd July, 2014 at 2.00 pm** in the **Council Chamber - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 1st July in the Meeting Room, Lewis House, Bath.

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

Refreshments will be served in the Dome Room at an appropriate point in 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, 2nd July, 2014
at 2.00 pm in the Council Chamber - 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 **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: 4TH JUNE 2014 (PAGES 9 - 52)

To approve as a correct record the Minutes of the previous meeting held on Wednesday 4th June 2014

9. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 53 - 98)

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 99 - 188)

11. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 189 - 196)

To note the report

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

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

Member and Officer Conduct/Roles Protocol*

Development Control Committee

(*NB This is a brief supplementary guidance note not intended to replace or otherwise in any way contradict the Constitution or the Code of Conduct for Members and Co-Opted Members adopted by the Council on 19th July 2012 to which full reference should be made as appropriate).

1 Declarations of Interest (Disclosable Pecuniary or Other Interest)

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

2. Local Planning Code of Conduct

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

3. Site Visits

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

4. Voting & Chair's Casting Vote

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

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

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

5. **Protocol for Decision-Making**

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

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

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

6. **Officer Advice**

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

7. **Decisions Contrary to Policy and Officer Advice**

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

8. **Officer Contact/Advice**

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

1. Shaine Lewis, Principal Solicitor
Tel. No. 01225 39 5279
2. Simon Barnes, Principal Solicitor
Tel. No. 01225 39 5176

General Member queries relating to the agenda (including public speaking arrangements for example) should continue to be addressed to David Taylor, Senior Democratic Services Officer Tel No. 01225 39 4414

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

Site Visit Procedure

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

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 4th June, 2014

Present:- Councillor Gerry Curran in the Chair

Councillors Patrick Anketell-Jones, Ian Gilchrist, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, Douglas Nicol, Vic Pritchard (In place of Bryan Organ), Manda Rigby, Jeremy Sparks, Martin Veal and David Veale

Also in attendance: Councillors Sally Davis, David Martin and Ben Stevens

1 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

2 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not desired

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There was an apology for absence from Councillor Bryan Organ whose substitute was Councillor Vic Pritchard

4 DECLARATIONS OF INTEREST

Councillor Martin Veal declared a personal and prejudicial interest in the planning application at Victory Gardens, Bannerdown Drive, Batheaston (Item 7, Report 10) as he was the applicant and therefore he would leave the meeting for its consideration. Councillor Malcolm Lees declared an interest in the application at Weston All Saints Ce Vc Primary School, Broadmoor Lane, Upper Weston, Bath (Item 3, Report 10) as he owned property in the near vicinity and therefore he would make a statement as Ward Councillor and leave the meeting for its consideration. Councillor Ian Gilchrist declared an interest in the application at Parcel 0074 Flatts Lane, Farmborough (Item 1, Report 10) as he was a shareholder of Bath and West Community Energy and therefore he would leave the meeting for its consideration.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none

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

The Senior Democratic Services Officer explained the procedure for public speaking and indicated that there were numerous people wishing to make statements on

planning applications and that they would be able to do so when reaching their respective items in Reports 9 and 10

7 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none

8 MINUTES: 7TH MAY 2014

The Minutes of the previous meeting held on Wednesday 7th May 2014 were approved as a correct record and signed by the Chair

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

The Committee considered

- The report of the Divisional Director of Development on an application for planning permission etc
- Oral statements by members of the public etc against and in favour of the development, 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

Land between access road and canal, Sham Castle Lane, Bathwick, Bath – Erection of 1 detached dwelling (Resubmission) – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

The public speakers made their statements on the matter which was followed by a statement by the Ward Councillor David Martin.

Members asked questions about the proposal to which the Officer responded. Councillor Les Kew considered that this was a good proposal which, subject to appropriate conditions including obscured glass on the balcony, was acceptable. He therefore moved the Officer recommendation. The motion was seconded by Councillor Doug Nicol.

After a short debate, the motion was put to the vote and was carried unanimously.

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

The Committee considered

- The report of the Divisional Director of Development on various applications for planning permission etc
- Oral statements by members of the public etc on Item Nos 1-10, the Speakers List being attached as *Appendix 1* to these Minutes

- An Update Report on Item Nos. 1, 2, 4 and 6, a copy of the report being attached as *Appendix 3* to these Minutes

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

Item 1 Parcel 0074 Flatts Lane, Farmborough – Construction of a solar park to include associated equipment and works (Resubmission of 13/02527/FUL) –

The Case Officer reported on this application and his recommendation to grant permission with conditions. The Update Report made some corrections to the Main Report and amended the Recommendation to (A) authorise the Group Manager – Development Management to finalise a Unilateral Undertaking from the applicant to secure the provision of a permissive footpath along the north eastern and south eastern boundaries of the site and the maintenance of permissive public access to the informal open space to the north west corner of the application site to be publicly accessible for the lifetime of the development; (B) that the application be referred to the Secretary of State to give him the opportunity to consider whether to exercise his call-in powers in accordance with the Town and Country Planning (Consultation) (England) Direction 2009; and (C) subject to the Secretary of State not calling-in the application, authorise the Group Manager – Development Management to permit the application subject to the conditions listed in the Main Report and to an additional condition.

The public speakers made their statements against and in favour of the proposal which was followed by a statement by the Ward Councillor Sally Davis who spoke against the application.

Councillor Les Kew opened the debate. He stated that there had been a lot of opposition to the scheme. He was opposed to the loss of the best and most versatile agricultural land in the Green Belt and that industrial land was better suited to this type of development. The planning impact on local residents needed to be taken into account and there were no social or economic benefits from the scheme. The scheme would introduce a substantial amount of man-made infrastructure and harm rural character. As this is inappropriate development in the Green Belt, the impact on the countryside and the loss of openness to the Green Belt was a major factor for consideration. Therefore, on this basis, he moved that the application be refused which was seconded by Councillor Jeremy Sparks.

Members debated the motion. Councillor Vic Pritchard considered that the scheme if allowed would look like a public footpath round an industrial site and it would be an abuse of this land which was in an elevated position. He recognised that the Council were underperforming as regards its green energy targets but he could not support the scheme. Some other Members supported the motion due to the damage to the character of the landscape and Green Belt. However, some Councillors considered that good screening had been provided and that there would be a community benefit. The land which could still be used for grazing would also revert to full agricultural use after 25 years. The Group Manager – Development Management sought clarity on the reasons for refusal.

The Chair summed up the debate and put the motion to the vote. Voting: 6 in favour and 4 against with 2 abstentions. Motion carried.

(Note: Councillor Ian Gilchrist was not present for consideration of this item in view of his interest declared earlier in the meeting.)

Item 2 Parcel 7540 Lower Bristol Road, Bath – Change of use of land as a gypsy site to provide 8 residential pitches and 5 transit pitches – The Case Officer reported on this application and his recommendation to grant permission subject to conditions. The Update Report made some corrections to wording in the Main Report.

The applicants' agent made a statement in support of the proposal.

The Chair as Ward Councillor spoke in support of the application. Councillor Eleanor Jackson considered that the site was properly controlled and well-sited for facilities. Good mitigation measures were to be provided and also a speed restriction on the A36. She therefore moved the Officer recommendation which was seconded by Councillor Doug Nicol.

Members debated the motion. It was considered that the road and access were safe and the site had been used for around 5 years with no issues. The Council had a duty to provide pitches and although it did not meet the whole need, it was a start. It was felt that very special circumstances applied in this case to justify the proposal going ahead despite it being inappropriate development in the Green Belt. In contrast, one Member felt that this was an unwarranted application based on a loose arrangement and did not meet the demand. There was also the cost of providing the pitches. The Group Manager – Development Management stated that cost was not a material consideration and that there were guidelines on standards of pitches. The Chair summed up the debate.

The motion was put to the vote and was carried, 8 voting in favour and 1 against with 4 abstentions.

(Note: After this item at 3.55pm, there was a 10 minute natural break)

Item 3 Weston All Saints Ce Vc Primary School, Broadmoor Lane, Upper Weston, Bath – Provision of a new 6 classroom teaching block and associated external works (Resubmission) – The Case Officer reported on this application and his recommendation to grant permission subject to conditions.

The public speakers made their statements against and in favour of the proposal. Councillor Malcolm Lees made a statement as Ward Member expressing some concerns and then withdrew from the meeting in view of his interest declared earlier.

Councillor Martin Veal considered that there were traffic and safety concerns which Members needed to assess and therefore moved that the application be deferred for a site visit which would need to be undertaken when children were dropped off or collected from the School. The motion was seconded by Councillor Doug Nicol.

After some discussion about the highway issues and timing of the visit, the motion was put to the vote and was carried by a substantial majority.

Item 4 WT Burden Ltd, Bath Road, Farmborough – Demolition of existing building and redevelopment of site with up to 14 dwellings with associated

means of access, access roads, car parking, boundary treatments and landscaping; conversion, including recladding, of retained building to provide office/workshop accommodation (Class B1) with associated car parking – The Case Officer reported on this application and her recommendation to refuse permission. The Update Report referred to further information received from the applicant and, on which basis, the second recommended reason for refusal had been removed.

The public speakers made their statements against and in favour of the proposal. The Ward Councillor Sally Davis then made a statement referring to some areas of concern.

Councillor Les Kew moved that the application be deferred for a site visit to assess the visual impact of the proposal which was seconded by Councillor Liz Hardman. The motion was put to the vote and was carried, 6 voting in favour and 5 against with 2 abstentions.

Item 5 Parcel 3567 Stitchings Shord Lane, Bishop Sutton – Approval of reserved matters with regard to outline application 12/04238/OUT for erection of 25 dwellings and associated infrastructure – The Case Officer reported on this application and his recommendation (as amended in the Update Report) to grant permission subject to the conditions listed in the Main Report. He also recommended further conditions relating to sample panels and stonework.

The Chairman of Stowey Sutton Parish Council made a statement against the proposal.

Councillor Vic Pritchard opened the debate. He considered that the revisions received had diluted the scheme and it needed more character - more work was required by the applicants. He therefore moved refusal of the application; however, the motion was not seconded.

Councillor Eleanor Jackson felt that the different style of development was not a major consideration and therefore moved the Officer recommendation which was seconded by Councillor Liz Hardman.

In response to a query by the Chair, the Group Manager – Development Management commented on the late revisions to the scheme and indicated that a landscaping condition was not included on the outline application but could be added now. Councillor Eleanor Jackson amended her motion to include this condition with maturing trees to which the seconder agreed. Councillor Vic Pritchard referred to flooding issues which he felt had not been properly addressed. Councillor Les Kew expressed some disappointment with the design and the terraced blocks of the development.

The motion was put to the vote. Voting: 10 in favour and 1 against with 2 abstentions. Motion carried.

(Note: After this item at 5.25pm, there was an adjournment for Tea for 25 minutes)

Item 6 Land opposite Tunley Farm House, Wood Lane, Priston – Outline application for the erection of 2 live/work buildings and realignment of the

highway – The Case Officer reported on this application and her recommendation to refuse permission. The Update Report referred to revised drawings being received which resulted in the recommended refusal reasons 3 and 4 being removed.

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

Councillor David Veale as Ward Member on the Committee considered that the application was worthy of support and that, if permission was granted, the proposed S106 Agreement for highway works including a footpath was a good feature. Councillor Vic Pritchard considered that there were no very special circumstances for this development in the Green Belt and that he did not favour the changes to the road layout. He therefore moved the Officer recommendation which was seconded by Councillor Gerry Curran.

Members debated the motion. Some Members expressed their support for the scheme in that they considered that there would not be any further harm to the Green Belt with its closeness to the housing development boundary and an existing large structure on site with the provision of live/work units a good feature of the scheme. The site would be tidied up and the junction realigned. The Group Manager – Development Management reminded Members that this was inappropriate development which would impact on the openness of the Green Belt. It was also outside the housing development boundary.

The motion was put to the vote. Voting: 3 in favour and 9 against. Motion lost.

On the basis that the scheme had a good relationship to the existing buildings around it, the site would be tidied up, there is already a large structure on site which is exempt from enforcement and there would be an improvement to the highway at a blind corner, Councillor Eleanor Jackson moved that the Officers be delegated to grant permission subject to appropriate conditions and to a S106 Agreement to realign the junction and provide a footpath from Overdale to Tunley. The motion was seconded by Councillor Liz Hardman. The motion was put to the vote and was carried, 9 voting in favour and 2 against with 1 abstention.

Item 7 Victory Gardens, Bannerdown Drive, Batheaston, Bath – Erection of two storey side extension to existing dwelling, detached garage/workshop and 4 holiday let units – The Case Officer reported on this application and his recommendation to (A) authorise the Group Manager – Development Management to permit the application subject to the applicant entering into a legal agreement to secure a contribution to the provision of formal open space; and (B) subject to the prior completion of the Agreement, authorise the Group Manager – Development Management to grant permission subject to conditions (or such conditions as he may determine)

The public speaker made a statement against the proposal.

Councillor Les Kew stated that the site was within the housing development boundary and the proposal would tidy up and enhance this part of the site. The design was innovative with acceptable elevations. Little traffic used the road and there were no highway objections. He therefore moved the Officer's recommendation which was seconded by Councillor Ian Gilchrist.

Members debated the motion. Some concern was expressed regarding the style and density of the development to which the Case Officer responded.

The Chair put the motion to the vote which was carried, 5 voting in favour and 3 against with 4 abstentions.

(Note: Councillor Martin Veal was not present for consideration of this application in view of his interest declared earlier in the meeting.)

Item 8 No 61 Lorne Road, Westmoreland, Bath – Change of use of dwelling (Use Class C3) to House in Multiple Occupation (Use Class C4 – The Case Officer reported on this application and his recommendation to refuse permission.

The applicant made a statement in support of the proposal which was followed by a statement by the Ward Councillor Ben Stevens in support of the application perceiving that this is an exceptional street with only a very few others like it.

Councillor Ian Gilchrist, as Ward Member on the Committee, stated that around 80% of houses in the area were HMOs and this required special consideration as there was no longer a mix of housing in the area. He therefore moved that permission be granted which was seconded by Councillor Malcolm Lees.

Members asked questions to which Officers responded. The motion was debated by Members. There was some sympathy with the applicant but some Members felt that financial reasons ie the value of the house, were not a justification to change the use of the property. One Member stated that it would be better if the Article 4 Direction was removed entirely as the Policy could be undermined otherwise. It could set a precedent. The Group Manager – Development Management stated that the numbers of HMOs was disputed but it was the only evidence available to Officers. The policy couldn't be changed because numbers had reached a tipping point. Good planning reasons were needed to allow the application. Members continued to ask questions and debate the matter where principally it was considered relevant factors in favour were that the house was formerly an HMO and its loss was not unacceptable due to its immediate location of relative isolation from other C3 dwellings.

The Chair then summed up the debate and put the motion to the vote. Voting: 7 in favour and 4 against with 2 abstentions. Motion carried.

Item 9 Court Farm, The Street, Compton Martin – Retention of existing building for use as ancillary accommodation (extension) to Court Farmhouse and retention of access track and alterations to car parking to serve adjacent holiday lets (Retrospective) – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

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

Councillor Vic Pritchard, as Ward Member on the Committee, stated that there had been a history of non-compliance with planning regulations on the site. He considered that, in view of this and to be able to assess the site in the context of its surroundings, a site visit needed to be held, and he so moved. Councillor Les Kew seconded the motion and requested that Officers provide all the necessary facts for

Members to make a decision. The motion was put to the vote and was carried unanimously.

Item 10 The Old Rectory, Anchor Lane, Combe Hay – Erection of garage with staff accommodation and extension of the curtilage of The Old Rectory (Resubmission) – The Case Officer reported on this application and her recommendation to refuse permission.

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

Councillor David Veale, as Ward Member on the Committee, stated that the property had been improved by the applicant and was only just outside the housing development boundary. He felt that the site needed to be viewed in the context of its surroundings and therefore moved that it be deferred for a site visit. The motion was seconded by Councillor Les Kew.

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

Item 11 Designer Composites, Fosseyway, Westfield, Midsomer Norton – Erection of 4 four bed detached dwellings, 2 two bed detached dwellings, and 1 three bed detached dwelling following demolition of existing industrial buildings – The Case Officer reported on this application and her recommendation to (A) authorise the Planning and Environmental Law Manager to prepare an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure a contribution of £9,923.72 towards education; and (B) upon completion of the Agreement, authorise the Group Manager – Development Management to grant permission subject to conditions.

Councillor Les Kew could not see any problem with this application and therefore moved the Officer recommendation which was seconded by Councillor Manda Rigby.

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

11 QUARTERLY PERFORMANCE - JANUARY TO MARCH 2014

The Group Manager – Development Management reported on the Quarterly Performance Report which provided Members with performance information across a range of activities within the Development Management function.

Members commented on the report. It was requested that the graph in Table 1 of the report be in colour in future. This was a new format where colour differentiation was required for comparing applications determined within target time.

The Chair complimented the Officers on their performance and the Committee noted the report.

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

After a brief discussion, the report was noted

The meeting ended at 7.50 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

This page is intentionally left blank

**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 4TH JUNE 2014**

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
SITE VISIT – REPORT 9		
Land between access road and canal, Sham Castle Lane, Bathwick, Bath (Pages 31-38)	Jim Philbrook David Burley (Applicant's Architect)	Against For
MAIN PLANS LIST – REPORT 10		
Parcel 0074 Flatts Lane, Farmborough (Item 1, Pages 42-74)	David Worskett (representing local residents) John Lancaster, Bath and West Community Energy	Against For
Parcel 7540 Lower Bristol Road, Bath (Item 2, Pages 75-118)	Tony Doyle (Applicants' Agent)	For
Weston All Saints Ce Vc Primary School, Broadmoor Lane, Upper Weston, Bath (Item 3, Pages 119-134)	Andy Stewart, Chairman, Broadmoor Lane Residents' Association Tom Peryer, Chairman, Governing Body	Against For
W T Burden Ltd, Bath Road, Farmborough (Item 4, Pages 135-143)	Chris Pike David Roberts (representing the applicants)	Against For
Parcel 3567 Stitchings Shord Lane, Bishop Sutton (Item 5, Pages 144-156)	Keith Betton, Chairman, Stowey Sutton Parish Council	Against
Land opposite Tunley Farm House, Wood Lane, Priston (Item 6, Pages 157-170)	Chris Taylor, Chairman, Camerton Parish Council Mel Clinton, Nash Partnership (Applicants' Agent)	For For
Victory Gardens, Bannerdown Drive, Batheaston (Item 7, Pages 171-181)	Richard Tavendale	Against
61 Lorne Road, Westmoreland, Bath (Item 8, Pages 182-187)	Johnny Kidney (Applicant)	For
Court Farm, The Street, Compton Martin (Item 9, Pages 188-195)	Martin Bailey (for Mr Preston) Richard Curry (Applicant)	Against For
The Old Rectory, Anchor Lane, Combe Hay (Item 10, Pages 196-205)	Peter Duppa-Miller, Clerk to Combe Hay Parish Council Trevor Osborne (Applicant)	For For

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

4th June 2014

SITE VISIT DECISIONS

Item No:	001	
Application No:	14/00591/FUL	
Site Location:	Land Between Access Road And Canal, Sham Castle Lane, Bathwick, Bath	
Ward: Bathwick	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 1no. detached dwelling (revised resubmission).	
Constraints:	Agric Land Class 1,2,3a, Article 4, British Waterways Minor and Householders, Conservation Area, Forest of Avon, Hotspring Protection, Sites of Nature Conservation Imp (SN), World Heritage Site,	
Applicant:	Mr R Mohr	
Expiry Date:	4th April 2014	
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 The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose without the prior written permission of the Local Planning Authority.

Reason: To retain adequate off-street parking provision.

4 The garage door shall be of a remotely operated type, details of which shall 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 amenity and highway safety.

5 The development hereby permitted shall be carried out only in accordance with the approved report entitled Survey of Badger Setts and Badger Activity by Country Contracts dated May 2012 and statement entitled Mitigation for Badgers by Country Contracts dated 7 February 2014. Including the provision of an artificial badger sett and the provision of robust fence to inhibit disturbance to badgers.

Reason: For the protection of badgers and their setts.

6 No development shall commence until details of the discharge of the surface water have been submitted to and approved 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 highway safety.

7 Prior to occupation of the permitted dwelling hereby approved, details of the height and appearance of the boundary wall on the west boundary shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: In the interests of the appearance of the surrounding Conservation Area.

8 Notwithstanding the submitted plans the glazed balcony on the upper ground floor shall be glazed with obscure glass and permanently retained as such.

Reason: In the interests of residential amenity.

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

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

PLANS LIST:

Location plan
Roof plan 1655 2.6F
Site plan 1655 2.7F
Lower ground floor plan 1655 2.0F
Upper ground floor plan 1655 2.1F
Section A-A- 1655 2.8.1F
Section B-B 1655 2.8.2F
Proposed elevations 1655 2.9F

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

This page is intentionally left blank

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

Date 4th June 2014

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

ITEM

ITEMS FOR PLANNING PERMISSION

Item No. Application No. Address

Item 1. 14/01510/FUL - Parcel 0074, Flatts Lane, Farmborough

Correction / amended condition

Temporary consent is sought for a 25 year period rather than a 20 year period as referred to in the committee report.

Recommended condition 1 is therefore proposed to be revised to read as follows:

“This permission shall expire within 25 years from the date when electricity is first exported from the solar farm to the electricity grid (the 'First Export Date'). Written notification of the First Export Date shall be given to the local planning authority no later than 14 days after this event

Reason: A temporary consent is sought and to avoid the permanent loss of agricultural land, to protect the character of the countryside and to protect the Green Belt from unnecessary development.”

Change to recommendation

The applicants have confirmed that the Unilateral Undertaking to secure the permissive footpath will not be completed by the time of the committee meeting. Therefore the recommendation is to be changed to read as follows: (additional text underlined)

- A. Authorise the Planning and Environmental Law Manager to finalise a Unilateral Undertaking from the applicant to secure the provision of a permissive footpath along the north eastern and south eastern boundaries of the site and the maintenance of permissive public access to the informal open space to the northwest corner of the

application site, to be publically accessible for the lifetime of the development.

- B. that the application be referred to the Secretary of State to give him the opportunity to consider whether to exercise his call-in powers in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, and
- C. Subject to the Secretary of State not calling in the application, authorise the Group Manager, Development Management to PERMIT the application, subject to the following conditions:-

Additional condition

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

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

Item No. 2 Application No. 14/00324/REG03 Parcel 7540, Lower Bristol Road, Twerton, Bath

Additional information

Since the finalisation of the report and the re-consultation on amended plans carried out on 21st May 2014, one further objection has been received. This comments that the changes to the landscaping don't overcome previous concerns. Additional concerns were raised about the proposed amended off-site highway works, which would narrow the road at a busy point, opposite the entrances to Lawrence House and Minerva House, the wider consequences of these works and the loss of on-street parking spaces.

Correction

Last sentence of Page 110 / first page of 111 to read:

“Without prejudice to the consideration of the application; in the event that Members are minded to refuse a permanent planning permission, the human rights of the existing residents ~~applicant and her family~~ will be engaged under Article 8 of the European Convention on Human Rights.”

Correction

Second sentence of Page 112 to be amended to read:

“Should Members be minded to refuse the application, it is recommended that the application be deferred and brought back to Committee at a later date, in order that a separate recommendation can be made in respect of the second

stage test set out below to allow Members to fully debate the human rights issue.

Correction

Condition 15 to be amended to read:

The access road and turning areas shall be properly bound and compacted (not loose stone or gravel). Prior to the commencement of these works, full details shall be submitted to and approved in writing by the Local Planning Authority of the surfacing materials for these areas. The development shall then be carried out in accordance with the details approved.

Reason: In the interests of highway safety.

Item No. 4 Application No. 14/00862/FUL Address

W T Burden Ltd, Bath Road, Farmborough

Following the drafting of the report the applicant has submitted further information with regards to affordable housing on site. The applicant has stated that they are prepared to accept the requirement for 35% affordable housing and will meet the requirements from the planning obligations SPD.

This has been referred to the housing officer whose comments are as follows;

If a 35% affordable housing contribution can be secured with an agreement that these units will further comply with the Planning Obligations SPD, then this application meets our policy position.

The site is not an exception site, and whilst it is always appropriate to consider the local housing needs when it comes to a rural housing opportunity, the application should be determined in accordance with Local Plan Policy HG8.

I withdraw my previous objections in light of the email below.

In light of the above comments reason for refusal 2 is withdrawn from the recommendation.

The reason for refusal has been amended to;

The proposed development will result in an increase in the amount of built form on the existing brownfield site and therefore the proposed development would result in a greater impact on the openness of the Green Belt. No very special circumstances have been put forward to justify inappropriate development within the Green Belt and the development is contrary to paragraph 89 of the National Planning Policy Framework and polices GB.1 and Gb.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

**Item No. 5 Application No. 14/00544/RES Address: Parcel 3567
Stitchings Shord Lane, Bishop Sutton**

Amended Plans received

Since the finalisation of the report amended plans have been received to address the design concerns set out in the report as follows:

- The Render Colour Scheme has been amended to omit the salmon pink render colour previously proposed. The applicants have confirmed that the colour scheme matches that used on the adjoining completed development in Cappards Road.
- The landscaping and layout scheme has been amended to include low natural stone walls to define front gardens as used in the adjoining Cappards Road development and to increase the landscaping proposed for the terraced units.

Change to Recommendation

The amended plans received resolve the remaining design concerns raised in the committee report. Consequently the recommendation is to be amended to permit the application subject to the conditions recommended.

Additional Informative:

Plans List:

- WALL & FENCE DETAILS - drawing 54 Rev B
- GARAGES - drawing 56
- PLANNING LAYOUT – drawing 100 –Rev B
- LANDSCAPING LAYOUT – drawing 101 - Rev C
- LOCATION PLAN – drawing 102
- PLANNING LAYOUT - drawing 100 Rev D
- PLANNING LAYOUT - (COLOURED) - drawing 100-1 Rev E
- LANDSCAPING LAYOUT - drawing 101 Rev C
- LOCATION PLAN - drawing 102
- EXTERNAL WORKS LAYOUT - drawing 110 rev C
- SITE SURVEY - drawing 200
- SWEPT PATH ANALYSIS OF A LARGE REFUSE VEHICLE - drawing SP02 B
- B SWEPT PATH ANALYSIS OF A FIRE APPLIANCE - drawing SP03 Rev B
- LOCATION OF RAISED TABLE 1:500 - drawing SK02
- CAR PARKING SCHEDULE Rev B
- SUSTAINABILITY STATEMENT
- House Type A - TRAFALGAR (699) - drawing HT-A
- House Type B - DOWNING (1190) - drawing HT-B Rev A
- House Type C - KNIGHTSBRIDGE (1202) - drawing HT-C Rev A

- House Type D - STRAND (1350) ELEVATIONS - drawing HT-D1-1
- House Type D - STRAND (1350) FLOOR PLANS - drawing HT-D1-2
- House Type F - HARLEY (1350) ELEVATIONS - drawing HT-F1-1
- House Type F - HARLEY (1350) FLOOR PLANS - drawing HT-F1-2
- House Type G - MARYLEBONE (1623) ELEVS - drawing HT-G1-1 Rev A
- House Type G - MARYLEBONE (1623) FLR PLAN - drawing HT-G1-2 Rev A
- House Type H - COMPTON (1995) ELEVATIONS - drawing HT-H1-1 Rev A
- House Type H - COMPTON (1995) FLOOR PLANS - drawing HT-H1-2 Rev A
- House Type J - APARTMENT (484) - drawing HT-J
- House Type K1 - LIFETIME HOME (823) - drawing HT-K1
- House Type L1 - LIFETIME HOME (964) - drawing HT-L1 Rev A
- House Type L2 - LIFETIME HOME (964) - drawing HT-L2 Rev A
- House Type M - WHEELCHAIR UNIT (1262) - drawing HT-M1-1
- House Type N- WHITEHALL (1013) ELEVATIONS - drawing HT-N1-1 Rev A
- House Type N- WHITEHALL (1013) FLOOR PLANS - drawing HT-N1-2 Rev A

Item No. 6 Application No. 14/00892/OUT Address: Land opposite Tunley Farmhouse, Priston

Further correspondence has been received and reviewed by the Arboricultural officer in respect of the above and below ground constraints. The arboricultural officer still advises that the final layout will need to reflect future potential and management of the trees. However, there is no need to include these in the plan for the current outline application for access only. This does not alter the recommendations for the application.

Two revised drawings have been submitted in response to the Highways reasons for refusal these are 17300/200D and 13109(L)003 F. A letter from the agent also states that the applicant is willing to make an appropriate contribution towards the planned footway from Overdale to Tunley Village.

The Highways Officer has responded to the revised drawings and concluded that the details are acceptable and that refusal reasons 3 and 4 are no longer required. However, refusal reason 5 is still relevant. It has been requested that should the consent be granted that a that any permission is withheld pending the completion of a legal agreement to secure the highway works and any highway contribution towards the footway from Overdale, as offered by the applicant's agent.

Item no. 11 Application 12/00107/FUL Address: Designer Composites, Fosseyway, Westfield

Change to wording of recommendation:

B. Upon completion of the Agreement authorise the Group Manager to PERMIT the application subject to the following conditions:-

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

4th June 2014

DECISIONS

Item No:	01	
Application No:	14/01510/FUL	
Site Location:	Parcel 0074, Flatts Lane, Farmborough, Bath	
Ward: Farmborough	Parish: Farmborough	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Construction of a solar park to include associated equipment and works (Resubmission of 13/02527/FUL).	
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Hazards & Pipelines,	
Applicant:	Camborne Energy Investments (10) Ltd	
Expiry Date:	23rd June 2014	
Case Officer:	Daniel Stone	

DECISION REFUSE

1 The proposed solar farm, by virtue of its size and location would unacceptably dominate the residential outlook from surrounding properties at Clutton Hill, Zion Place and Cuckoo Lane, and thereby significantly harm the amenity of the residents of these properties, the majority of whom oppose the proposed development. As such, the proposed development is contrary to policy D.2 (f) of the Bath & North East Somerset Local Plan, adopted 2007, the guidance in the National Planning Policy Framework, the National Planning Policy Guidance, the UK Solar PV Strategy Part 1: Roadmap to a Brighter Future and the speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013.

2 The proposed solar farm would introduce a substantial amount of man-made infrastructure in a location that due to its geographical extent, alien form, visibility from public vantage points (including public footpaths) and proximity to surrounding dwellings would unacceptably harm the rural character of the landscape. As such, the proposed development is contrary to policies NE.1 and ES.1 of the Bath & North East Somerset Local Plan, adopted 2007, policies CP3 and CP6 of the Bath and North East Somerset Draft Core Strategy (publication version 2010) and the guidance in the National Planning Policy Framework, the National Planning Policy Guidance, the UK Solar PV Strategy Part 1: Roadmap to a Brighter Future and the speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013.

3 The proposals represent inappropriate development in the Green Belt that would be harmful to the openness of the Green Belt and encroach into the countryside. The arguments made fail to demonstrate very special circumstances which would clearly outweigh the identified harm to the Green Belt and other sources of harm, including to the character of the landscape, residential outlook and loss of agricultural land. The proposal is therefore considered contrary to policies GB.1 and GB.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007, policies CP8 of the Draft Core Strategy (Publication Version, December 2010) and the provisions of the National Planning Policy Framework and the National Planning Policy Guidance.

4 The development would result in the inappropriate loss of the best and most versatile agricultural land from arable production. As such the proposals would be contrary to policy ET.7 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007, and the guidance in the National Planning Policy Framework, the National Planning Policy Guidance and the UK Solar PV Strategy Part 1: Roadmap to a Brighter Future.

PLANS LIST:

This decision relates to drawing nos.

C.0442_01-B site location plan
C.0442_06-B deer fence
C.0442_07-A solar panel details
C.0442_05_I block plan - indicative site layout and planting proposals
C.0442_16-C sheet 1 of 3 strategic landscape proposals operational phase
C.0442_16-C sheet 2 of 3 strategic landscape proposals operational phase
C.0442_16-C sheet 3 of 3 strategic landscape proposals operational phase
C.0442_19-A revised indicative sections 1 of 2
C.0442_19-A revised indicative sections 2 of 2
C.0442_14-F strategic landscape proposals construction phase
C.0442_17 - C strategic landscape proposals operational phase
GSC0015-1 proposed elevation based on 33kv ws schneider switchgear sheet 1 of 6
GSC0015-2 G and A sections based on 33kv ws schneider switchgear sheet 2 of 6
GSC0015-3 typical details based on 33kv ws schneider switchgear sheet 3 of 6
GSC0015-4 steelwork setting out based on 33kv ws schneider switchgear sheet 4 of 6
GSC0015-5 external works drawing GA and typical section - sheet 5 of 6
GSC0015-6 electrical and earthing layouts 6 of 6
Agricultural assessment
Construction method statement - March 2014 CIR.C0434
Site selection within Green Belt - reference ASM/CIR/C.0442
Construction traffic management plan
Decommissioning statement
Ecological appraisal - March 2014
Environmental enhancement plan
Environmental reports compendium
Flood risk assessment
Glint and glare assessment
Heritage statement
Landscape and visual impact assessment including photomontages

Infra-red lighting details - PIR Redwall_SIP-3020-5_SIP-4010-5_SIP-404/5
 Planning statement
 Transformer station - solar farm model CTIN PS 1500 KVA
 Construction traffic management plan - C669-DOC03 CTMP_REV C full report
 Transport statement
 Brochure three phase transformerless inverter details
 Brochure infra-red camera - AIR45/50 HGE range
 Transformer photos

DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Council did engage positively with the applicant to attempt to resolve and overcome problems, but the at pre-application stage and during the processing of the application. The Council's Development Control committee concluded that Very Special Circumstances weren't demonstrated to outweigh the harm to the Green Belt and other identified sources of harm, and therefore the application was refused.

Item No:	02
Application No:	14/00324/REG03
Site Location:	Parcel 7540, Lower Bristol Road, Twerton, Bath
Ward: Twerton	Parish: N/A LB Grade: N/A
Application Type:	Regulation 3 Application
Proposal:	Change of use of land as a gypsy site to provide 8no. residential pitches and 5no. transit pitches .
Constraints:	Agric Land Class 1,2,3a, Article 4, British Waterways Major and EIA, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Hotspring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Imp (SN), World Heritage Site,
Applicant:	Bath And North East Somerset Council
Expiry Date:	6th June 2014
Case Officer:	Daniel Stone

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 be commenced until a landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall

include a planting specification to include numbers, density, size, species and positions of all new trees and shrubs. The landscaping scheme shall take account of the new alignment of the relocated water main and shall include full details of the reconstruction of the stone wall along the site frontage onto Lower Bristol Road. The stone wall shall be made good or re-constructed in accordance with the agreed details prior to the first occupation of the development.

Reason: To ensure the provision of an appropriate landscape setting to the development, minimise the impact of the development on the setting of the World Heritage Site, listed tunnel portal and openness of the Green Belt.

3 Prior to the commencement of development, full details shall be submitted to and approved in writing of the acoustic fence, comprising its construction, materials, surface finish and noise attenuation performance. The acoustic fence shall be installed in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained and maintained in accordance with the agreed details.

Reason: To minimise the impact of the development on the setting of the World Heritage Site and ensure that the acoustic fence achieves the required level of noise attenuation for residential occupation.

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 The development hereby permitted shall not be commenced until a scheme for the relocation of the Water Main that passes through the site has been submitted to and approved in writing by the Local Planning Authority and until the water main has been relocated in accordance with the approved details.

Reason: In the interests of the health and safety of the residents of the site and to ensure the continuity of water supplies in the public interest.

6 No development shall take place until calculations are submitted to and approved in writing of the required storage volumes and discharge rates for surface water for both greenfield and post-development. These should be supplied as electronic MicroDrainage files. The development shall be implemented in accordance with the agreed details.

Reason: In the interests of Flood Risk management

7 Prior to the first occupation of the development, the applicant should provide details of how the on-going maintenance of the cellular storage will be managed. The applicant

should provide the name of the organisation that will manage and service the cellular storage tanks. The development shall thereafter be managed in accordance with the approved details.

Reason: In the interests of Flood Risk management

8 Prior to the installation of any external lighting, full details shall be submitted to and agreed in writing of the following:

- a) A detailed lighting scheme including finalised lux contours and full details of all external lighting fittings, fixtures and baffles.
- b) Full details of the lighting controls for all external lights, which shall include the use of motion sensors and timer switches, the proposed hours within which lighting shall be operable and the location of motion sensors.

Notwithstanding the lighting strategy drawing 4256 ESK01 dated 9th May 2014 the lighting scheme shall be commissioned to achieve an average light level not exceeding 3 Lux within the acoustic fence. The night-time light levels immediately adjacent to the acoustic fence (north-west and south-west elevations) shall not exceed 0 Lux as a result of the operation of the lighting system. There shall be no fixed external lights other than those agreed through this condition and shown on drawing 4256 ESK01

The lighting shall be installed in full accordance with the approved details and the approved lighting control mechanisms shall be made operable prior to the first use of the lights and shall thereafter be maintained and used.

Within 4 months of the first operation of the external lighting, a technical review of the floodlights shall be carried out by a competent person to confirm compliance of the installed scheme with the approved lighting details. The review and report shall include an assessment of light levels within the site, the installation of individual lights including baffles and any overspill light beyond the acoustic fence.

Should the review conclude that the lighting scheme is not in compliance with the agreed lighting strategy, the report shall detail the modifications required to the lighting scheme or landscaping scheme to achieve compliance. Where modifications are required to secure compliance, these shall be carried out within 6 months of the first operation of the completed floodlights and the technical review shall be updated to confirm compliance and submitted to and approved in writing by the Local Planning Authority.

Reason: In order to minimise the effect of the lighting on adjoining habitat and the Bath and Bathampton Special Area of Conservation, protected species (including Horseshoe bats) maximise the amenity of future residents and minimise the impact of the development on the landscape, the character of the night sky and the Green Belt setting.

9 No development shall take place until full details of a Wildlife Protection and Habitat Management Plan, has been submitted to and approved in writing by the local planning authority. The plan shall include at a minimum, the habitat features set out on drawing 001 Revision K and the mitigation features and procedures recommended in the Ecology

Appraisal, dated 21st August 2013 and shall set out a timetable for implementation. Unless specifically agreed otherwise, the works shall be carried out prior to the occupation of any part of the development. All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: To safeguard protected species and mitigate for the ecological impact of the development by incorporating compensatory habitat provision.

10 The development shall not be occupied until a Landscape and Ecology Management Plan covering the whole of the site has been submitted to and approved by the Local Planning Authority. The management plan shall contain objectives for the long-term habitat management of each part of the site, shall set out operations that will be carried out to achieve the objectives, the management specification for each area, the monitoring and review procedures, and the programme for implementation. The management plan shall be implemented, monitored and reviewed in accordance with the programmes included within the approved document.

Reason: To ensure the ecological mitigation and additional habitat shown on drawing 001 Revision K provides effective long-term mitigation for the ecological harm caused by the development.

11 Prior to the commencement of development a Desk Study and Site Reconnaissance (walkover) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment of the site. The desk study shall include an assessment of the risks in relation to potential contaminants. The Desk Study shall be submitted to and approved in writing by the Local Planning Authority. Should the Desk Study identify the likely presence of contamination on the site, whether or not it originates on the site, then full characterisation (site investigation) shall be undertaken in accordance with a methodology which shall previously have been agreed in writing by the Local Planning Authority. Where remediation is necessary, it shall be undertaken prior to the first occupation of the site in accordance with a remediation scheme which is subject to the approval in writing of the Local Planning Authority.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

12 In the event that unexpected contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Unexpected contamination may be indicated by unusual colour, odour, texture or containing unexpected foreign material.

Reason

In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours

and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

13 The access road and turning areas shall be properly bound and compacted (not loose stone or gravel). Prior to the commencement of these works, full details shall be submitted to and approved in writing by the Local Planning Authority of the surfacing materials for these areas. The development shall then be carried out in accordance with the details approved.

Reason: In the interests of highway safety.

14 Prior to the commencement of development, detailed plans of the proposed off-site highway works, generally in accordance with the details shown on Drawing No.TP5330-001 Rev F, shall be submitted to and approved in writing by the Local Planning Authority before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The development hereby permitted shall not be occupied until the approved works have been completed.

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

15 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted Drawing No.TP5330-001 Rev F 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.

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 and traffic management.

Reason: To ensure the safe operation of the highway.

17 The development hereby permitted shall only be occupied by persons who are gypsies or travellers as defined in "Planning Policy for Travellers Sites" DCLG, March 2012, or any adopted government guidance which supercedes this guidance.

Reason: To protect the openness of the Green Belt.

18 Notwithstanding the provisions Part 12 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 free standing buildings shall be erected other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: To protect the openness of the Green Belt.

19 No development shall take place until an annotated tree protection plan identifying measures to protect the trees to be retained has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during erection of the acoustic fence, construction and hard and soft landscaping operations. The plan should also take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery. The development shall then take place in full accordance with the details agreed.

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

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

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

PLANS LIST:

This decision relates to drawing nos

- amended off-site highway works - drawing TP5330_001_REV F received 20th May 2014.
- amended light strategy - drawing 4256 ESK01 received 9th May 2014
- amended landscape plan - drawing 629_001 rev K received 9th May 2014
- revised drainage strategy - drawing 934-D001-B - received 12th May 2014
- revised plant schedules received 13th May 2014
- revised planting plan - drawing 629_002 rev B received 13th May 2014
- ground investigation report - B&NES/BTS/101 - March 2014
- Bristol road sketches received 3rd April 2014
- Speed survey data and assessment - 360420 BATH ATC (3)
- Noise assessment
- Transport statement
- Arboricultural impact assessment and tree protection plan
- Ecological appraisal
- Location plan
- Amenity building details and indicative plot layout - drawing LPC 3225 13.05
- 10983-SU-01 topographic survey
- Green belt report received 4th April 2014

External Lighting

Notwithstanding condition 9 which sets a maximum average light level of 3 Lux within the site, the Council would wish to pursue a lower light level than this if possible and consistent with the practical management of the site. The review following the completion of the lighting should review the potential to reduce lighting levels below 3 Lux if possible.

Flood Defence Consent

The drainage strategy proposes an outfall into the Newton Brook. This is a Main River and as such Flood Defence Consent will be required from the Environment Agency for the construction of the outfall.

Technical Approval Needed for Highway Works

The applicant should be advised that the highway works will require full technical approval, prior to the commencement of any works, and the development will be subject to Road Safety Audits. A fee for the technical approval and supervision of the works will be payable.

DECISION TAKING STATEMENT:

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

Item No:	03	
Application No:	14/01667/REG03	
Site Location:	Weston All Saints Ce Vc Primary School, Broadmoor Lane, Upper Weston, Bath	
Ward: Weston	Parish: N/A	LB Grade: N/A
Application Type:	Regulation 3 Application	
Proposal:	Provision of a new 6 classroom teaching block and associated external works. (Resubmission)	
Constraints:	Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Tree Preservation Order, World Heritage Site,	
Applicant:	Bath And North East Somerset Council	
Expiry Date:	4th July 2014	
Case Officer:	Chris Griggs-Trevarthen	

DECISION Defer consideration awaiting site visit to assess traffic.

Item No:	04
Application No:	14/00862/OUT
Site Location:	W T Burden Ltd, Bath Road, Farmborough, Bath

Ward: Farmborough	Parish: Farmborough	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Demolition of existing building and redevelopment of site with up to 14 dwellings with associated means of access, access roads, car parking, boundary treatments and landscaping; conversion (including re-cladding) of retained building to provide office/workshop accommodation (Class B1) with associated car parking.	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Hazards & Pipelines,	
Applicant:	Boystown Ltd	
Expiry Date:	23rd May 2014	
Case Officer:	Alice Barnes	

DECISION Defer consideration awaiting site visit to assess visual impact.

Item No:	05	
Application No:	14/00544/RES	
Site Location:	Parcel 3567, Stitchings Shord Lane, Bishop Sutton, Bristol	
Ward: Chew Valley South	Parish: Stowey Sutton	LB Grade: N/A
Application Type:	PI Permission (Approval Reserved Matters)	
Proposal:	Approval of reserved matters with regard to outline application 12/04238/OUT for Erection of 35no. dwellings and associated infrastructure.	
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Referral Area, Forest of Avon, Greenfield site, Water Source Areas,	
Applicant:	Charles Church Severn Valley	
Expiry Date:	7th May 2014	
Case Officer:	Daniel Stone	

DECISION PERMIT

A. Subject to the receipt of satisfactorily revised drawings showing:

- a: render colour scheme for the development
- b: revised landscaping scheme to include a natural stone boundary wall treatment for the development

B. authorise the Group Manager to PERMIT subject to the following conditions and other appropriate conditions to reflect the revised drawings.

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

Reason: To ensure that trees to be retained on and adjacent to the site are not adversely affected by the development proposals.

2 The dwellings hereby approved shall be rendered [and painted] a colour and texture which has been submitted to and approved in writing by the Local Planning Authority before any work commences.

Reason: To ensure the completed appearance of the development is satisfactory.

3 Prior to the commencement of development a sample panel of the natural stone boundary walls, demonstrating jointing, coursing and pointing shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

Reason: To ensure the appearance of the development is satisfactory.

4 Notwithstanding the submitted landscape plan (drawing 101 Revision C) no development shall be commenced until an amended landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include a planting specification to include numbers, density, size, species and positions of all new trees and shrubs. The amended landscape plan shall maximise the size of tree stock to be planted.

Reason: To ensure that the development is properly landscaped in a manner appropriate to its location on the boundary of the village with the open countryside.

5 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.

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

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

PLANS LIST:

Plans:

- wall and fence details - drawing 54 Rev B
- garages - drawing 56
- planning layout - drawing 100 -Rev E
- landscaping layout - drawing 101 - Rev C
- site location plan - drawing 1141_102 Revision A (issued 14.05.14)
- planning layout - (coloured) - drawing 100-1 Rev E
- external works layout - drawing 110 rev C
- site survey - drawing 200
- swept path analysis of a large refuse vehicle - drawing SP02 B
- B swept path analysis of a fire appliance - drawing SP03 Rev B
- location of raised table 1:500 - drawing SK02
- car parking schedule Rev B
- sustainability statement
- street scenes - drawing 1141 51 Rev B
- house type A - trafalgar (699) - drawing HT-A
- house type B - downing (1190) - drawing HT-B Rev A
- house type C - knightsbridge (1202) - drawing HT-C Rev A
- house type D - strand (1350) elevations - drawing HT-D1-1
- house type D - strand (1350) floor plans - drawing HT-D1-2
- house type F - harley (1350) elevations - drawing HT-F1-1
- house type F - harley (1350) floor plans - drawing HT-F1-2
- house type G - marylebone (1623) elevations - drawing 1141_HT-G1-1 Revision A
- house type G - marylebone (1623) floor plan - drawing HT-G1-2 Rev A
- house type H - compton (1995) elevations - drawing HT-H1-1 Rev A
- house type H - compton (1995) floor plans - drawing HT-H1-2 Rev A
- house type J - apartment (484) - drawing HT-J
- house type K1 - lifetime home (823) - drawing HT-K1
- house type L1 - lifetime home (964) - drawing HT-L1 Rev A
- house type L2 - lifetime home (964) - drawing HT-L2 Rev A
- house type M - wheelchair unit (1262) - drawing HT-M1-1
- house type N - whitehall (1013) elevations - drawing HT-N1-1 Rev A
- house type N - whitehall (1013) floor plans - drawing HT-N1-2 Rev A

DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Officers have sought to negotiate and resolve issues through the planning process. For the reasons given, and expanded upon in the case officer's report, a positive view of the revised proposals was taken and consent was granted.

Impact on Public Right of Way

The development proposal affects the line of a public right of way and wherever possible the integrity of the way should be retained. In circumstances where there is no alternative other than to stop up or divert the way to enable the development to be carried out, early negotiations with the Authority to secure an order is advised. The route should be safeguarded throughout the whole of the order making process, which can be lengthy and the outcome of this is not guaranteed.

Drainage and Riparian Water Rights

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected. Applicants or developers should be made aware of their responsibilities to ensure that the operations do not interfere with riparian owners common law rights to receive water undiminished in quantity or quality. If any watercourses crossing the site are interrupted or diverted then, notwithstanding the need for any statutory consents or licenses, it is the applicant's responsibility to take appropriate steps to protect the rights of the riparian owners, for which he has a liability.

Item No:	06				
Application No:	14/00892/OUT				
Site Location:	Land Opposite Tunley Farm House, Wood Lane, Priston, Bath				
Ward:	Bathavon West	Parish:	Camerton	LB Grade:	N/A
Application Type:	Outline Application				
Proposal:	Outline application for the erection of two live/work buildings and re-alignment of the highway.				
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt,				
Applicant:	Woodstone Construction SW LTD				
Expiry Date:	5th June 2014				
Case Officer:	Heather Faulkner				

DECISION Delegate to PERMIT subject to

Authorise the Development Manager to permit subject to a Section 106 agreement and conditions to be worded at a later date.

Item No:	07
Application No:	14/01397/FUL
Site Location:	Victory Gardens, Bannerdown Drive, Batheaston, Bath
Ward: Bathavon North	Parish: Batheaston LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of two storey side extension to existing dwelling, detached garage/workshop and four holiday let units
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, Housing Development Boundary, MOD Safeguarded Areas, Tree Preservation Order,
Applicant:	Mr M Veal
Expiry Date:	21st May 2014
Case Officer:	Chris Griggs-Trevarthen

DECISION PERMIT subject to

A. Authorise the Development Manager to permit the application subject to the applicant entering into a legal agreement to secure:

Formal Open Space Contributions of £10,396.80 to fund the provision of formal open space off-site to serve the population. The amount of the contribution has been calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be paid prior to the occupation of the development.

B. Subject to the prior completion of the above agreement, authorise the Development Manager to PERMIT subject to the following conditions (or such conditions as he may determine):

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 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.

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

Reason: To ensure the safe operation of the highway.

4 No development shall commence, except site clearance and preparation works, until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. Thereafter the development shall be completed in accordance with the approved details.

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

5 No development shall commence, except site clearance and preparation works, 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.

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

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

7 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.

8 Before the holiday let accommodation hereby permitted is first occupied the visibility splays shown on drawing no. 483-01D and 483-09 shall be provided and the stone boundary wall rebuilt along the line shown. Thereafter the visibility splays shall be kept

clear of obstruction to visibility at and above a height of 600mm above the nearside carriageway level.

Reason: In the interests of highway safety and the character and appearance of the area.

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

Reason: In the interests of amenity and highway safety.

10 The development hereby approved as for holiday lets shall be used for holiday let accommodation only and for no other purpose (including Class C of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The building form is unsuitable to accommodate a permanent residential use by reason of its size, tight form and lack of adequate amenity areas.

11 The development hereby approved for holiday lets shall not be occupied other than for purposes of holiday accommodation and shall not be let to the same person(s) for more than 56 days in any calendar year, or such other period as may be first approved in writing by the Local Planning Authority, in accordance with written records of letting and occupier's home address details to be available for inspection by the Local Planning Authority if required.

Reason: The building form is unsuitable to accommodate a permanent residential use by reason of its size, tight form and lack of adequate amenity areas.

12 The rooflights in the north elevation of units 1 and 2 and the east facing glazing on the upper ground floor of unit 3 of the holiday let accommodation hereby approved shall be obscurely glazed and shall be retained as such thereafter.

Reason: To prevent overlooking and to protect the amenities of adjoining occupiers.

13 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) Findings of pre-commencement walkover survey and checks for protected species, including reptiles and nesting birds
- (ii) Method statement for all necessary precautionary wildlife protection measures
- (iii) Details of specifications and measures to ensure any proposed new external lighting is "wildlife friendly" and does not harm wildlife or bat activity
- (iv) Proposals for features to benefit wildlife for example bat and bird boxes and habitat creation, to be shown on plans as applicable
- (v) All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: to avoid harm to wildlife and protected species

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

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

PLANS LIST:

- 483-001
- 483-002
- 483-003
- 483-004
- 483-005
- 483-01D
- 483-02B
- 483-03B
- 483-04C
- 483-05C
- 483-06C
- 483-07A
- 483-08A
- 483-09

DECISION MAKING STATEMENT

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

ADVICE NOTE:

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

This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

Item No:	08
Application No:	14/00406/FUL
Site Location:	61 Lorne Road, Westmoreland, Bath, Bath And North East Somerset
Ward: Widcombe	Parish: N/A LB Grade: N/A

Application Type:	Full Application
Proposal:	Change of use from dwelling (Use Class C3) to HMO (Use Class C4) house of multiple occupation.
Constraints:	Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,
Applicant:	Mr Johnny Kidney
Expiry Date:	26th March 2014
Case Officer:	Jonathan Fletcher

DECISION PERMIT

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

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

2 The 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 existing ground and first floor plan, proposed ground and first floor plan and site location plan all received 28th January 2014.

DECISION MAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons set out in the minutes of the committee meeting, a positive view of the submitted proposals was taken and planning permission was granted.

Item No:	09
Application No:	13/04847/FUL
Site Location:	Court Farm, The Street, Compton Martin, Bristol
Ward: Chew Valley South	Parish: Compton Martin LB Grade: N/A
Application Type:	Full Application
Proposal:	Retention of existing building for use as ancillary accommodation (extension) to Court Farmhouse and retention of access track and alterations to car parking to serve adjacent holiday lets (part retrospective)

Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Housing Development Boundary, Water Source Areas,
Applicant:	Mr Richard Curry
Expiry Date:	18th March 2014
Case Officer:	Rebecca Roberts

DECISION Defer consideration awaiting site visit to look at context of site and understand the planning history.

Item No:	10
Application No:	14/01403/FUL
Site Location:	The Old Rectory, Anchor Lane, Combe Hay, Bath
Ward: Bathavon West	Parish: Combe Hay LB Grade: II
Application Type:	Full Application
Proposal:	Erection of garage with staff accommodation and extension of the curtilage of the Old Rectory. (Resubmission)
Constraints:	Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building,
Applicant:	Mr Trevor Osborne
Expiry Date:	20th May 2014
Case Officer:	Sasha Coombs

DECISION Defer consideration awaiting site visit to look at context of site.

Item No:	11
Application No:	12/00107/FUL
Site Location:	Designer Composites, Fosseway, Westfield, Midsomer Norton
Ward: Westfield	Parish: Westfield LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of 4no. four bed detached dwellings, 2no. two bed detached dwellings and 1no. three bedroom detached dwelling following demolition of existing industrial buildings.

Constraints:	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, General Development Site, Housing Development Boundary, Tree Preservation Order,
Applicant:	Oval Estates (Bath) Limited
Expiry Date:	7th March 2012
Case Officer:	Rebecca Roberts

DECISION PERMIT subject to

A. Authorise the Planning and Environmental Law Manager to prepare an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure a contribution of £9,923.72 for education.

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

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

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

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

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

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

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

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

5 No site works or clearance shall be commenced until protective fences which conform to British Standard 5837:2005 have been erected around any existing trees and other existing or proposed landscape areas in positions which have previously been approved in writing by the Local Planning Authority. Until the development has been completed these fences shall not be removed and the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for approved arboricultural or landscape works.

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

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

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

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

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

8 The garage(s) hereby approved shall be retained for the purpose of parking a motor vehicle(s) associated with the dwelling.

Reason: To retain adequate off-street parking provision.

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

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

PLANS LIST:

PLANS LIST

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

DECISION TAKING STATEMENT

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

This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

ADVICE NOTE:

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

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

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

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

Bath & North East Somerset Council		
MEETING:	Development Control Committee	
MEETING DATE:	2nd July 2014	AGENDA ITEM NUMBER <div style="border: 1px solid black; width: 80px; height: 40px; margin: 5px auto;"></div>
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)	
TITLE:	APPLICATIONS FOR PLANNING PERMISSION (SITE VISITS)	
WARDS:	ALL	
BACKGROUND PAPERS:		
AN OPEN PUBLIC ITEM		

BACKGROUND PAPERS

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

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

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

- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)

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

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

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

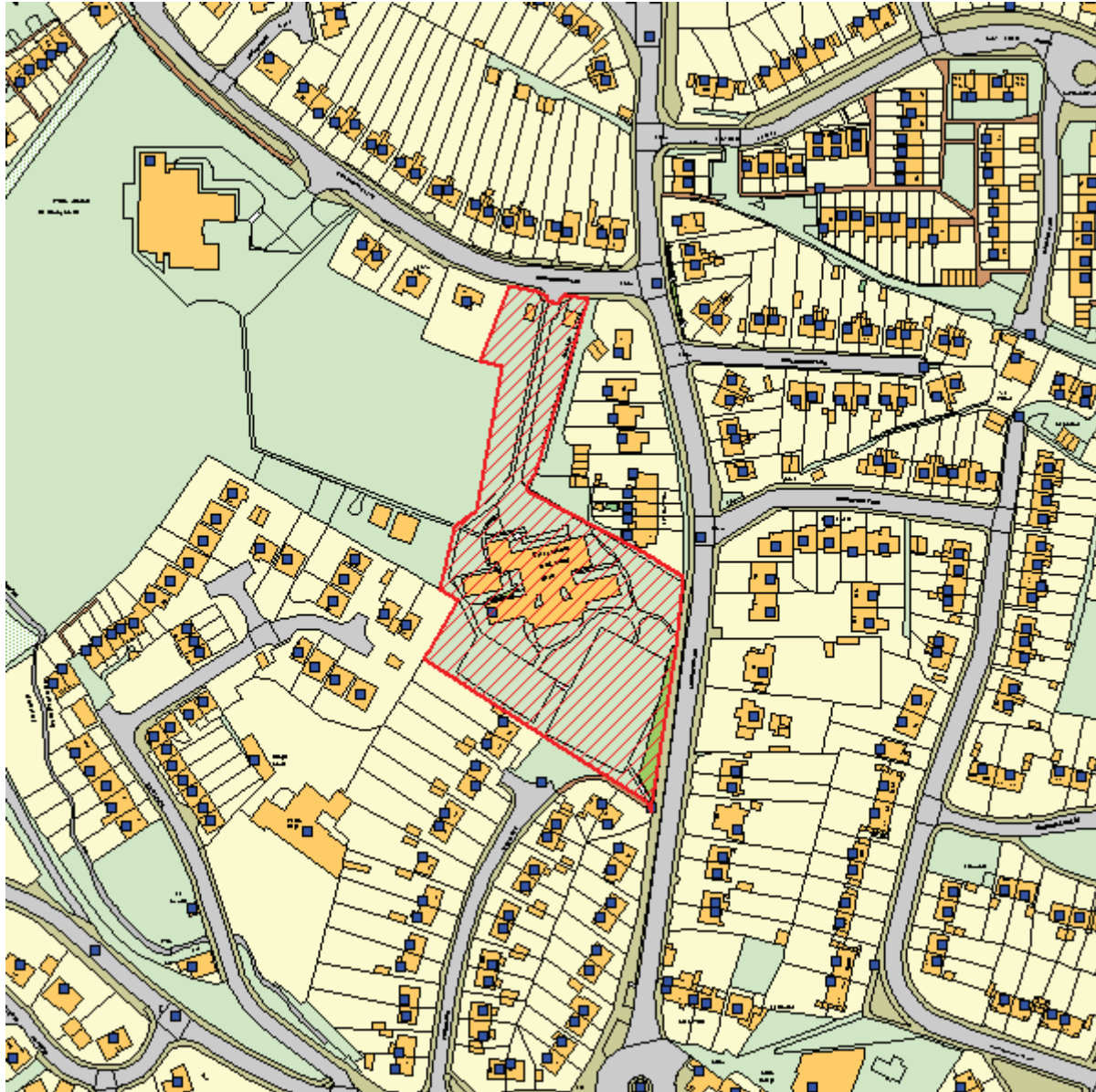
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	14/01667/REG03 4 July 2014	Bath And North East Somerset Council Weston All Saints Ce Vc Primary School, Broadmoor Lane, Upper Weston, Bath, Bath And North East Somerset Provision of a new 6 classroom teaching block and associated external works. (Resubmission)	Weston	Chris Griggs-Trevarthen	PERMIT
002	13/04847/FUL 18 March 2014	Mr Richard Curry Court Farm, The Street, Compton Martin, Bristol, Bath And North East Somerset Retention of existing building for use as ancillary accommodation (extension) to Court Farmhouse and retention of access track and alterations to car parking to serve adjacent holiday lets (part retrospective)	Chew Valley South	Rebecca Roberts	PERMIT
003	14/00862/OUT 23 May 2014	Boystown Ltd W T Burden Ltd, Bath Road, Farmborough, Bath, BA2 0BD Demolition of existing building and redevelopment of site with up to 14 dwellings with associated means of access, access roads, car parking, boundary treatments and landscaping; conversion (including re-cladding) of retained building to provide office/workshop accommodation (Class B1) with associated car parking.	Farmborough	Alice Barnes	REFUSE
004	14/01403/FUL 20 May 2014	Mr Trevor Osborne The Old Rectory, Anchor Lane, Combe Hay, Bath, Bath And North East Somerset Erection of garage with staff accommodation and extension of the curtilage of the Old Rectory. (Resubmission)	Bathavon West	Sasha Coombs	REFUSE

**REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON
APPLICATIONS FOR DEVELOPMENT**

Item No: 001
Application No: 14/01667/REG03
Site Location: Weston All Saints Ce Vc Primary School Broadmoor Lane Upper
Weston Bath Bath And North East Somerset



Ward: Weston **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor C V Barrett Councillor M J H Lees
Application Type: Regulation 3 Application
Proposal: Provision of a new 6 classroom teaching block and associated
external works. (Resubmission)

Constraints:	Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Tree Preservation Order, World Heritage Site,
Applicant:	Bath And North East Somerset Council
Expiry Date:	4th July 2014
Case Officer:	Chris Griggs-Trevarthen

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

Councillor Malcolm Lees has requested that the application be determined by the Development Control Committee due to the level of public interest in this application.

The application has been referred to the Chairman who has agreed that the application should be considered by the Committee as it is a school application and there is a lot of local interest.

DESCRIPTION OF SITE AND APPLICATION

Weston All Saints Primary School (WASPS) is a two form entry primary school located in Upper Weston. The school site comprises two large teaching blocks occupying the western half of the grounds, a temporary classroom along the southern boundary and a mixture of playgrounds and playing fields across the rest of the site. The school has two vehicular and pedestrian accesses off Broadmoor Lane and a further two pedestrian accesses off Lansdown Lane.

The site falls within the World Heritage Site at the western edge of Bath adjacent to the Cotswolds Area of Outstanding Natural Beauty and Green Belt.

The proposal is to erect a new 6 classroom teaching block and associated external works within the south-east corner of the site, adjacent to Lansdown Lane. The associated external works include a reconfigured car park to accommodate 18 staff car parking spaces, a drop-off and collection area and additional landscaping. The application also includes proposals for short stay parking on Deanhill Lane to act as a 'Park and Stride' facility for the school.

The school is currently a two form entry school with a capacity of 420 places. However, during 2011, 2012 and 2013 the school took in an additional 'bulge' of 30 children per year resulting in the current school capacity reaching 510 places. The additional capacity is currently being provided by the existing temporary classroom, a converted store building and the recently approved log cabin (13/02765/REG03). The proposed school building would provide an additional 6 classrooms which, alongside the recently approved extension to the existing buildings (13/01744/REG03), will enable the school to have a permanent three form entry increasing the capacity to 630 places.

The application is a re-submission of a previously withdrawn application reference 13/04851/REG03.

PLANNING HISTORY

The school has been subject to a number of planning application. The most relevant applications are noted below:

09/04872/REG03

Planning permission granted in July 2010 for the demolition of the old Key Stage 2 building and the erection of a new Key Stage 2 building adjacent to the existing Key Stage 1 building.

11/03177/REG03

Planning permission granted in September 2011 for the provision of a temporary classroom to meet an unexpected growth in reception pupil numbers. Temporary permission granted for 5 years to enable monitoring of trends and the future needs of the school.

13/01744/REG03

Planning permission granted October 2013 for extensions to the Key Stage 1 and Key Stage 2 buildings to provide additional facilities and accommodation for up to 30 pupils. This classroom is required, alongside the current proposals for an additional 6 classrooms, as part of the schools plans to expand to a 3 form entry. Contributions of £10,000 were secured towards traffic management works including a 'Park and Stride' facility.

13/02765/REG03

Planning permission granted in October 2013 for the erection of a log cabin to be used as a classroom for up to 30 pupils to accommodate the additional intake due to higher numbers of pupils in the area. This accommodation is intended to be temporary until the additional accommodation has been provided in the form of the currently proposed development. Thereafter it will be retained for other standard education learning purposes. Contributions of £10,000 were secured towards traffic management works including a raised table and parking restrictions.

02/00826/REG03

A planning application was withdrawn in July 2002. This proposed a new access road with drop-off bays through the school grounds with revisions to the car parking, but was withdrawn following concerns about conflicts with sustainability objectives and the impact upon the open setting of the school.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A number of representations and consultation responses have been received and are summarised below. Full details of responses are available on the Council's website.

HIGHWAYS OFFICER

The Highways Officer has objected to the proposal on the following grounds:

The proposed extension would result in an increase in vehicular, pedestrian and cycle movements on the surrounding highways where congestion associated with the school already causes highway safety hazards and would be further exacerbated by the proposal, to the detriment of the safety of all highway users.

If minded to set aside their objection, the Highways Officer recommends that a contribution of £60,000 is secured towards highways and traffic management measures as mitigation and has recommended a number of conditions.

ARCHAEOLOGY

No objection

ARBORICULTURE

No objection, subject to conditions

SPORT ENGLAND

No objection.

AVON AND SOMERSET POLICE

Comments only:

- Inadequacy of existing chain link fence;
- Lack of natural surveillance;
- Details of fence and gate lacking;
- Recesses and outward opening doors increase risk of attack;
- Canopies can encourage anti-social behaviour;
- Limited surveillance of kitchen door;
- Lighting and access control system should be used;
- Windows and glazing should meet security standards;
- Concerns over use of interview/withdrawal rooms;
- Use of acoustic fencing increases the risk of crime;
- Security of the whole school site is very high standard.

CHARLCOMBE PARISH COUNCIL

- Parish residents using the lane during school drop-off and collection times already experience difficulty and this will only become worse if pupil numbers increase;
- The application proposes regulated parking spaces in Dean Hill and Westbrook Park; both these roads are within Charlcombe Parish. The Parish Council would wish to understand the likely impact on Parish residents before supporting such a proposal;
- It seems somewhat premature to be proposing such a significant expansion of WASPS before the schooling requirements and provision for Ensleigh has been established;
- Any school at Ensleigh might well be able to take some of the additional pupils catered for by the expansion of WASPS.

THIRD PARTIES/NEIGHBOURS

34 Letters of objection has been received including an objection from the Broadmoor Lane Residents Association and a petition with 23 signatures. The main points have been summarised and grouped into categories below:

Highways

- Additional school capacity will significantly increase traffic using Broadmoor Lane and local road network at peak times;
- Existing traffic/parking situation on Broadmoor Lane is dangerous;
- Broadmoor Lane is heavily parked and too narrow for two cars to pass;
- Parts of Broadmoor Lane are without a pavement forcing pedestrians into the busy road;

- Additional traffic will add to congestion, reduce air quality and increased the risk of accidents;
- Adverse effect upon the accessibility of homes on Broadmoor Lane;
- Concern about impact of traffic and parking on Lansdown Lane, Vernslade, Symes Park and Brookfield Park;
- Concern about increased numbers of children crossing busy roads;
- Concerns about flaws in the travel plan;
- Concerns about flaws in travel survey data;
- Proposed 'park-and-stride' does not address the fundamental problems caused by the volume of traffic to the school;
- There is inadequate parking provision and existing parking restrictions are ignored;
- Reports of 'near-miss' events not record in accident data;
- Restricted access for emergency vehicles;
- There is need for a proper crossing point on Broadmoor Lane;
- Universal admission policy will result in parents travelling across the city to attend the school;
- School has failed to address previous highways safety concerns, including failure to comply with travel plan conditions.
- Concern that inconsiderate parents will not respect 5minute rule for the drop-off;
- Concerns over access for emergency vehicles.
- Concern about introduction of 2 lane road to the rear of properties along Lansdown Lane;
- Concern about the introduction of traffic to both sides of properties on the west of Lansdown Lane;
- Drop-off zone does not have enough spaces will mean queues will inevitably form onto Lansdown Lane causing more disruption;
- No firm commitment regarding monitoring and enforcement of the proposed drop-off;
- Concerns about access to residents houses;
- Quality of the transport assessment is poor;
- Proposed drop-off will lead to an increase in traffic, not less.

Education provision

- Cannot the school places be provided elsewhere?
- Other solutions should be found to provide school places;
- LEAs decision to approve the school's expansion should not outweigh any planning objection, most especially the highways safety concerns;
- It is not clear whether the expansion has properly taken into account future housing developments;
- Concern about impacts of expansion on school standards;
- There is a proposed new school in Bath centre;
- Projected number of school places is falling;
- Question the need for additional capacity;
- There is no demographic, educational or economic evidence;
- Overprovision of school places will lead to increased car travel across the city.

Amenity considerations

- Position of proposed building is disadvantageous to properties on Vernslade and Lansdown Lane;
- Building will have a negative impact upon visual amenity of residents opposite the school;

- Proposed building will be overbearing on properties adjacent to the school and the on opposite side of Lansdown Lane;
- Impact of noise upon occupiers of Lansdown Lane;
- Development on the playground will mean increased usage of the other playground adjacent to properties on Vernslade leading to increased noise and disturbance;
- Drop-off lane will have a detrimental impact upon the outlook of properties on Lansdown Lane;
- Noise impact and loss of tranquillity;

Character and appearance

- The openness of the site enhances the local character;
- The idea that Lansdown Lane needs a landmark building is preposterous;
- The scale and massing of the building is completely out of context which is further emphasised by its prominent position;
- The building has a detrimental impact upon the character of the local area;
- The proposed screening and tree planting is inadequate;

Other matters

- Concerns about loss of playground;
- Concerns about the impact upon water drainage and risk of flooding;
- Concern about impact of construction traffic;
- Queries as to why new block is positioned away from the two existing blocks?
- Request that previous objections are taken into account;
- Lack of infrastructure to support increased numbers;
- The orientation and location of the windows provide little solar gain;
- The standard of insulation could be improved;
- Concern about excess water run-off;

5 Letters of support have been received. The main points raised were:

- Expansion of the school is welcomed;
- School needs to be bigger to provide spaces required by Weston residents;
- Without new building it will become increasingly difficult to accommodate the children;
- New building will provide up-to-date facilities for the youngest children;
- Children who can't get a place would have to drive to a school further away;
- The traffic situation runs as smoothly as other schools in the Bath area;
- A sign to encourage a one way system would help traffic flows;
- The parking issues are for 10mins twice a day and every school has the same issue.

2 General comments have been received. The main points raised were:

- Don't object to the school expansion, but the traffic is a problem;
- Additional cars in the morning/afternoon will cause lots of problems;
- The school should accommodate a parking area;
- The Weston Ex-Serviceman's Association car park could be used.

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
CF.2:	Provision of new or replacement community facilities
SR.1A:	Protection of playing fields and recreational open space
ES.5:	Foul and surface water drainage
ES.12:	Noise and vibration
NE.4:	Trees and woodland conservation
NE.10:	Nationally important species and habitats
NE.11:	Locally important species and habitats
BH.1:	World Heritage Site
BH.2:	Listed buildings and their setting
BH.6:	Development affecting Conservation Areas
T.1:	Overarching access policy
T.3:	Promotion of walking and use of public transport
T.5:	Cycling strategy: improved facilities
T.6:	Cycling strategy: cycle parking
T.20:	Loss and provision of off-street parking and servicing
T.24:	General development control and access policy
T.25:	Transport assessments and travel plans
T.26:	On-site parking and servicing provision

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

The above Local Plan policies, with the exception of policy BH.1, are proposed as saved policies within the submission core strategy.

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

- Section 4: Promoting sustainable transport
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 12: Conserving and enhancing the historic environment

OFFICER ASSESSMENT

The main issues to consider are:

1. Is the principle of development acceptable?
2. What is the impact upon highways safety and sustainability?
3. What is the impact upon the character and appearance of the area?
4. What is the impact upon residential amenity?
5. What is the impact upon trees and woodland?
6. What is the impact upon ecology?
7. What are the benefits towards education provision associated with the proposed development?

PRINCIPLE OF DEVELOPMENT

The proposed school building is a community facility which is located well located in relation to the community it serves.

The principle of development is therefore acceptable in accordance with policy CF.2 of the Local Plan.

The proposed building is situated on one of the existing school playground and therefore results in the loss of recreational open space. However, the proposals include the addition of hard informal play areas around the perimeter of the new building and will enable the removal of the existing temporary classroom along the southern boundary of the school site. This area is currently underutilised as play area due to the positioning of the temporary classroom. It is proposed to return this area into an informal play space following the removal of the temporary classroom which will occur when the temporary consent expires.

The area of informal play space created, which includes the footprint of the temporary classroom and some of the surrounding land, would be roughly equivalent to the area loss as a result of the proposed classroom block. This can be secured through a landscaping condition requiring the submission of details of how this area will be reinstated as play area following the removal of the temporary classroom.

This represents an area of replacement recreational open space of sufficient quantity, quality and community benefit to offset the loss of the open space and meets criteria (iii) policy SR.1A within the Local Plan.

HIGHWAYS SAFETY AND SUSTAINABILITY

Existing pedestrian access to the school is achieved via Broadmoor Lane or via the two pedestrian accesses on the raised pavement of Lansdown Lane. There is currently no vehicular access into the school grounds for parents during drop-off or collection times.

Broadmoor Lane is a relatively narrow road which is often heavily parked resulting in a further narrowing of the carriageway to the extent that it is often difficult for two vehicles to pass. This causes a particular issue during school drop-off and collection times due to the high volume of vehicular traffic and mixing with the high volume of vulnerable pedestrian traffic. Further to the west, Broadmoor Lane does not have a pavement and pedestrians accessing the school are required to walk on the carriageway.

Concerns have been raised by the Highways Officer and by local residents about the existing highways safety situation on Broadmoor Lane and it is recognised that there are already significant congestion and hazards associated with the school use. This impact extends beyond Broadmoor Lane and affects a number of other roads in the local highways network including, inter alia, Lansdown Lane, Vernslade, Symes Park and Deanhill Lane.

The proposed school building will enable the school to increase its capacity from the current 510 places to 630 places, an increase of 120 places. This increase in pupil places

will inevitably result in an increase in the amount of traffic and parking in Broadmoor Lane and the surrounding streets worsening an already difficult situation.

The application proposes a number of measures to address this including the provision of short stay parking spaces on Deanhill Lane to act as a 'Park and Stride' facility serving the school. Whilst this would address some of the additional parking need as a result of the increased school capacity, it would do little to address the issues arising from the volume of traffic using Broadmoor Lane during school drop-off and collection times.

The proposals also incorporate a 10 bay drop-off and collection area within the school grounds. This involves widening the access lane on the eastern part of site and rearranging the proposed staff car park to include a turning area.

The proposed drop-off area will enable vehicles to access the school grounds during drop-off and collection times via the school's eastern most entrance on Broadmoor Lane approximately 50m from the junction with Lansdown Lane. The provision of a 10 bay drop-off and collection area will relieve some of the pressure of short term parking on Broadmoor Lane. Furthermore, the western kerbline of the access would be amended to discourage exit movements to the west enabling traffic to enter the school grounds, turn and leave the site via Lansdown Lane. This means that less traffic will be directed westwards along Broadmoor Lane where congestion is worst. This has the dual benefit of improving traffic flows along Broadmoor Lane as well as directing traffic away from parts of the carriageway which do not have pavements.

The proposed drop-off and collection area is therefore considered to have a beneficial impact upon highway safety along Broadmoor Lane.

However, the potential downside of the proposed drop-off and collection area is that its provision may encourage more parents to travel by car when transporting their children to and from the school. This is a recognised downside of the proposed drop-off and collection area and runs counter to the sustainability objectives of the Local Plan policies, including policy T.1 which seeks to reduce the growth of vehicular traffic. This issue formed part of the reason the previous proposals for a drop-off and collection area were withdrawn in 2002 (reference: 02/00826/REG03).

However, policy T.1 also seeks to maximise the safety of all types of movement. It is considered that the current circumstances are now materially different from 2002 as the highways safety situation has deteriorated and the proposal is to enable the school to expand further into a 3 form entry. Given the existing situation on Broadmoor Lane and the potential increase in traffic volumes, it is considered that the highways safety benefits of the proposed drop-off outweigh the harm to the sustainability objectives of T.1.

The application has also been submitted with an updated Travel Plan which suggests a range of soft measures to try and reduce the level of car use by parents and staff accessing the school. The Travel Plan also includes a commitment to provide an additional racking for 20 scooters to supplement its existing cycle and scooter parking. The Travel Plan has been generally welcomed by the Highways Officer and should provide some benefit in terms of reducing car travel.

The majority of the measures in the travel plan fall outside the control of the Local Planning Authority and could not be enforced as conditions of any planning permission. The weight afforded to these measures is therefore limited.

Even after taking into account the proposed drop-off and collection area and the measures in the Travel Plan there is still likely to be a residual impact upon the local highway network due to the increased volume of traffic associated with the increased school numbers. Contributions of £60,000 have therefore been sought for the following highways works:

1. Traffic Regulation Order and on-site works to extend the proposed Park & Stride facility;
2. Parking restrictions on Vernslade and Broadmoor Lane;
3. A controlled crossing on Broadmoor Lane;
4. Traffic calming measures on Broadmoor Lane (west);
5. Traffic Regulation Orders associated with the Traffic management on Lansdown Lane and parking restrictions;
6. Safe routes to school provision to provide equipment to support a walking bus.

The proposed contributions would fund these additional measures to help mitigate the impact upon the local highways network to the benefit of highways safety. As the Council is the applicant for the application, it cannot enter into a legal agreement with itself. These contribution have therefore been secured through a signed memorandum of understanding between the Early Years, Children and Youth department and the Highways Authority.

This is in additional to the £20,000 contributions already secured through applications 13/02765/REG03 and 13/01744/REG03 to fund a raised table and the proposed 'Park and Stride' facility. The 'Park and Stride' facility has already been fully funded through the two previous applications.

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It is considered that, although the proposed school building will result in an increase in traffic using the local highway network, the proposed mitigation, in the form of the drop-off and collection zone, park-and-stride facilities and the £60,000 contributions towards additional highways works, will prevent this impact from being severe.

CHARACTER AND APPEARANCE

The area surrounding the school predominately comprises 20th century residential development. The surrounding residential buildings are primarily constructed of Bath Stone or Reconstituted Bath Stone with tiled roofs.

The proposed teaching block is positioned in the south-east corner of the school grounds adjacent to Lansdown Lane. The surrounding topography means that the proposed building would sit significantly above the level of the road and would be clearly visible within Lansdown Lane.

Although visible, the proposed building would be set back between 6 - 11m from the site's boundary and is single storey with a ridge height of 4.8m. Furthermore, the proposed building retains adequate spacing around it and will be partially screened by the proposed acoustic fence, landscaping and new tree planting along the eastern boundary.

The proposed building will only be partially visible from elevated views from the AONB Kelston Hill ridge and Cotswold Way which allow sweeping views of Weston.

It is therefore considered that the massing and scale of the building is acceptable and that it would not appear unduly prominent within the street scene.

The proposed development does not pick up many of the local context cues from the surrounding buildings. However, due to its siting, single storey scale and its role as a public building there is scope to depart from the local context established by the surrounding built form. It is considered that the proposed design and materials create a well-proportioned and characterful building, of an appropriate scale, which will not harm the character or appearance of the area or the World Heritage Site.

RESIDENTIAL AMENITY

Although elevated by the level of the land, the proposed building is single storey in scale and positioned a reasonable distance from the site's boundaries. The proposed building is therefore considered not to appear overbearing or result in any loss of light or outlook from any adjoining occupiers.

There are likely to be noise and disturbance impacts arising from the use of the playground which lies adjacent to no. 14 Vernslade. However, these impacts must be seen in the context of the existing situation in which the use of the playground already gives rise to some degree of noise and disturbance. The potential increase in the use of this playground is unlikely to give rise to any significant additional increase in the noise and disturbance to no. 14 Vernslade, or any other adjoining occupiers, over and above the existing situation. The potential impact is further mitigated by the provision of new play areas around the perimeter of the proposed building and in the place of the existing temporary classroom which will reduce the need to use the remaining playground.

The introduction of drop-off and collection area would introduce additional car movements to the rear of properties on the west side of Lansdown Lane, nos. 41 - 55. However, these properties are already served by a rear access lane and so the presence of car movements near to their rear boundaries is not unusual. The submitted operational statement states that the proposed drop-off and collection area will only be accessible between 0745 - 0930hrs and 1500 - 1830hrs. However, the use of the drop-off during other times of the day, when seen in the context of the existing rear access lane serving no. 41 - 55 Lansdown Lane, is considered not to have any significant adverse impact upon the amenities of these adjoining occupiers. It is therefore not considered necessary to control the hours of use for the proposed drop-off.

It is therefore considered that the proposals do not have any significant impacts upon the amenities of any adjoining occupiers and accords with policy D.2 of the Local Plan.

TREES AND WOODLAND

The proposals to erect the new teaching block and the associated works involve the removal of a number of existing trees on the site. The drop-off and collection area also results in loss of a small number of additional trees. Whilst attractive and contributing towards the green setting, none of the trees to be removed are of particular merit. The proposal includes replacement planting and a landscaping condition is considered necessary to compensate for the loss of these trees.

The submitted arboricultural method statement and tree protection plan provides assurances that retain trees on the site will be protected and has been accepted by the Council's Arboricultural Officer.

The proposal is therefore considered to accord with policy NE.4 of the Local Plan.

ECOLOGY

Parts of the school grounds hold significant ecological value. However, the proposed building is located away from this area on the existing tarmac playground. Ecological assessments and surveys are the same as previously submitted, which were to the satisfaction of the Council's Ecologist. It is therefore considered that the proposal has no significant ecological impacts.

EDUCATION PROVISION

Paragraph 72 of the NPPF states that Local Planning Authorities should give great weight to the need to create, expand or alter schools.

A number of concerns have been raised by local residents that the additional school places are not required at WASPS. However, the Primary and Secondary School Organisation Plan 2013 - 2017 identifies a shortfall of 37 school places in the North West Bath planning area in 2015, rising to 38 in 2016.

The proposed school building would enable the school to permanently increase its yearly intake by 30 places, thereby making a significant contribution towards addressing the identified shortfall in school places in North West Bath.

This is considered to be a major benefit of the scheme and is afforded considerable weight in accordance with the NPPF.

SUSTAINABILITY

The application states that the proposal aims to achieve a high quality building informed by the latest thinking on sustainability techniques which is economically astute, environmentally conscious and socially sustainable. The applicant's design and access statement has listed some examples of the sustainable technologies to be used in the scheme including high levels of insulation and airtightness, use of natural ventilation and

use of high performance glazing. The building has high levels of natural light and also utilises shading mechanisms to restrict the excessive penetration of sun light and heat in the summer. The sustainability checklist submitted with the application also states that the development will use local materials alongside reclaimed or recycled materials and that it will minimise waste by designing to standard sizes. The proposed development meets a number of the criteria listed on the sustainability checklist which is considered to be a positive aspect of the scheme.

OTHER MATTERS

Concerns have been raised about the potential conflicts arising between construction traffic and vulnerable pedestrians using the site. The application has included details of how the construction operation will be undertaken on the site including details of a contractor's compound to be erected during the build. A construction management plan has also been submitted and can be secured by condition. This will ensure that access for all users during the construction phase would be appropriately managed.

Queries have also been raised about why the proposed building is located separate from the existing Key Stage 1 and Key Stage 2 buildings on the school grounds. The application explains that this is partly an operational school management choice to use the 6 classroom block exclusively for Year 0 and Year 1 pupils whilst accommodating the older children within the existing school blocks.

Concern has also been raised about water drainage and the risk of flooding. The site falls within flood zone 1 which is classified as being at low risk of flooding and no objection has been raised by the Flood Risk and Drainage officer. Details of how surface water drainage will be managed can be secured by condition.

CONCLUSION

The principle of the development is acceptable in accordance with policies CF.2 and SR.1A of the Local Plan.

The proposed building enables the school to expand its capacity resulting in an increase in pupil numbers. This will exacerbate an already challenging highways situation on Broadmoor Lane and surrounding streets. However, the inclusion of a drop-off and collection zone and a 'Park and Stride' facility, alongside the soft measures identified in the Travel Plan, will relieve some of the pressure on the Broadmoor Lane. The additional highways works, funded by the £60,000 contributions, will further mitigate the impacts of the development providing beneficial improvements to pedestrian and vehicular safety on the surrounding highway network.

However, whilst not severe, it is accepted that there will be a residual impact upon the local highway network due to the likely increase in traffic volumes accessing the school during peak times.

The proposal does not harm the character or appearance of the surrounding area or the World Heritage Site and does not harm the amenities of adjoining occupiers. There are no

significant ecological impacts and the proposal includes replacement planting to compensate for the trees lost.

The primary benefit of the scheme is to enable the provision of an additional 30 school places per year. This represents a substantial proportion of the identified shortfall in primary school places in North West Bath.

It is considered that the benefits of providing these additional school places outweigh the residual impacts of the increased traffic volumes upon the local highway network and is in general conformity with the policies of the Local Plan and fully in accordance with guidance in the National Planning Policy Framework.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

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

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

3 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.

4 No development or other operations shall take place except in complete accordance with the approved Construction Management Plan unless agreed in writing by the local planning authority.

Reason: To ensure the safe operation of the highway.

5 Prior to the occupation of the building hereby approved, the drop-off and collection area, and the associated access alterations, shall be provided in accordance with drawing

number 2948_L_011 Revision G. The drop-off and collection area shall thereafter be permanently retained.

Reason: In the interests of highways safety and to relieve the traffic pressure on Broadmoor Lane

6 Prior to the occupation of the building hereby approved, details of the provision for covered and secure cycle and scooter parking/storage shall have been submitted to and approved in writing by the Local Planning Authority. The covered and secure cycle and scooter parking/storage shall be provided in accordance with the approved details prior to the occupation of the building hereby approved.

Reason: In the interests of sustainable development.

7 No development shall commence, except works up to and including the ground floor slab, 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.

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

Reason: In the interests of flood risk management.

9 Prior to occupation of the development hereby approved a landscape scheme should be submitted and approved to show the reinstatement of the land currently occupied by the temporary classroom. The approved landscaping scheme shall be completed in accordance with the approved details within 12 months of the occupation of the development hereby approved or in accordance with a timescale submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of equivalent recreational open space to offset the loss resulting from the proposed development in accordance with policy SR.1A of the Bath and North East Somerset Local Plan

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

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

PLANS LIST:

1 2948_A_150G
2948_A_010C
2948_L_011M
2948_L_012J

2948_L_050P
2948_L_51L
2948_L_100L
2948_L_170D
2948_L_171D
4950 PL-AL(90)001
4950 PL-AL(90)002
30-01-2010 WASPS - TCPFIN 2
G919_L_1000_PL_A
4950 PL-SL01

DECISION MAKING STATEMENT

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

2 ADVICE NOTE:

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

3 ADVICE NOTE

In the interests of flood alleviation we would encourage the applicant to investigate the use of a Sustainable Urban Drainage Scheme (SuDS) in order to manage surface water drainage. SuDS infiltration schemes include techniques such as infiltration trenches and basins, rain gardens and soakaway techniques. Other surface level SuDS techniques include swales and attenuation ponds.

For more details about SuDS please refer to the guidance from Ciria (<http://www.susdrain.org/resources/ciria-guidance.html>)

If SuDS techniques are pursued, details of the proposed drainage scheme should be submitted to this office.

We have reviewed the British Geological Survey maps for the site area in terms of infiltration potential and the advice is that 'There is a very significant potential for one or more geohazards associated with infiltration. Only install infiltration SuDS if the potential for or the consequences of infiltration are considered not to be significant'. Based on this advice the applicant may want to consider SuDS techniques other than infiltration.

Applicant:	Mr Richard Curry
Expiry Date:	18th March 2014
Case Officer:	Rebecca Roberts

REPORT

REASON FOR REPORTING TO COMMITTEE:

The officers recommendation is contrary to the Parish Councils comments and the Chair of the Development Control Committee has agreed for the application to be considered by the committee.

DESCRIPTION OF SITE AND APPLICATION

This application relates to Court Farm which is located to the north of the A368 Main Street, towards the western fringe of Compton Martin. The application relates to an area immediately adjacent to the existing farm house, which is adjacent to the farm entrance and is set within the housing development boundary, an Area of Outstanding Natural Beauty and within the designated Conservation Area.

Court Farm has ceased the dairy function of the enterprise and since this time has had permission for holiday lets close to the Farmhouse and a cafe/farm shop was permitted which relates to this application. The farm yard has been tarmaced over for use as a car park. A small agricultural function still exists which is demonstrated by the retention of two barns to the rear of the site. The applicant grows crops for bio fuel as part of the remaining agricultural use of the site.

The site has an extensive history and the building which forms part of the application has been an ongoing enforcement case which this application seeks to regularise in part.

The application proposes the retention of the existing building for use as ancillary accommodation (extension) to Court Farmhouse and the retention of the access track and alterations to car parking to serve adjacent holiday lets (part retrospective)

The current building was granted planning permission under application 06/01428/FUL for use as a Farmshop/cafe however this use was never implemented. Furthermore the building was not built in accordance with the approved plans and therefore is considered as unauthorised development. The previous Fish and Chip Shop use has now ceased and the building is vacant.

The building was designed to appear subservient to the Farmhouse and has a domestic character, the oak frame and glazed gable feature add interest to the building. The existing roller door between the application building and Farmhouse and the flues all form parts of the building which are functional for their purpose but are negative additions to the building and detract from the residential character of the Farmhouse.

RELEVANT HISTORY:

05/03099/OUT - RF - 22 September 2006 - Replacement farmhouse and farm office

05/03532/FUL - RF - 30 December 2005 - Reconstruction of porch and alterations to access

05/03550/FUL - PERMIT - 9 December 2005 - New calf house (Resubmission)

05/03551/FUL - PERMIT - 9 December 2005 - Provision of machinery and straw store

06/00197/FUL - RF - 7 March 2006 - Reconstruction of porch and alterations to access (Resubmission)

06/01428/FUL - PERMIT - 25 September 2006 - Erection of building to provide farm shop and tea room and alterations to access

06/03814/VAR - PERMIT - 29 December 2006 - Variation of condition no.3 (hours of use) and condition no.5 (no outdoor catering) of planning permission 06/01428/FUL dated 25 September 2006

08/00228/FUL - PERMIT - 20 March 2008 - Erection of single dwelling house with annexe, office and integral garaging

08/04554/FUL - PERMIT - 11 February 2009 - Erection of pair of semi-detached dwellings for use as holiday lets on land at Court Farm Cottage

13/00819/VAR - RF - 7 May 2013 - Variation of condition 3 of application 06/01428/FUL to extend the hours of use of the shop (Erection of building to provide farm shop and tea room and alterations to access)

13/02291/VAR - RF - 26 July 2013 - Variation of condition 3 of application 06/01428/FUL to extend the hours of use of the Farm shop and Tea Room (Resubmission) (Erection of building to provide farm shop and tea room and alterations to access)

13/02829/REM - RF - 28 August 2013 - Removal of condition 6 attached to planning permission 06/01428/FUL (Erection of building to provide farm shop and tea room and alterations to access)

13/02873/FUL - PERMIT - 17 September 2013 - Erection of Clock Tower (Retrospective)

13/03605/VAR - RF - 16th October 2013 - Variation of condition 6 attached to planning permission 06/01428/FUL (Erection of building to provide farm shop and tea room and alterations to access)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

COMPTON MARTIN PARISH COUNCIL - this building has no planning permission, the original purpose of cafe/farmshop application was part of farm diversification. The applicant is no longer farming therefore is this building required_ If LPA do approve there is no reason why the fish and chip cooking ranges, ventilation and chimneys should not be removed. Built structure is out of keeping with the Conservation Area and lacks the design quality required for a residential building. A planting scheme and removal of the tarmac is required.

ENVIRONMENTAL HEALTH - No objection. Cannot request the removal of the cooking equipment.

HIGHWAYS OFFICER - No objection. The resultant proposed use of the building and car park area would generate less traffic movements than had previously been approved.

OTHER REPRESENTATIONS - 2x comments and 3x objections summarised as:

- Most representations stated that they were relieved to no longer have to suffer the fatty smells that effected them previously on a daily basis
- concerned if residential is granted that the fish and chip shop cooking equipment will be used at a later date
- without the removal of the industrial deep fat fryers and extraction chimney, the problem will persist
- Such a large parking area is not necessary to furnish a farmhouse and two holiday lets. Even a potential future Bed & Breakfast business would not necessitate parking on this scale
- 2006 application permitted on the basis that it allowed diversification of an existing business and that closure of accesses would secure removal of HGVs and other farm buildings from that part of the site. In the event, neither of these outcomes has been delivered by the applicant
- the unauthorized development now in place bears little resemblance to that described in the 2006 planning application
- it is unclear why an amended vehicular access is sought at all for the holiday lets when it already has an approved access

POLICIES/LEGISLATION

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

D2 - General Design and public realm considerations

D4 - Townscape considerations

ES10 - Air quality

ES12 - Noise and vibration

NE2 - Areas of Outstanding Natural Beauty

BH6 Conservation Areas and their settings

T24 - General development control and access policy

T.26 - On-site parking and servicing provision

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

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:

D.2, D.4 , NE.2, BH.6, T.24 and T.26 of the local plan are proposed as saved policies within the submission core strategy.

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT:

The application site is located within the settlement boundary of the village whereby the principle of new housing in this locality would be considered acceptable in principle. There

have been previous applications approved within this site for housing, holiday lets and a farm shop/cafe. The building which forms part of this application was granted permission in 2006, however the building was not built in accordance with the approved plans. However a building and car park albeit at a lower height were considered to be acceptable in this location and deemed not to cause harm to the character and appearance of the Conservation Area, therefore a judgement has to be made as to whether the increased height (700mm) of the existing building and the larger utility extension cause significant harm to warrant a refusal_

Farm diversification has already taken place and this could have occurred naturally without the need for consent in that the applicant could have switched from Dairy Farming to Bio Fuel Farming without any planning permission required, the applicant could and still can sub divide the land and sell it off to other Agricultural enterprises or private owners without consent from the LPA, but the Farm could also be sold and any new owner could set about to re-establish the agricultural function and grow this business. The retention of the building for residential use would not result in the diversification of the agricultural enterprise.

Approval was granted for the tarmacing of the Farm yard in the 06/01428/FUL application but the number of spaces provided is greater than the layout approved. Therefore retaining some of this space is in principle considered acceptable.

The applicant has expressed his intention to keep the existing kitchen equipment due to the expense of installing it, although he has been advised it cannot be used for any other purposes than as a kitchen for the residential use of Court Farm and not for Bed and Breakfast use or Cafe use and that if he wishes to provide Breakfast or lunch for the holiday lets a change of use application will be required. Environmental Health have confirmed that they cannot request that the flue and kitchen be removed and nor can the LPA insist that the kitchen is removed. The kitchen equipment as relatively new equipment could be sold on, it must be acknowledged that B and Bs operate on a traditional residential scale kitchen.

CHARACTER AND APPEARANCE:

The building which extends from the rear elevation of the Farmhouse is different from that approved as the utility projection to the rear is deeper and the building ridge line is higher than that approved (700mm difference), the oak frame porch area is enclosed by glass rather than open and the fenestration details are an alternative design, furthermore the car parking spaces have been orientated differently to that approved and the access arrangements between the main road and the holiday let are also different.

The design of the building is similar to that approved and has been set down from the main ridge of the farmhouse to appear subservient, the building uses materials which are sympathetic to the local area and the host dwelling.

The building as an extension of the farmhouse would create a large dwelling, however this is not uncharacteristic of rural areas, the site can accommodate the building without encroaching on the neighbouring boundaries and preserves an element of spaciousness to the rear of the site, an area which was previously developed with agricultural barns. The extension building is not readily visible from the local area but comes into focus on the approach to the Farm from the west side of the The Street. It is the existing flues on the

building which detract from the residential character of the Farmhouse and unbalance the relationship between the building and the surrounding built environment. It is proposed to enclose the existing flue which extends above the ridge line so as to appear as a traditional chimney, the height will be reduced to appear proportionate to the building. The other flue which is set down on the lower roofscape will not be encased as it is not visible from outside the site.

The existing car park has consent under the 06/01428/FUL, however the layout results in a greater number of spaces. An access has been created in the north west corner of the car park to provide an alternative access to the holiday let accommodation. The applicant proposes to retain the car park and to provide additional spaces for the holiday lets on the northern side of the car park. The applicant also expresses a need to retain the car park for use by agricultural workers during harvesting of crops for the creation of bio fuel. However the number of spaces far outnumbers the number of agricultural workers. The site has lost part of its residential character as a result of tarmac paving the site, the farmhouse does not benefit from amenity space and this is an intrinsic character of residential sites in this locality, therefore a condition will be attached requiring a landscape scheme for the car park. A balanced scheme which provides some amenity whilst retaining half the car spaces can be achieved and would enhance the site and allow for the creation of a formal residential curtilage. The access and parking for the holiday lets is considered acceptable, the loss of the commercial use of the building would significantly reduce the use of the existing access and is not considered to result in conflicts with other users of the site and will not affect the character and appearance of the local streetscene or this part of the Conservation Area.

Overall the design, scale and siting of the building as an extension of the property is considered on balance acceptable, the subservient character allows the extension to merge with the existing farmhouse to form one structure and the retention of the building will not erode the overall harmony of the streetscene and will preserve the character and appearance of the Conservation Area.

RESIDENTIAL AMENITY:

Previous applications for the use of the building for A3/A5 use as a Fish and Chip Restaurant raised significant concerns regarding amenity and the disturbance caused by odour issues and potential for noise disturbance from the ventilation equipment. The Environmental Health Officer confirmed however during the last application that odour issues did not form a statutory nuisance.

The proposed retention of the building for residential purposes will not result in issues of noise or odour due to the less intensive use of the building and equipment. Due to the existing siting of the building and existing boundary treatment and window openings in neighbouring properties the proposed retention of the building is not considered to cause harm to the amenity of neighbouring occupiers in terms of overlooking, loss of privacy, overbearing impact or increased sense of enclosure.

The use of the car park and access to the holiday cottages will not result in an over intensification of the use of the site and is not considered to have the potential to cause a nuisance to the amenity of neighbouring residential occupiers.

CONCLUSION:

Overall on balance the retention of the existing building as a residential extension/annexe of Court Farmhouse is considered acceptable and will have a neutral impact on the local streetscene and preserve the character and appearance of the Conservation Area. The access and additional parking for the holiday lets and agricultural workers are considered acceptable and do not result in an over intensification of the use of the site.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 The residential development hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling; Court Farmhouse, The Street, Compton Martin and shall not be occupied as an independent dwelling unit or used for Bed and Breakfast. The principle means of access to the ancillary accommodation via the internal doorway from the existing storage room (proposed snooker room) on the ground floor of the main dwelling into the kitchen shall remain available for use in perpetuity.

Reason: The approved use only has been found to be acceptable in this location and other uses within the same use class may require further detailed consideration by the Local Planning Authority.

2 Within 6 months of the date of this permission a hard and soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of the subdivision of the site, all new walls, fences and other boundary treatment and 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: In the interests of the appearance of the development and the character and appearance of this part of the Conservation Area.

3 Within 12 months of the date of this permission all hard and/or soft landscape works shall have been carried out in accordance with the approved details. The works shall be carried out in accordance with the programme agreed in condition 2. 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.

4 Within 3 months of the date of this permission details of enclosing the vertical flu on the south elevation shall be submitted to and approved in writing by the Local Planning Authority and within 6 months of the date of this permission the flu shall be enclosed in accordance with the details approved

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

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

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

PLANS LIST:

1 This decision relates to drawing no's PL3260/2A, PL3260/3, PL3260/4, PL3260/5, PL3260/6 date stamped 15th January 2014 and PL3260/1A date stamped 20th January 2014.

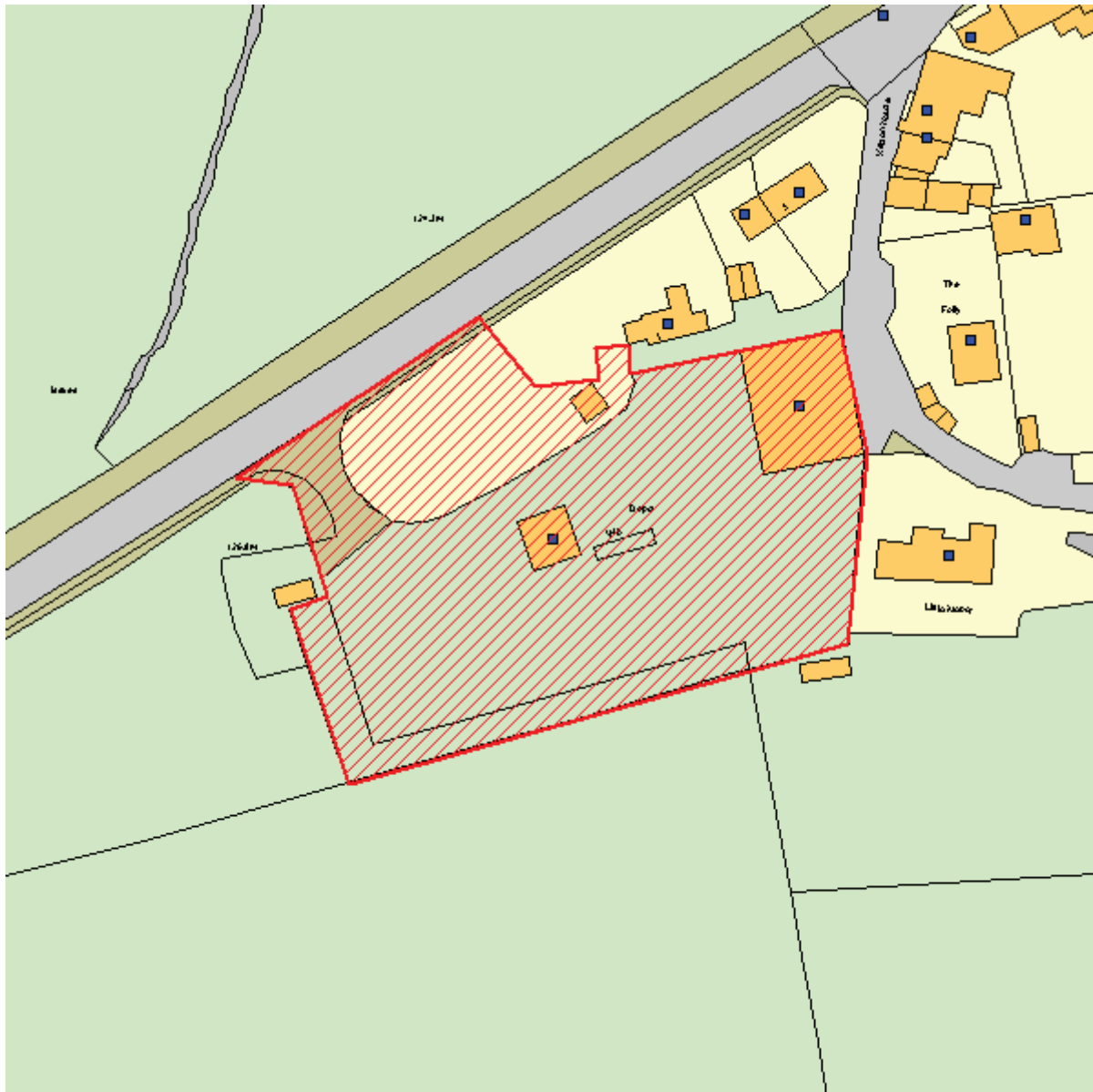
DECISION TAKING STATEMENT

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

2 ADVICE NOTE:

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

Item No: 003
Application No: 14/00862/OUT
Site Location: W T Burden Ltd Bath Road Farmborough Bath BA2 0BD



Ward: Farmborough

Parish: Farmborough

LB Grade: N/A

Ward Members: Councillor S Davis

Application Type: Outline Application

Proposal: Demolition of existing building and redevelopment of site with up to 14 dwellings with associated means of access, access roads, car parking, boundary treatments and landscaping; conversion (including re-cladding) of retained building to provide office/workshop accommodation (Class B1) with associated car parking.

Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Hazards & Pipelines,

Applicant: Boystown Ltd

Expiry Date:	23rd May 2014
Case Officer:	Alice Barnes

REPORT

Reasons for reporting the application to the committee

The application is being reported to the committee at the request of Councillor Sally Davis

The application has been referred to Councillor Curran who has agreed that the application should be considered by the committee.

Following the meeting of the 4th June the committee resolved to defer the application for a site visit and the application will be considered at the meeting of the 2nd July.

Description of site and application

The application site is located within the Hamlet of Cold Bath to the west of Farmborough village. The site is located outside of the housing development boundary within the Green Belt.

This is an outline application for the erection of 14 dwellings and the retention of the existing office/workshops (use class B1). Only access is being considered at this stage with all other matters reserved.

The application site is located to the west of Farmborough village. It is a largely open site with one building in the centre of the site and a group of buildings on the eastern side of the site. The central building would be removed and the buildings in the east corner would remain in employment use. The site is covered by an extensive area of hardstanding. The site is largely surrounded by leylandi trees and is not easily visible from the road.

The site is accessed from the A39 and this access would be used to access the development. There is an additional access onto Tilley Lane but this would not be used by the housing development. The site is located adjacent to some dwellings and is known as being the hamlet of Cold Bath.

Whilst the site is currently under utilised its permitted use would be as a haulage yard.

RELEVANT HISTORY

608/J - Parking of lorries and stationing of oil tanks, permission 08/10/1984

608/L - Change of use of existing area to use for open storage of building materials, permission 09/01/1985

608/O - Continued use of land for outside storage of motor vehicles, permission 17/05/1988

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Farmborough Parish Council: Objection, No very special circumstances have been put forward to justify development within the Green Belt. The development will harm the openness of the Green Belt. This development is not considered to be infilling. There is flooding at times of high rainfall. The access is unsustainable and the development would

cause harm to highway safety. The number of dwellings would result in overdevelopment of the site. There is no provision for affordable housing. Permission has already been granted for new homes in the village.

Highways: Farmborough is supported by limited local services, with no retail opportunities or health provision available, however, the village primary school is within walking distance of the site. Whilst the number of available services in Farmborough itself is limited there are such services in a nearby village and the development is considered to be in a sustainable location.

It is requested that contributions are made towards improved pedestrian provision near the junction with Tilley Lane. A contribution of £20 000 is requested.

No objection is raised to the use of the existing vehicle access and adequate parking levels have been proposed.

Highways drainage: No objection subject to conditions

Housing service: The development should make a provision for affordable housing in line with policy HG.8 of the local plan. Policy HG.8 requires the council to secure provision of 35% affordable housing before determining the application.

Environmental Protection: No objection

Contaminated Land: Due to the onsite sources of contamination, the sensitive nature of the development (i.e. residential) and taking account of the findings of the desk study report, the relevant conditions should be applied.

Environment Agency: No objection subject to conditions.

Landscape: No comment

Arboriculture: No objection. The trees on the site are dominated by hedge/ screen planting consisting of three rows of Lawson and Leyland Cypress. The two rows growing almost parallel with Bath Road have been reduced in height. An Ash which is not worthy of retention is growing amongst the nearest row to the road. The Illustrative Layout indicates that the row of Leyland Cypress growing on the bank along the western boundary are to remain. These will block sunlight reaching the nearest houses and could potentially become the subject of a high hedge complaint under the Anti-social Behaviour Act 2003. I suggest that they are removed and replaced with hedging more appropriate to the rural location.

Ecology: No comment

Archaeology: There are no known archaeological sites or monuments in the vicinity that are likely to be affected by the proposed development.

Education: A contribution of £58,254.70 is required towards primary and secondary school places.

Building Control: No comment

HSE: No objection

Waste Management: It is important to minimise reversing of waste collection vehicles wherever possible. Looking at the layout it would appear very difficult to manoeuvre a 26 tonne collection vehicle to service each property. The construction of the site roadways will need to take the weight of the 26 tonne collection vehicle and its turning.

Councillor Sally Davis: The development complies with Policy GB.2 which refers to developments in very special circumstances which would not effect the openness of the Greenbelt, as this is a Brownfield site exceptional circumstances have already been approved for a commercial development in the Greenbelt, this change of use could be seen as a planning gain on the site.

Representations; 28 representations have been received objecting to the application for the following reasons:

The development is located on a busy road and will cause harm to highway safety.

There is no shop or doctors surgery in Farmborough and a limited bus service meaning residents need to rely on cars resulting in an increase in traffic volumes.

There is limited parking in the surrounding area.

The water table is high and the site is likely to flood

No exceptional circumstances have been provided to justify development in the Green Belt.

There is already permission for 50 houses within the site.

The site is outside the outside development boundary.

This is not an infill development

POLICIES/LEGISLATION

D.2: General design and public realm considerations

D.4: Townscape considerations

GB.1: Control of development within the Green Belt

GB.2: Visual amenities of the Green Belt

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

ES.12: Noise and vibration

ES.15: Contaminated Land

T.24: General Development Control and Access Policy

T.26: On-site parking and servicing provision

ET.3: Core employment sites.

Ne.1: Landscape character

HG.8: Affordable housing on allocated and large windfall sites

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

Submission Core Strategy, May 2011

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

CP6 - Environmental Quality
CP8 - Green Belt
RA.1 - Development in the villages meeting the listed criteria

National Policy
The National Planning Policy Framework adopted March 2012

OFFICER ASSESSMENT

This is an outline application for the erection of 14 dwellings and the retention of the existing office/workshops (use class B1). Only access is being considered at this stage with all other matters reserved.

Principle of housing development

The application site is located within the Green Belt and outside of the housing development boundary. The current local plan allows for development within housing development boundaries. However these current policies are considered to be out of date.

The existing site includes pavement access to the village and is located within an existing Hamlet. Therefore the proposal would not result in isolated homes within the countryside and is not considered to be in an unsustainable location. Therefore the application cannot be resisted solely on the fact that it would result in housing outside the housing development boundary.

The ministerial statement released in July 2013 states that, the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt. Therefore whilst the application site is considered to be in a sustainable location, this does not justify development within the Green Belt.

Furthermore policy RA.1 of the core strategy allows for development adjoining the housing development boundary but the land should not be located within the Green Belt. Therefore whilst the housing development boundary will come under review within the placemaking plan the application site would not be acceptable due to its location within the Green Belt.

The applicant has made reference to an appeal decision within Farmborough village where 38 dwellings were permitted. This site was not located within the Green Belt, was adjacent to the housing development boundary and was an allocated site safeguarded for development. It does not therefore form a direct comparison to this proposal.

The site is identified in the SHLAA (strategic land availability assessment) under reference Far.4. The SHLAA states that although theoretically the site could host up to 20 houses by virtue of its size, but because of its location in the Green Belt its true redevelopment potential is limited to that which would not affect the openness of the Green Belt. In practice this means very little development on site.

With regards to the loss of the employment land the business use will be retained to within the units to the east of the site. Therefore the application is not considered to be contrary to policy ET.3 of the local plan.

Green Belt

The application site is located within the Green Belt. The existing site has been previously developed and is therefore classed as being brownfield land. In this case paragraph 89 of the NPPF applies.

Paragraph 89 states that the construction of new buildings are regarded as inappropriate development. The policy then goes on to list exception to this. This includes the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary building), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

In this case the site is a largely open site. The existing workshops on the eastern side of the site will be retained. The only other built structure within the site is a single building within the centre of the site. Otherwise the site is a largely open site with little existing built form. Therefore the proposed development would result in an increase in the built form within the existing site.

The site is currently permitted as a haulage yard and vehicle/valet workshops. The current permitted use of the site would include the storage of materials and potentially a high number of lorries could be parked on site at any one time. The proposal would include the removal of a substantial area of hardstanding. The applicant argues that therefore the provision of dwellings would not have a greater impact on the openness of the green belt. However the proposed development would greatly increase the amount of permanently built structures located within the site. Whilst the current use of the site includes movable storage, paragraph 89 excludes temporary buildings. Therefore the proposal is considered to have a greater impact on the openness of the Green Belt and does not comply with paragraph 89 of the NPPF.

Impact on Openness

As stated above the proposed development will result in an increase in the amount of built structures located within the site. The site is currently surrounding a leylandi tree belt. This will largely be removed with the existing hedging to the road frontage retained. The existing trees provide screening from the road and surrounding area and their removal will increase visibility of the proposed development.

As stated above the proposed development is considered to have a materially greater impact on the green belt by reason of the increase in built form. Therefore the proposed development is considered to be harmful to the openness of the surrounding green belt.

Consideration of whether very special circumstances exist

As no very special circumstances have been demonstrated it is concluded that significant weight should be given to the provisions of the NPPF and this application has failed to comply with Green Belt policy.

Highways

The applicant has applied for access with all other matters reserved. The site is located close to Farmborough village which is supported by limited local services. However as services are provided within nearby villages the proposed development is not considered to be unsustainable. Furthermore the site is located within walking distance of the village school and there is pedestrian access to the village. The use of the existing vehicle access to provide access to the housing is considered to be acceptable.

There is pedestrian access on the southern side of the A39 but the footway is currently overgrown in places. A financial contribution of £20 000 is required to improve pedestrian provision with the junction with Tilley Lane.

The Transport Statement estimates that the peak hourly generation by the proposed 14 dwellings would be 8 cars, and when considering the retained commercial use the peak hour generation of the entire site would be 15 vehicles. This scale of change would not have a material impact on the operation of the A39 and would not justify improvements to be required as a result of a planning permission. Whilst the proposed parking arrangements will need to be reviewed when reserved matters are considered it is indicated that appropriate levels of parking will be provided.

Contaminated Land

The applicant has submitted a number of contaminated land assessments which have been referred to the contaminated land officer. The reports have concluded that further investigation would be required prior to development and it is likely that on site remediation would be required. The contaminated land officer has not objected to the application but due to the onsite contamination and sensitive nature of the development they have requested that a number of conditions would need to be included to ensure that this is carried out.

Affordable Housing

Housing services had originally expressed concern that the applicant should be making contributions towards affordable housing. Farmborough village has a population of under 3000 and therefore the development should make a provision for affordable housing in line with policy HG.8 of the local plan. Policy HG.8 requires the council to secure provision of 35% affordable housing before determining the application.

The applicant has agreed with the housing officer that 35% affordable house could be secured in line with the contributions SPD.

Other matters

No objections have been received from the Ecology officer. The applicant has submitted a bat survey which states that no bats have been found on site and the building to be removed provides negligible roosting potential. No objection has been raised by the Arboricultural officer.

A request has been made by education services for a financial contribution to be made towards school places of £58,254.70. This would provide contributions towards primary and secondary school places as well as youth services provision.

Concern has been raised that the site is prone to flooding. The highways drainage team have not raised an objection to the application provided that provision of made for the drainage of surface water by condition.

Following the meeting of the 4th June the committee resolved to refer the application for a site visit.

CONCLUSION

The application site is located on a brownfield site within the Green Belt. The proposed development would have a significantly greater impact on the openness of the Green Belt and therefore does not comply with national and local policy. The application is recommenced for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development will result in an increase in the amount of built form on the existing brownfield site and therefore the proposed development would result in a greater impact on the openness of the Green Belt. No very special circumstances have been put forward to justify inappropriate development within the Green Belt and the development is contrary to paragraph 89 of the National Planning Policy Framework and polices GB.1 and Gb.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

PLANS LIST:

1 Location plan 13-062/01
Access arrangement onto A39 002
Illustrative layout 13-062/CP02
Drainage Strategy 358-002
Topographical Survey A215/7555/1

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

REPORT

REASONS FOR REFERRING TO COMMITTEE

This application was initially referred to the committee on 4 June 2014 at the request of Cllr David Veal. The application was then deferred to enable members to carry out a site visit in order to assess the proposal site within its context.

UPDATE: Since the last committee meeting, Combe Hay Parish Council has submitted a copy of their statement to the DCC meeting.

DESCRIPTION OF SITE AND APPLICATION

The application relates to a plot of land to the north of Anchor Lane in Combe Hay Conservation Area. The site currently forms part of an open sloping grassed field to the north of the village, bounded by the curtilages of the Grade II listed mid C18 Rectory to the west and a single storey Meribah to the south. It lies within the Green Belt and AONB, outside the defined housing development boundary of the village.

The proposal seeks to extend the domestic curtilage of The Old Rectory to include this land and to erect a garage with staff accommodation above. The access to the site would be provided from the driveway of The Old Rectory. The building would be set on split level some 8m back from the boundary wall with Meribah, measuring approximately 16.4m in width, 7.5m in depth and up to 7.5m high at the ridge. It would be constructed in rubble stone with dressed stone copings under double roman tiles roof, and contain three parking bays on the lower ground floor and a one-bedroom self-contained flat above.

This application is a resubmission of a scheme that was withdrawn by the applicant in November 2013 (planning ref. 13/05028/FUL). The resubmitted proposal plans are identical, however the supporting Design and Access Statement has been changed to reflect previous comments by the LPA.

RELEVANT PLANNING HISTORY

(The Old Rectory)

DC - 05/00431/LBA - CON - 23 March 2005 - Conversion of double garage to study

DC - 03/03194/FUL - PERMIT - 9 March 2004 - Single-storey extension

AP - 03/00079/LBRF - ALLOW - 24 February 2004 - Single-storey extension (Resubmission)

DC - 98/02841/FUL - PER - 5 November 1998 - Replacement of existing conservatory, extension of drawing room, creation of housekeepers accommodation, insertion of new window openings

DC - 98/02842/LBA - PER - 5 November 1998 - Replacement of existing conservatory, extension of drawing room, creation of housekeepers accommodation, insertion of new window openings.

(The application site)

DC - 13/05028/FUL - WD - 12 February 2014 - Erection of a garage with affordable staff accommodation attached to and extending the curtilage of the Old Rectory.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Planning Policy - Object. The proposal is contrary to the National Planning Policy Framework and the emerging B&NES Core Strategy as the development is a development on Green Belt land outside of the current housing development boundary. Currently there are no plans to conduct a review of Combe Hay Housing Development Boundary.

Highways - no objections, subject to the additional accommodation being used solely for the purposes of staff accommodation for the main house.

Highways Drainage Team - no objections or comments

Environmental Health - no objections or comments

Conservation Officer - Object. The development will not lead to the preservation or enhancement of the CA and indeed it is regarded that it would cause harm to what is a highly sensitive location both in terms of the historic and natural environment.

Bath Preservation Trust - Object. The Trust objects in principle to land use of the Green Belt and AONB for inappropriate development especially in the absence of 'very special circumstances' relevant to planning policy. We do not consider that this proposal for a garage and staff accommodation in the Green Belt is made with exceptional or meritable circumstances and there is no obvious public benefit to outweigh the harm of the proposals. We note also that the land lies outside the Parish Development boundary.

Parish Council - at the time of writing, no formal comments received.

Third Party Comments - 35 pro forma and individual letters of support received. The proposal is of appropriate design and is essential for maintenance of The Old Rectory. It enhances the view from Watercress Cottage

(Full comments available on file)

POLICIES/LEGISLATION

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

SC.1: Settlement Classification

GB.1: Control of development in the Green Belt
GB.2: Visual amenities of the Green Belt
HG.9: Affordable housing on rural exceptions sites
HG.10: Housing outside settlements (agricultural and other essential dwellings)
HG.11: Extending existing residential curtilages
T.1: Overarching access policy
T.24: General development control and access policy
T.26: On-site parking and servicing provision
NE.1: Landscape character
NE.2: Areas of Outstanding Natural Beauty
BH.2: Listed buildings and their settings
BH.6: Development within/affecting conservation areas
BH.15: Visually important open spaces

BATH AND NORTH EAST SOMERSET SUBMISSION CORE STRATEGY: At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan, the Council attaches weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. The following policies should be considered:

CP6 - Environmental Quality
CP8 - Green Belt

NATIONAL PLANNING POLICY FRAMEWORK - MARCH 2012:

Section 9: Protecting Green Belt Land
Section 12: Conserving and Enhancing the Historic Environment

NATIONAL PLANNING PRACTICE GUIDANCE - MARCH 2014

COMBE HAY CONSERVATION AREA APPRAISAL (DRAFT MAY 2011) has not yet been formally adopted by the Council, but it serves as a very useful and relevant policy guidance document when assessing changes and new development within the CA.

OFFICER ASSESSMENT

The key planning considerations in this application are:

- The principle of change of use of land within the Green Belt;
- The principle of new building within the Green Belt and outside the defined Housing Development Boundary of Combe Hay;
- Impact on AONB and Green Belt openness;
- Impact on the heritage assets and conservation area;
- Residential Amenity and Highways Safety;
- Any very special circumstances that exist to outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm.

PRINCIPLE OF DEVELOPMENT

The key issue in the consideration of this proposal relates to the principle of development. The proposal represents both a change of use of land and a new building in the Green Belt.

Both these aspects of the proposal are considered as inappropriate development within Green Belt (NPPF paragraphs 89 and 90 and local policies GB.1 and HG.10, 11).

1. Change of Use

The proposal entails change of use of agricultural land to domestic curtilage within the Green Belt. Section 9 of the NPPF, which replaced the former Planning Policy Guidance on Green Belts, has omitted the reference to 'material changes of use' as being 'not inappropriate' form of development.

At the present time, Para 90 of the NPPF contains an exhaustive list of certain other forms of development which are not inappropriate in the Green Belt, providing they preserve the openness of the Green Belt and do not conflict with the purposes of including the land in the Green Belt. This list does not include any reference to material changes of use, which implies that any proposal for a change of use should be considered 'inappropriate' by default. This has also been confirmed in recent court cases such as *Fordent Holdings Ltd v Secretary of State for Communities and Local Government*.

In addition, saved Local Plan policy HG.11 (Extending existing residential curtilages) provides specific control over the enlargement of residential curtilages. It states that such enlargement must be resisted if they detract from rural character and lead to 'suburbanisation' of the countryside. It also specifically refers to the potential conflict of such proposals with the purposes of Green Belt national designation.

One of the key purposes of the Green Belt policies is to assist in safeguarding the countryside from encroachment, and the proposed change of use into a domestic curtilage will represent such encroachment. Considerations of appropriateness, preservation of openness and conflict with green belt purposes are not exclusively dependent on the size of the building alone but include their purposes too. If the land was able to obtain permission to become a residential curtilage, apart from the proposed garage/flat, this would in addition lead to the formation of all subsequent attributes, such as the proposed vehicular access, hardstanding, and other domestic paraphernalia.

2. New Building

Para 89 of the NPPF states that "a local planning authority should regard the construction of new buildings as inappropriate in Green Belt". One of the exceptions to this is:

- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan.

Local Policies GB.1 and GB.2 reflect national guidance controlling development and maintaining openness of the Green Belt.

The proposal to create a new garage/dwelling on the site does not fall in to the categories of 'infilling' or 'affordable housing' as described in Local Plan and/or NPPF, neither does it represent any other exceptions.

The proposal site sits outside the defined housing boundary of the village; this is a corner of an open field behind the road-facing dwelling. The proposal is not justified by a rural housing needs survey, and the resulting housing is not proposed to be owned or managed in line with Homes & Communities Agency regulations.

Another exception refers to:

- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Case law has determined that whether an outbuilding to a domestic building can also be considered as an extension is a matter of fact and degree in every case. Given the siting of the development site, outside the existing and historic curtilage, as well as the distance from and functional relationship with the Rectory, it is not considered that the proposal can be regarded as an extension to the existing building.

It is therefore concluded that the proposals would represent a departure from the Development Plan; it would not accord with the guidelines set out under either Paragraph 89 of the NPPF or Policy GB1 of the Local Plan and that it would be inappropriate development within Green Belt.

Paragraph 87 of the NPPF advises that inappropriate development is by definition harmful to the Green Belt and in accordance with that guidance, substantial weight should be attached to this harm.

It should also be considered whether there is any other harm from the proposal.

OPENNESS OF GREEN BELT

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. One of the five purposes of Green Belt designation, set out at Paragraph 80 of the NPPF, is to assist in safeguarding the countryside from encroachment.

The site falls outside the boundary of the village, which is clearly defined by Anchor Lane and the historic curtilages of the few buildings to the north. A new building here would represent a form of scattered piecemeal development outside the village envelope to the detriment of its setting and rural amenity of the area. Despite the proposed use of natural and traditional materials, this inevitably would stand out as a conspicuous new man-made imposition on a plot that had not been in use previously, surrounded by largely undeveloped or open land.

As a result of its proposed siting, taken together with its bulk and massing, it is considered that the proposal would harm the openness of the Green Belt and the character and

appearance of this rural area, and would conflict with Policy GB2 of the Local Plan which seeks to prevent development which would be harmful to the Green Belt, as well as guidance in the NPPF. This adds significant weight to the harm already concluded by reason of inappropriateness.

AONB

Apart from the Green Belt designation, the land falls within the AONB. The application site occupies a prominent and elevated position within a very valuable and highly protected landscape. Sloping green fields form an important part of the village's setting within the countryside. The landscape of the setting characteristically consists of the green undeveloped farmland, open green spaces, and trees and woodland which surround the sloping fields. The proposal would clearly erode the currently open character of the hill slope and would increase visual intrusion, even though it would be set behind another building.

HISTORIC ENVIRONMENT

The entire village of Combe Hay, including the field in question, is designated as a conservation area (CA) by the Council in recognition of its exceptional special qualities and character. The application site also sits in immediate proximity to a number of designated and undesignated heritage assets.

Notwithstanding some modern development mostly located within the middle of the village, which for the most part has had a detrimental impact, the historic form of the ancient settlement has survived and has been retained and identified as an important element of its special character. Some modern development on the periphery serves to illustrate the harm of new development.

One of another key characteristics is that Combe Hay Conservation Area is well contained within its high quality landscape setting and a river valley surrounded by steep hills which afford clear and important external views into the CA.

The location of the proposed new development is clearly visible from both within the CA and from outside. The new garage/house would be in clear view coming along the lanes from the south and the west. Conservation Officer specifically referred to the elevated view from the north at the top of the Old Bath Road, which is identified as an important view in the CA appraisal. As a heritage asset in its own right the designed landscape has a setting that is vulnerable to being harmed by development in this location.

The Grade II listed Old Rectory has been identified as one of three landmark buildings and furthermore its designed landscape has been identified as an important green space and is regarded as significant and important to the setting of both the protected building and the CA.

The rising platform of the new residential curtilage in relation to the lane, the substantial building rising behind and to the side of Meribah and the gable end of The Rectory, and the degree to which it would fill the currently open area would all combine to foster an air of visual congestion, significantly reducing the present sense of openness and permeability that gives the periphery of the settlement its character. Moreover, this sense

of visual congestion would be compounded by the presence of the hard surfaces discernible in perspectives from the lane and the fields to the north.

It is therefore concluded that the development will cause harm to what is a highly sensitive location both in terms of the historic and natural environment. This would result in accumulative erosion and harm of the CA's character.

Whilst it is acknowledged that the applicant is proposing the use of local natural materials, which is regarded as positive, this does not overcome the concern that the proposed development would fail to preserve or enhance the character and appearance of the conservation area and would be harmful to the setting of heritage assets within it.

To conclude, the proposed development is regarded as causing harm to the setting of designated heritage assets and is contrary to Planning (Listed Buildings o& Conservation Areas) Act 1990, Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework, the accompanying Historic Environment Planning Practice Guide, Local Policies BH.2, BH.6 and BH.15, and counter to the aim of heritage protection.

RESIDENTIAL AMENITY AND HIGHWAYS SAFETY

There are no objections to the proposal in terms of its impacts on residential amenity or highways safety.

Meribah would be set on a lower ground in relation to the new building and its rear would be fully overlooked, however the rear elevation only has one obscure glazed bathroom window. There also would be a small gain of amenity space to the side of the house (currently part of the field).

Combe Hay is located remote from local services and public transport, and therefore as a new independent residential unit the proposal would be contrary to sustainability policies. Highways expressed no objections, providing the building remains in ancillary use to The Old Rectory. The applicant has agreed to a planning condition to ensure the building is retained as such.

There would also be a small reduction in some daily trips associated with work trips to and from the site by the housekeeper, however this could be offset by the trips that other members of family might make travelling to work elsewhere.

VERY SPECIAL CIRCUMSTANCES

The proposed development is located outside housing development boundary and within Green Belt where the change of use and new buildings are generally considered inappropriate development. Furthermore, it is likely to have a greater impact on the openness of the Green Belt in relation to existing, and to detrimentally affect the surrounding AONB landscape setting of village and its heritage assets.

Para.87 of the NPPF explains that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Para.88 adds that "when considering any planning application, local planning authorities

should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

Very special circumstances by definition are rare and should be not easily duplicated at other sites.

The applicant argues that the proposal does not represent inappropriate development within Green Belt, but nevertheless puts forward the following special circumstances within the supporting Design and Access Statement:

- Provision of accommodation for staff and garage space necessary for the maintenance of the property and its future sustainability. It is reasonable to expect such facilities for this property.

The supporting statement also justifies the proposal on the grounds of visual improvement and refers to a planning case for garage/staff accommodation at Eastwood Manor in East Harptree (ref. 08/04178/FUL).

It is not considered that the applicant has demonstrated very special circumstances to outweigh the harm to the Green Belt and other harm.

- The proposal would be harmful to the setting of historic assets of the village and the openness of the Green Belt, contributing to the deterioration of its verdant open character. It would represent a form of scattered development outside the village envelope to the detriment of its setting and rural amenity of the area.

- With regards to the provision of housing for the housekeeper, it has been noted that planning permission 98/02841/FUL, inter alia, included a 'housekeepers flat within basement area of the house to replace an existing housekeeper's accommodation on the second floor'.

- The house also used to have an integrated double garage to the lower ground floor, and it was converted by the current owner to a study under listed building consent 05/00431/LBA.

- The Eastwood Manor application related to a new building within the existing residential curtilage of The Manor, which also is outside Green Belt land, therefore there could not be a direct comparison between these two applications.

The justification emphasises that a building of this size and status would have historically had a range of ancillary buildings in order to function and service the main house, and since these buildings are now in a separate ownership, an additional building would be warranted. The former ancillary buildings of The Old Rectory are still in existence contributing to its setting. Whilst it has been noted that the current arrangements are not satisfactory to the owner of The Old Rectory, it is noted that the building has been operated within its current curtilage for a number of years. On the other hand, the harm caused by the loss of an open green space and the new building within the Green Belt and the Conservation Area would remain long after these personal circumstances ceased to be a material consideration, therefore this argument should be given little weight when reaching a decision on planning application. Additionally, if permission was granted on the basis of such circumstances, it would set an unfortunate precedent that would significantly compromise the Council's ability to resist similar developments in the rest of the village.

CONCLUSION

Given the above, it is considered that the proposal would constitute inappropriate development within Green Belt, which would be harmful by definition and would fail to preserve the openness of the Green Belt and would undermine the purposes of including the land within it. The proposed development of the site would be harmful in the context of the AONB and the setting of Combe Hay Conservation Area. The totality of harm to the Green Belt by reason of inappropriateness, and any other harm, is not considered to be clearly outweighed by other considerations. The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development represents an inappropriate form of development within the Green Belt which is harmful by definition. No very special circumstances have been demonstrated to clearly outweigh the harm. The proposal is therefore contrary to the guidance set out in the National Planning Policy Framework (March 2012) and Policy GB.1 of the Bath and North East Somerset Local Plan, including minerals and waste policies adopted October 2007.

2 The proposed development would have a significant impact on the openness of the Green Belt and would conflict with the purposes of including the land within Green Belt by encroachment which is detrimental to the open rural character of the surrounding area. The proposal is therefore contrary to the guidance set out in the National Planning Policy Framework (March 2012) and Policies GB.1 and GB.2 of the Bath and North East Somerset Local Plan, including minerals and waste policies adopted October 2007.

3 The proposed scheme by reason of its siting and design and loss of an important open space would detrimentally affect the setting of the protected building, the surrounding Combe Hay Conservation Area and the setting of the village within the AONB. Therefore the proposal is contrary to the requirements of National Planning Policy Framework (March 2012), as well as Policies BH.2, BH.6, BH.15, and NE.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007.

PLANS LIST:

OS Extract 25 Mar 2014 M8 LOCATION PLAN
OS Extract 25 Mar 2014 M9 HISTORICAL SITE PLAN
Drawing 25 Mar 2014 M4 SITE SURVEY
Drawing 25 Mar 2014 M5C PROPOSED GARAGE ELEVATIONS AND FLOOR PLAN
Drawing 25 Mar 2014 M6A PROPOSED BLOCK PLAN

Decision Taking Statement: In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined

in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding advice provided during previous application, the applicant chose to re-submit the application. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. The fundamental issues could not be overcome, and the applicants chose not to withdraw the application. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

This page is intentionally left blank

Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	2nd July 2014
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

BACKGROUND PAPERS

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

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

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

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

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	14/02158/FUL 15 August 2014	Bath Rugby Ltd Recreation Ground, Pulteney Mews, Bathwick, Bath, Bath And North East Somerset Retention and/or replacement of, and extensions to, the existing temporary spectator stands along the north, west and eastern sides of the retained playing field, (as approved under planning permission references 09/01319/FUL, 10/01609/FUL, 10/01608/FUL, 10/01611/FUL), provision of new hospitality boxes to either side of the retained south stand, new control room, and associated works and ancillary facilities comprising toilets and food and bar facilities (temporary application for period of up to two years)	Abbey	Gwilym Jones	PERMIT
02	13/04710/OUT 29 January 2014	Davies Street (Bathampton) Ltd The Old Timber Yard, Tynning Road, Bathampton, Bath, BA2 6TQ Outline planning application with all matters reserved, except means of access, for a residential development (15 units) following the demolition of existing buildings with associated parking, landscaping and ancillary works and relocation of mast.	Bathavon North	Richard Stott	PERMIT
03	13/04683/FUL 25 December 2013	Legend Strategy Enterprises (UK) Ltd Radway Service Station, 482 Wellsway, Bath, BA2 2UB, Demolition of the existing Radway Service Station at 482 Wellsway and dwelling house at 2 Oolite Road to provide five small-scale student cluster flats. (Resubmission)	Odd Down	Jonathan Fletcher	Delegate to PERMIT

04	14/01016/FUL 16 May 2014	Mr Paul Kettley 21 Woodland Grove, Claverton Down, Bath, Bath And North East Somerset, BA2 7AT Erection of 3no detached dwellings following demolition of a single dwelling and garage	Bathwick	Chris Griggs- Trevarthen	PERMIT
05	13/05022/FUL 30 May 2014	Mrs Helen Curtis Druid Farm, Pensford Lane, Stanton Drew, Bristol, Bath And North East Somerset Erection of a new building following the demolition of existing building for storage purposes	Clutton	Chris Griggs- Trevarthen	REFUSE
06	14/00981/FUL 28 April 2014	Abbey Hotel Abbey Hotel, 1 North Parade, City Centre, Bath, Bath And North East Somerset Change of use of public highway to allow temporarily sitting of chalet to house outside catering bar	Abbey	Jonathan Fletcher	REFUSE
07	14/01817/FUL 2 June 2014	Mr Donald MacIntyre End Farm, St Catherine Lane, St. Catherine, Bath, Bath And North East Somerset Provision of field gate onto St Catherine Lane adjacent to junction with Beek's Lane, allowing access to three agricultural fields east of Beek's Lane, formerly accessed via Beek's Lane (Retrospective) (Resubmission)	Bathavon North	Jonathan Fletcher	REFUSE

**REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON
APPLICATIONS FOR DEVELOPMENT**

Item No:	01
Application No:	14/02158/FUL
Site Location:	Recreation Ground Pulteney Mews Bathwick Bath Bath And North East Somerset



Ward: Abbey

Parish: N/A

LB Grade: N/A

Ward Members: Councillor B J Webber Councillor Manda Rigby

Application Type: Full Application

Proposal: Retention and/or replacement of, and extensions to, the existing temporary spectator stands along the north, west and eastern sides of the retained playing field, (as approved under planning permission references 09/01319/FUL, 10/01609/FUL, 10/01608/FUL, 10/01611/FUL), provision of new hospitality boxes to either side of the retained south stand, new control room, and associated works and ancillary facilities comprising toilets and food and bar facilities (temporary application for period of up to two years)

Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, Protected Recreational, World Heritage Site,

Applicant:	Bath Rugby Ltd
Expiry Date:	15th August 2014
Case Officer:	Gwilym Jones

REPORT

REASON FOR REPORTING TO COMMITTEE

The Divisional Director - Development, considers that given the prominence of the site this application should be determined by the Development Control Committee.

SITE AND SURROUNDINGS

The Bath Recreation Ground ('The Rec') is located in the heart of the city, within the City of Bath Conservation Area and the UNESCO World Heritage Site. Bath Rugby's ground occupies the western part of The Rec and comprises a number of permanent buildings including the Clubhouse at the northern end of the ground, covered South and West Stands as well as temporary seating and stands principally on the eastern and northern sides of the pitch. The area occupied by the Club includes the Grade II listed 'President's Lounge' (a former lime kiln), and beyond (to the north) the site is bounded by the Grade I listed terraces of Johnstone Street. To the south is the Council Leisure Centre building and to the west a public footpath and beyond that the River Avon. The remainder of The Rec to the east is recreational open space. The application site is located within Flood Zone 3a/3b.

Vehicular access to the ground is via William Street and Pulteney Mews from the north and off North Parade Road from the south. Pedestrian access is via Pulteney Mews from the north and the riverside walk to the west of the Recreation Ground, as well as from the south via the Leisure Centre car park off North Parade Road.

The Club occupies its site on The Rec under the terms of a lease granted by the Recreation Ground Trust, a charitable organisation. The lease defines a specified area of The Rec that the Club are permitted to occupy and the footprint of the proposed extensions (i.e. where the structures are positioned on the ground) would be sited within the existing lease area. It is noted however that the proposed upper level extension to the East Stand would over-sail the lease boundary.

CURRENT PLANNING APPLICATION

This is a full planning application for the retention and/or replacement of, and extensions to, the existing temporary spectator stands on the north, west and eastern sides of the playing field, provision of new hospitality boxes to either side of the retained south stand, new control room, and associated works and ancillary facilities comprising toilets and food and bar facilities. Planning permission is sought for up to 2 years and would increase the capacity of the ground by about 2,000 from 12,000 to 14,000 spectators. The application comprises:

North Stand - retention of previously approved terracing and extension to the existing temporary stand involving the construction of between two and five rows of seats along the length of the stand to provide 408 seats in addition to the standing area. The proposals will increase the height of the stand by approximately a maximum + 3m from 4.57m to 7.6m including a safety guard rail (+2.7m to a maximum of 7.25m adjacent to Johnstone Street). The seating will be located in front of and to the east of the existing

Clubhouse with access from each end as well as from an existing staircase at the eastern end of the Clubhouse. The existing east-west pedestrian route between the Clubhouse and the Stand (which is also a route for Environment Agency access to the Radial Gate on the River Avon) will be maintained beneath the proposed additional seating. The stairs/handrails/guard rails/balustrades will be unpainted aluminium, with plastic seating similar to that previously approved on the East Stand.

East Stand - retention of and extension to the existing temporary stand comprising the construction of five additional rows of seats along the length of the stand to provide 1,167 additional seats to the scheme approved in 2010. The proposals will increase the height of the stand by +1.25m from approximately 7.8m to 9.1m including a safety guard-rail. It is proposed that double layered green coloured netting would cover the rear of the stand as has been used for the previously approved temporary East Stand. The stairs/handrails/guard rails/balustrades will be aluminium, with the additional seating to be similar to that previously approved on the East Stand.

South Stand - construction of two temporary buildings (3.75m x 4.5m and 10.2m high) to the east and west of the existing South Stand. These will provide additional hospitality boxes with access from the existing South Stand. The structures will have an open ground floor (above existing seating) and two floors above constructed of white painted steel on black painted steel supports. The boxes will have balconies to the north elevations (and south on the eastern side of the existing stand). The access stairway, balcony balustrade, guard-rails and doors/windows will match the existing South Stand.

West Stand - retention of previously approved temporary seating area and siting of control room 3m x 3m and 7.25m high, located at the northern end of the West Stand. The Control Room is a requirement of the Professional Gaming Board and the Council's Safety Advisory Group. No increase in spectator capacity is proposed from that previously approved.

Previous permissions for temporary stands and seating permit their erection on the site for a maximum of 39 weeks in any year and require that they are entirely removed on or before the 21st May each year.

The existing floodlighting, screen and public address systems will remain as existing.

The application is accompanied by a Planning Statement, Design and Access Statement, Transport Assessment and Travel Plan, Heritage Statement, Archaeological Assessment, Landscape and Visual Impact Assessment, Flood Risk Assessment and Statement of Community Involvement.

RELEVANT PLANNING HISTORY

14/01906/SCREEN Request for screening opinion in relation to the proposed temporary planning application for an interim stands scheme - Pending Consideration

13/04165/SCOPE Request for scoping and screening opinion for the redevelopment of Recreation Ground - Screening and Scoping Opinion

13/02074/FUL Alterations to existing Groundsman's sheds to enlarge access doors and improve structural stability Permitted 08./07./2013

12/05174/FUL Replacement of existing scoreboard with new larger scoreboard (Retrospective) - Permitted 30.01.2013

12/04592/LBA Internal alterations to form new First Aid Suite to lower floor of existing lime kiln building following removal of existing portable First Aid unit - Permitted 17.12.2012

12/03649/COND Discharge of condition 2 of application 12/02616/LBA - Discharged 27.09.2012

12/02277/FUL Replacement operational Slim-line & Lightweight Flagpole extending to 12.1m AGL with integral antennae together with 1no equipment cabinet positioned at ground level at Bath Rugby Ground Clubhouse - Application Withdrawn

12/02616/LBA Provision of new hardstanding following removal of existing lean-to tin groundsman's shed - Permitted 13.08.2012

11/02078/FUL Replacement screen/scoreboard Permitted 10.08.2011

10/03326/COND Discharge of conditions 8, 9 and 11 of application 10/01611/FUL - Split decision 01.10.2010

10/03325/COND Discharge of conditions 3, 7, 8 and 10 of application 10/01609/FUL - Split decision 01.10.2010

10/02958/COND Discharge of condition 3 of application 10/01608/FUL Condition Discharged 07.09.2010

10/01612/FUL - Replacement Screen/Scoreboard - Permitted 24.06.2010

10/01611/FUL - Erection of temporary East Stand - Permitted 08.07.2010. Expires 08.07.2015

10/01610/FUL - Erection of extension to permitted standing area (North Stand) - Withdrawn

10/01609/FUL - Erection of temporary stands on west side of ground including fabric roof over part of Ringside 2 and alterations to fencing to incorporate additional area to improve spectator circulation and accommodate additional portable toilet trailers during rugby season - Permitted 24.06.2010. Expires 24.06.2015

10/01608/FUL - Erection of temporary covered seating for disabled spectators at Ringside 5 - Permitted 24.06.2010. Expires 24.06.2015

10/00412/TCA - Pollard Horse Chestnut to east of Clubhouse - No objection raised 22.02.2010

09/01319/FUL - Erection of replacement temporary stands with associated works to earth bank and area of concrete terracing - Permitted 09.07.2009

07/03785/VAR - Variation of conditions 1 and 2 of application 05/02211/FUL in relation to extension of temporary permission (Condition 1 relates to the extension of time from May 2008 until May 2011) and (Condition 2 enables greater flexibility as to the date of the commencement of the 39 weeks the stand could be in place) - Permitted 20.03.2008

07/03784/VAR - Variation of conditions 1 and 2 of application 05/03248/FUL in relation to extension of temporary permission (Condition 1 relates to the extension of time from May 2008 until May 2011) and (Condition 2 enables greater flexibility as to the date of the commencement of the 39 weeks the stand could be in place) - Permitted 20.03.2008

07/03783/VAR - Variation of conditions 1 and 3 of application 05/02209/VAR in relation to extension of temporary permission (Condition 1 relates to the extension of time from May 2008 until May 2011) and (Condition 3 enables greater flexibility as to the date of the commencement of the 39 weeks the stand could be in place) - Permitted 20.03.2008

06/02293/VAR - Variation of condition 2 of application 05/02211/FUL consent 14.09.05 to enable earlier erection of temporary stands prior to commencement of season - Permitted 10.08.2006

06/02204/VAR - Variation of condition 2 on application 05/03248/FUL permitted 22.12.05 to enable earlier erection of temporary stands prior to commencement of season - Permitted 10.08.2006

06/02294/VAR - Variation of condition 3 of application 05/02209/VAR consent 14.09.05 to enable earlier erection of temporary stands prior to commencement of season - Permitted 11.08.2006

05/03248/FUL - Extension to temporary North Stand - Permitted 22.12.2005

05/02211/FUL - Erection of temporary stands on west, north and south sides of rugby pitch, for use until 20th May 2008 - Permitted 14.09.2005

05/02209/VAR - Variation of condition 1 of planning permission 03/01301/FUL to extend expiry date to 21st May 2008, for east stand - Permitted 14.09.2005

03/01301/FUL - Erection of New Temporary East Stand - Permitted 06.08.2003

01/01348/VAR - Variation of condition 1 of permission 98/00773/VAR (temporary stands) to expire on 21 May 2005 (revised proposal) - Permitted 10.10.2001

96/00219/FUL - Erection of a temporary stand on west side and replacement of existing temporary east side stand - Refused 18.09.1996

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

The applicant has submitted an EIA Screening Opinion request. In the light of an assessment of the proposed development and the range, likelihood and scale of effects on the environment, including the cumulative impact of the different elements and operations and with other development it is concluded that there are unlikely to be significant effects on the environment and an Environmental Impact Assessment is not required in this case.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

English Heritage

Recognise that there will be some impact from this proposal on the historic environment, but it will be temporary and not substantial in terms of scale and height. Bath Rugby Club ground is located in the centre of the city of Bath. The existing stadium is made up of a variety of structures of varying architectural merit at best described as of neutral quality. The rugby pitch is situated within the Council owned Recreation grounds on the eastern side of the River Avon opposite the Grade II Parade Gardens and to the south of Pulteney Bridge - listed Grade I. This location is within the Bath World Heritage Site and the city-wide Conservation Area. Being so centrally located, the grounds are close to many highly designated heritage assets including Bath Abbey and property fronting onto Johnstone Street as well as those already mentioned above. Development on the site has the potential to impact on the settings of surrounding designated historic assets in views through, into and out of the site and on the Outstanding Universal Values (OUV) of the World Heritage Site. Given the minor increases in the scale of the existing stands and the temporary nature of the proposals we do not regard that the level of harm is sufficient to cause us to raise an objection. There are however some aspects of the scheme that require more information or that we would wish to see controlled by condition:

- the extension to the SW corner of the South Stand could be potentially harmful to the perceived openness of The Rec within the conservation area.
- details for the new control box are poor and in our opinion being relocated closer to the western side of the river within the opening to one of the main entrances could potentially have an impact on views and the visual permeability of the site.
- we are pleased to see that a proposed crowd management strategy is being put forward as part of this Interim Scheme proposal, which may help to relieve pressure on the historic environment at key times and locations.

Environment Agency

No objection in principle to the proposals subject to conditions relating to compliance with submitted Flood Risk Assessment and ensuring access for a 1000 tonne crane to Pulteney Gate in the event of an emergency. Note that as the planning application seeks temporary permission for 2 years, the FRA has only considered the impact of climate change within this timeframe. If a more permanent planning permission is sought in the future the FRA would need to be revised to ensure the impacts of climate change are considered over a longer period.

BANES Historic Environment Team

East Stand (seasonal) - the proposed five additional rows to the rear of this temporary stand increase the height by 1.25m. Such modest increase is not considered significant in terms of impact on views towards the city centre, including those of the Abbey. The height change would be hardly discernible. The increased cantilever would be apparent when viewed from the recreation ground but is not considered to cause any substantial harm to heritage assets.

North Stand - the proposed additional seating terraces will increase the height to the top of the railings by 2.7m. This is the greatest proposed increase in height of the three stands (north, east and west). The most fundamental impact will be on views along Johnstone Street (Grade I listed terraces) and on the setting of the President's Lounge (Grade II). The current stand is set back about 10.5 m from the front elevation of the President's Lounge and this depth will decrease to about 5.8m with the proposed addition. This will have an impact on the setting of this listed building, but this is considered to be less than significant due to the presence of the existing stand and the impact that it already makes. The proposed increased stand height will result in the new railings at the top of the terrace being visible from and interrupting the existing view from the end of the street. However, there are existing railings at the end of Johnson Street itself which already obscure the view, and these will also partly screen views of the new railings at the top of the stand. There is also a structure proposed at the west end of the stand adjacent to the river which it is understood will replace the existing portacabins at the east end. Again the design will need to respond to the sensitivity of this particular location and more details should be sought, possibly by condition.

South Stand - this part of the scheme includes front row space for wheelchairs and additional hospitality boxes at both ends rising to height of 10.2m. The most significant external views of this stand are of its west end from Grand Parade and the bridge. The extension on the west end will be clearly visible in this important view and will screen existing open views through to the rugby ground and beyond. There is no objection to the principle of a new structure in this location, grouping with the existing buildings, provided the quality of design is sufficiently high to justify its presence and impact. I am not convinced that there is sufficient information currently submitted to make a full assessment of potential harm caused, and would recommend that its design is covered by a condition requiring submission of full details.

West Stand - to remain as existing.

Banners and flags are shown on the drawings, positioned along the backs of the stands. These are excessive in number and will have a considerable skyline and long distance visual impact but I understand they do not form part of this application.

Conclusion - undoubtedly the temporary proposals will have an impact on heritage assets, but this is considered to be less than substantial. Paragraph 134 of the NPPF states 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". There are considerable public social and economic benefits for the city

derived from the scheme, including the club's forthcoming 150th anniversary celebrations. There is also enhanced accessibility to the grounds for wheelchair users and widened gates for the general public, further adding to the public benefit. In such circumstances it is considered that these outweigh the less than substantial harm caused by the proposed temporary works. I consider that further details should be sought for the proposed new structures adjacent to the river as highlighted above. Alternatively conditions should be included, requiring such information. Provided the design of these structures is deemed to be satisfactory I would recommend that temporary permission is granted for the development.

Highways

The Recreation Ground is located in an accessible position, and the highway authority does not object to the principle of the development at this location. However, given the existing pedestrian access limitations and also the potential for a wider impact on the Bath transport network, a full assessment of the impacts is necessary. There is also a need to review the impacts that could occur through the construction phase of the proposed development (it is noted that some of the stands are temporary and need to be dismantled and reconstructed every summer). The applicant has submitted a Transport Assessment and Travel Plan which aim to quantify the potential impacts and promote mitigation measures where deemed to be necessary.

In terms of access to Bath, there are potential constraints which could mean that any increase in the number of rugby spectators travelling to Bath could result in a detrimental impact on other travellers, visitors to Bath and/or residents. To determine the significance of such impacts, the parking capacity and the adequacy of the public transport connections has been reviewed as part of the Transport Assessment. The Transport Assessment estimates that there will be an increased parking demand of 374 vehicles associated with the extension proposals. This figure does not appear to be unreasonable given the existing parking trends associated with the supporters that already travel to the Recreation Ground. The Assessment has made the assumption that there is no additional parking available within the city centre car parks (which is agreed), and spectators would have to park at other available destinations. The submitted information demonstrates that on a 'normal' Saturday match day, there would be sufficient capacity at P&R sites, although this is somewhat subject to the proposed Newbridge P&R site extension being completed (due to be finalised later in 2014). It is also anticipated that there would be a moderate increase in the level of on-street parking within areas where no existing parking controls exist. Whilst the submitted information demonstrates that increased demand on parking is likely to be able to be accommodated on a typical Saturday, there would be a significant worsening of the existing capacity problems that occur when other large events, such as the Christmas Market, the Bath University open day (which currently takes place on a Saturday in September) and University of Bath and Bath Spa University fresher's welcome weekend, coincide with the rugby fixtures. To help mitigate potential overcrowding, the P&R operator has previously increased frequency of buses at peak times and also opened the P&R sites later on Friday evenings. It is expected that this flexibility will continue in the future, although the Club will need to work with the operators to confirm fixture dates and times. To ascertain the potential impact of the additional vehicles associated with rugby spectators, as part of any temporary permission granted, it is recommended that the parking levels at the P&R facilities are monitored to determine the significance of any adverse impacts. It is also recommended that surveys of P&R bus use (and any queuing) is undertaken to determine whether delays occur on match days.

This monitoring will need to form part of the Club's Travel Plan and should be used as evidence to determine whether the more permanent aspirations for the Rugby Club can be accommodated without further mitigation measures being implemented. The nature of such monitoring will need to be agreed as part of the Travel Plan review process.

The Transport Assessment fails to provide any detailed information or modelling work to demonstrate that the planned increase in stadium capacity at the Recreation Ground would not result in key junctions near to the ground operating over capacity as a result of any increase in the number of cars travelling into the city centre. Despite the conclusions drawn in the Section 10.6 of the Transport Assessment, with no analysis of those junctions and their operation both pre and post implementation it is impossible to judge whether these increases will have a noticeable or severe impact on traffic operation in the city. Notwithstanding the lack of any traffic modelling work that has been undertaken as part of this application, the Travel Plan that accompanies the application stipulates that short and long term monitoring will be undertaken by Bath Rugby Club. The monitoring undertaken as part of the Travel Plan should not just be used to monitor and ensure the effectiveness of the travel plan and any mitigation measures put in place, but should also be used to monitor the operation and performance of the highway network at key locations surrounding the Recreation Ground. This would ensure that any additional spectator capacity is not having a significant or severe impact in the level of highway capacity. Further discussions will need to take place to agree frequency of monitoring and those key locations that will need to be monitored as part of the Travel Plan as well as the type of indicator that will be monitored. As a minimum any monitoring would need to measure traffic volumes on key links and turning counts at key junctions as well as queue length surveys. Baseline monitoring will need to be undertaken to act as a tool for comparison. It is recommended that any baseline monitoring as part of this process will need to be collected prior to any permission being granted. Before and after monitoring will provide the necessary information on which to examine the effects of any increase in traffic levels associated with the increase in capacity at the ground.

There are existing train capacity problems on match days, and this is particular an issue on the Westbury to Bath First Great Western (FGW) route. The Transport Assessment predicts that there would be an additional 444 train passengers travelling to Bath for each rugby fixture. The Transport Assessment confirms that FGW do not have reservations relating to train capacity on the majority of routes, however, any additional demand on the Westbury to Bath line would be a significant issue. Additionally, there are times when the train station capacity is exceeded (again, when matches coincide with other events being held in central Bath) and passengers will need to be held in Brunel Square outside of the station. The details of such arrangements will need to be agreed with the land ownership, and it is understood that this negotiation is continuing at the current time. To help overcome the problems on the Westbury to Bath rail line (which will not be alleviated by the train operating companies within the timescales of any temporary permission), the Bath Rugby will provide coach services as an alternative to train use. This initiative is welcomed, and it is considered that there is significant potential to extend the coach services to offer more capacity. This would help to alleviate capacity issues on the local train services and also encourage people to move away from car use. The detail of the coach service provision will need to form part of the Travel Plan together with measures to manage coach parking close to the stadium, (see further information below). The location of coach drop off and pick up locations close to the stadium will need to be agreed and it is understood that initial discussions have been held to determine whether the suggested

arrangements are suitable. It is recommended that these agreed arrangements form part of an updated Travel Plan. Additionally, the result of on-going discussions with First Group in relation to additional bus routes need to be included within the Travel Plan.

In terms of the journey to the stadium the Transport Assessment quantifies the additional number of spectators who would want to use P&R bus services or walk between the rail station and the stadium. There would also be a higher number of spectators who would walk from origins across Bath (10.8% of spectators) and also local bus routes (5.8% of spectators). As a consequence, there will be an increased demand on key pedestrian routes and also some local bus services (including the P&R routes). Given the increased demand on the pedestrian routes, the Rugby Club are committed to providing stewards to help manage pedestrian flow and in particular on North Parade and Pulteney Bridge. There are concerns that the existing pedestrian congestion, that can occur at peak times, will worsen and there could be a safety risk. The detail of the pedestrian management, including on-the-day ticketing arrangements, will need to be included as part of the Travel Plan and agreed before the extended stadium is operational. Furthermore, a monitoring regime will be needed to ensure that the management measures can be adjusted to suit issues as these arise. As part of the Travel Plan, a monitoring system of the wider pedestrian network will be needed to ensure that the impact of the temporary stadium enlargement can be reviewed and that improvements implemented where safety issues arise. As a temporary permission is being sought, this monitoring will also help to inform the measures needed to support the longer term aspirations of the Rugby Club. The Travel Plan confirms that improved pedestrian signing will be provided on key routes to and from the stadium. The exact form of the signing arrangements is still in discussion and it is recommended that the detail of the signing provision is included as part of the Travel Plan process.

Access to the Recreation Ground for pedestrians is constrained at North Parade and Pulteney Bridge and it is logical that the number of spectators entering the stadium would be regulated. However, there would be a higher pedestrian flow leaving the stadium at the end of each match and there will need to be effective crowd control management measures in place to ensure that overcrowding does not become a critical issue. It is understood that the Club do now actively steward the areas immediately outside of the ground and that an independent safety officer is employed to manage match day activities. As part of the Travel Plan process, it is recommended that in conjunction with the safety officer, the crowd management activities are monitored and that the success or otherwise of the crowd management is reported. Given the temporary nature of any permission gained, the crowd management operation can be reviewed using this information to determine whether a more permanent expansion of the stadium is appropriate. The proposals to increase the number cycle stands at the stadium are welcomed, and it is recommended that the use of these facilities is monitored to determine whether additional cycle parking provision is justified to meet any suppressed demand.

The Club has made a commitment to updating the existing Travel Plan and continuing to develop this as a 'living' document. Regular updates of the document will be needed and this should demonstrate how effective the adopted strategies are, and whether further action is needed to meet the stated travel targets. Following liaison with the Club, there is some reassurance that there is an understanding about how important Travel Plan measures are to the success of this temporary permission and the longer term stadium aspirations of the Rugby Club. The Travel Plan confirms that the Club's website and direct

email communication will be used to provide spectators with all of the necessary travel information. The success of this approach will form part of the Travel Plan review. The submitted Travel Plan includes a series of proposed targets, and the overall ambition to maintain or reduce car use levels is welcomed. It is recommended that the adequacy of these targets is reviewed, and in particular 'Target 1' is difficult to interpret as currently drafted. Given the importance of such targets, it is recommended that this review is undertaken before planning permission be granted. To ensure that the Travel Plan remains effective, the Club will need to be pro-active in liaising with the highway authority and other major event organisers such as both universities in the city and Bath Tourism Plus to anticipate and avoid potential clashes which may otherwise result in severe traffic congestion in the city. It will also be necessary for the Travel Plan co-ordinator to become involved with the regular forum that brings together local businesses and the local authority to manage travel demand in the city. The Travel Plan, and subsequent updates, will need to be secured as part of any permission, and the mechanism to secure this will need to be agreed.

A standalone Construction Management Plan has not been submitted as part of the planning submission. There are two sections within the Transport Assessment that consider the potential impact of the proposed construction activities, and both confirm that a Management Plan will be provided when the number of vehicles and contractor methods are known. The additional note received on 3rd June 2014 makes reference to the Transport Assessment but concludes that a Management Plan would not be necessary, however, further details of the construction methods are not provided. Given that this application is seeking to retain existing temporary stands and also to extend these facilities, it is considered that the applicant will need to submit a Management Plan to demonstrate how the potential impacts on the local highway and residents can be minimised.

Further to information from the applicant (received on 13th June 2014) the revised information provides some further clarification on comments made in relation to the Travel Plan, and it is also noted that a further revision of the Travel Plan will be submitted at the beginning of the season. To ensure that this is achieved, it is recommended that a condition is applied to any permission so that the revised Travel Plan has been agreed with the highway authority at least one week before the first home fixture of the 2014 / 15 Premiership Rugby season. The Travel Plan will need to include effective monitoring measures that consider traffic movement, bus usage and pedestrian activity (at the stadium and also on routes between the stadium and the city centre and rail / bus stations). In relation to the potential traffic impact of the proposal, it is acknowledged that it will not be possible to collect further data in advance of the 2014 / 15 season. However, given the scale of the stadium extension and potential for further future development, a review of traffic flow changes will need to be included as part of the Travel Plan. The submitted information suggests that the increase in traffic movements will be insignificant when compared against the total flow across all links in Bath. This is considered to be too simplistic and does not allow for any concentration of movement on specific links. It is recommended that link data through the forthcoming season is reviewed against the previously collected data on the main highway routes in / out of Bath. Furthermore, it is recommended that if a 5% (or more) increase is identified on any of those links, the need for further study at specific locations would be required. The precise detail of this requirement can be included within the next iteration of the Travel Plan. It is noted that use of the stadium cycle parking will be monitored, and this is welcomed. Details of the

additional pedestrian signing will also be provided within the next version of the Travel Plan. It is accepted that the detail of the coach / bus operations can be included within the next iteration of the Travel Plan. Monitoring of the bus use will need to form part of the Plan, and this should also include a review of the P&R services. The Club's liaison with the local bus operators is welcomed, and if not already done so, it is recommended that this is extended to include First Great Western (the local train operating company). Car sharing is mentioned within a header of the submitted Travel Plan, but no further details are provided. This section of the Plan will need to be updated. The latest submission suggests that further information relating to the crowd management within Brunel Square can be provided, and it is requested that this information is submitted. Additionally, it is reiterated that the monitoring of crowd movements at the stadium and on the main routes between the stadium and station / city centre will need to form part of the monitoring regime. The scope of this monitoring will need to be agreed. It should also be noted that this information would be needed to inform any future application should there be an aspiration to develop the stadium on a more permanent basis. The wording of Travel Plan 'Target 1' has been clarified. However, it is still unclear how this target could be monitored and this will need to be considered as part of the next Travel Plan revision. The submission of a Construction Management Plan is welcomed. It is noted that the construction vehicle access route uses third party land, and it is the applicant's responsibility to ensure that they have the land owner's permission to use this route for this purpose. In summary, the highway authority raises no objection to this temporary proposal, however, it is critical that the contents of the Travel Plan are fully agreed prior to the commencement of the 2014/15 Premiership Rugby season. There is no reason why discussions relating to the detail of the Travel Plan, and in particular the monitoring regime, should not continue to ensure that the document can be agreed within the required timescales. It is recommended that a condition is applied to any permission granted to ensure that this is undertaken.

Archaeologist

Whilst the current application includes some additions (seating and hospitality boxes) to the north, east and south stands, advice remains the same as that given for the previous applications. Whilst the proposed new seating is supported by an above ground frame structure, it will be supported on a number of new columns, the foundations of which could disturb archaeological deposits and therefore recommend that a 'watching brief' condition is attached to any planning consent.

Urban Design

The viewpoints demonstrate little additional visual impact to the current temporary stand arrangement in most views except for the view from North Parade Bridge by the hospitality boxes in the west extension to the south stand. This blocks an open view across the site and presents a blank elevation towards the river instead. It would be beneficial if this could be improved.

Arboriculturalist

The proposed site alterations and proposed elevations should not impact on any trees on and adjacent to the site. There is no arboricultural objection to the proposal.

Contaminated Land

It is noted that the site has been historically in-filled and part of the site was historically a Brass & Iron Works. It is also understood that due to the temporary nature of the

proposals that the stand does not require foundations. Recommend condition and advisory note are applied to any permission if granted.

Safety Advisory Group for Events (SAGE)

SAGE is a multi-agency forum that examines sporting venues that are governed by Safety at Sports Grounds legislation as well as major outdoor events as defined by the Council's Policy. SAGE has met with Bath Rugby and subject to calculations relating to the revised structures and a revision of the fire risk assessment we are happy with the club's proposals for revised layout and operation next season. In terms of pedestrian access issues to/around the ground, we would not expect the additional ground capacity increasing from 12,044 to 14,000 to have a significant detrimental impact on crowd access/egress. In addition the club will be able to use their existing crowd and flow-management strategies and contingency plans with some minor amendments. We are satisfied that the ground will load/unload and operate both safely and efficiently with the new capacity. Public Protection and Building Control also monitor operations and structures on a regular basis, as do Avon Fire & Rescue and SWAST (ambulance service).

Third Party Representations

22 letters have been received objecting to the application on a combination of procedural and planning grounds as well as matters relating to the professional status of the Club and the terms of a lease on the land and a Lands Tribunal decision (currently the subject of an appeal). Objections relating to procedural grounds concern the scope of the application, information contained on the application form and on submitted drawings, inconsistencies between application documents, and difficulties in viewing the application documents on-line or at Lewis House.

Officer Note: Concerns regarding viewing the application documents have been addressed, and issues relating to the form and content of the application (where relevant) have been addressed through the submission of supplementary information or clarifications by the applicant. These have been made available on the Council's website and are not considered to be grounds for deferral or refusal of the current application. In terms of the status of the Club and the principle of its occupation of the site (as well as the extent of this including the specific issue of the East Stand extension over-sailing the existing lease boundary), these are matters to be resolved between the Club and Recreation Ground Trust and are not material planning considerations in the determination of this application nor grounds for refusal or deferral of a decision on the application.

Objections on planning grounds are that:

- There has been a 47.5% increase in seating capacity and 2.9m increase in height of the East Stand since 2010 resulting in an increase in visibility of the stand from Grand Parade over the Recreation Ground and the distant Bath stone buildings on Pulteney Road as well as loss of views of the city and the countryside, further restrict essential views from both the West and East facing directions and compromise the World Heritage setting for the site.
- The Rec has become the defining urban space for Bath and thus is a significant element in the outstanding universal value of the World Heritage Site.
- The increase in capacity will lead to an increase in noise and disturbance to neighbours both pre- and post-match, additional heavy goods vehicles in the days leading up to

matches, an increase in vehicle congestion and on-street parking, and an increase in pollution.

- No proposals are made to reduce or eliminate the noise and nuisance emanating from the loudspeaker system on match days.
- The application proposes no solution to the additional cars that would travel and park up on match days.
- The overhang of the East Stand will limit and impede the playing of other sports and activities during the prescribed months and is a flagrant attempt at land creep.
- The proposed North Stand would overhang a public right of way.
- The Planning Application does not specify that the temporary stands WILL be totally removed for a period of three consecutive months every year.
- No proposals are made for the West Stand, which is left unaltered and is a public disgrace.

A letter has been received from an existing sports user of The Rec (Bath Lacrosse Club) expressing concerns regarding the timing of the construction of the East Stand and potential clash with an annual tournament at The Rec. Officer Note: It is understood that the Rugby Club has given assurances regarding the removal of equipment from the site and protection of the ground to enable the event to take place.

339 letters of support have been received to the application on the following grounds:

- economic benefit to the city of the Club being at the Recreation ground and from additional spectators
- support for additional capacity during Clubs 150th year
- general support for the continued presence of the Club at The Rec

11 letters of general comment on the application and the need for a long-term solution have also been received.

Bath Preservation Trust - no objection to extending the hospitality boxes and the siting of temporary stands for up to 2 years. However we find the positioning of flags along the roof to add unnecessary clutter. Clarification is required about the permanence and seasonality of these flags. In the interested of the visual amenity value of the area the flying of flags ought to be restricted to match days and events.

POLICIES/LEGISLATION

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

D.2 - General design and public realm considerations

D.4 - Townscape considerations

SR.1A - Recreational open space

SR.4 - Proposals for recreational facilities within urban areas and settlements

NE.14 - Flood risk

BH.1 - World Heritage Site

BH.2 - Listed Buildings and their settings

BH.6 - Development affecting Conservation Areas

BH.9 - Parks and gardens of special historic interest

BH.15 - Visually important open spaces

NE.1 - Character and local distinctiveness of the landscape

NE.4 - Impact on trees and woodlands

T.24 - Highway safety

Draft Core Strategy (March 2013)
Policy B1 - Bath Spatial Strategy
Policy B4 - The World Heritage Site and its setting
Policy CP5 - Flood Risk Management
Policy CP6 - Environmental quality

NPPF

Paragraph 70 states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities ... sports venues ... and other local services to enhance the sustainability of communities and residential environments. Paragraph 73 notes that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

With regard to conserving and enhancing the historic environment the NPPF (paragraph 128) states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 137 states that 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.

OFFICER ASSESSMENT

MAIN PLANNING ISSUES:

- Principle of development
- Impact on the Conservation Area/World Heritage Site/setting of listed buildings
- Flood risk
- Transport and access
- Neighbour amenity

PRINCIPLE OF DEVELOPMENT: Bath Rugby Club is developing plans to provide a permanent stadium at The Rec however no application has been submitted and this application is submitted to provide a temporary, interim solution. The stands and spectator facilities proposed as part of this application are required to comply with standards set by the Professional Game Board in respect of Premiership club grounds and will enable Bath Rugby to continue to play at The Rec. The proposals comprise the retention of previously approved temporary stands beyond the expiry dates of existing permissions, as well as allowing for an increase in capacity from approximately 12,000 to 14,000 to meet demand for tickets and accommodate an expected increase in spectator numbers during the Club's 150th year anniversary during the 2015-2016 season.

The Recreation Ground is a recreational open space and Policy SR.1A of the Adopted Local Plan (2007) seeks to resist development that results in the loss of any playing fields or recreational open space unless certain criteria are met. One criterion is that the proposed development is for a sports facility with at least equal benefit to the development

of sport that outweighs the loss of the existing or former recreational use. In this case the use of part of The Rec by Bath Rugby retains a sporting use on the site and the remainder of The Rec will remain as playing fields for general use by other sports and the public. It is acknowledged that the proposed development will involve the loss to general public use of the land occupied by the Club, however the presence of a Premiership team is a major sporting facility in the city and promotes sporting activity to the benefit of both players and spectators. The Club's location within the city contributes to the local economy, and the retention of the club within Bath represents a material consideration in the determination of the current application. Although the proposed development will involve the loss of part of the playing field area (for three-quarters of the year) it is considered that this is outweighed by the benefits provided by having the rugby club in this location.

Policy SR.4 of the Local Plan supports the development of new facilities and the enhancement or improvement of existing sporting facilities, subject to developments meeting a number of criteria. These include that the development complements the existing pattern of recreational facilities; is readily accessible by transport modes; there would be no adverse impact on public safety; and that the amenities of neighbours would not be adversely affected. Whilst the proposed stands will occupy part of The Rec for nine months of the year, it represents a recreational use and on the evidence of previous seasons does not prejudice other recreational uses or the hosting of sporting events such as the Bath Half Marathon. The response from Bath Lacrosse Club indicates that this can be achieved with close liaison between Bath Rugby and other users of The Rec. The site is located in the city centre and close to a range of existing public transport services, and the Club also operates a range of measures aimed at encouraging non-car modes of transport to the site. The Council's Safety Advisory Group for Events has advised that it has no objections in respect of public safety.

Whilst the increase in the number of spectators from approximately 12,000 to 14,000 can be anticipated to give rise to additional crowd noise during matches (as well as from the additional people arriving at and leaving the ground), it is noted that there will be no change to the public address system or floodlighting at the ground. In addition the Council's Environmental Health officers liaise with the Club regarding noise from the public address system. Accordingly whilst there are likely to be increased numbers of spectators at the ground, the level of change is unlikely to give rise to significant harm to adjoining residents. The proposed stands and Control Tower will have a marginal impact on views into the ground from locations around the ground however these are not considered to represent public safety or amenity issues.

In respect of the spatial strategy for Bath, Policy B1(8) of the Draft Core Strategy states that "At the Recreation Ground, and subject to the resolution of any unique legal issues and constraints, enable the development of a sporting, cultural and leisure stadium." This current application does not propose a long-term solution for the ground, however as an application for temporary planning permission neither does it prejudice proposals coming forward in the future.

In considering the principle of the proposal for temporary additional capacity it is also relevant to note that there is an extant planning permission for the existing temporary seating in the East Stand. The proposals would increase seating in the East Stand by adding 5 rows of seats, and objection has been raised to the principle of development on the basis that the additional rows of seats will over-sail the Club's existing lease boundary

on The Rec. On this point, the current proposal would utilise the same footprint on The Rec as the existing East Stand with any over-sailing of the lease boundary being a matter to be resolved between the Club and Recreation Ground Trust and is not a material planning consideration in the determination of this application. In the case of the proposed retention/extension to the North Stand, proposed hospitality boxes adjacent to the existing South Stand and seating and Control Room in the West Stand, these would all be within the Club's current lease boundary.

The Council has previously approved temporary stands at the ground with a condition requiring their removal during the off-season (13 weeks from 21st May each year) and it is considered appropriate that should be permission be granted for the development proposed in the current application that a similar condition is imposed.

In conclusion it is considered that the provision of temporary stands including additional seating capacity complies with Policy SR.1A and SR.4 of the Adopted Local Plan (2007) and the principle of development is acceptable.

IMPACT ON THE CONSERVATION AREA/ WORLD HERITAGE SITE/ SETTING OF LISTED BUILDING/OPEN SPACE: The primary consideration in terms of the historic environment is the duty on the Council under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character or appearance of the surrounding Conservation Area. There is also a duty under s.16 of the same Act to have special regard to the desirability of preserving the setting of listed buildings. The NPPF requires that as part of decision-taking process local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and should avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

The application site is in a prominent location within the city and together with the other key historic assets in the vicinity forms an integral part its historic environment. The Rec site is situated within the heart of the City of Bath Conservation Area and wider UNESCO World Heritage Site, and The Rec itself contains three Grade II listed buildings, a former lime kiln that is located within the Club's operational area (referred the 'President's Lounge'), an Entrance Kiosk and gates to The Rec at the end of William Street, and the Pavilion on North Parade Road. In addition The Rec is framed by, and contributes to the setting of, the following significant historic assets:

- Argyle Street (Grade II* listed), Johnstone Street and Pulteney Street (all Grade I listed) to the north
- Parade Gardens (Registered Park and Garden of Special Historic Interest) and Grand Parade (Grade II listed) to the west
- North Parade bridge (Grade II listed) to the south
- Grade II listed villas along Pulteney Road to the east

The Rec and related heritage assets also contribute to important vistas within the World Heritage Site such as the views from Grand Parade across The Rec towards Bathampton Down and Sham Castle, from within The Rec towards Bath Abbey and longer distance views into the city from higher ground such as Alexandra Park/Beechen Cliff and Bathwick Fileds. The site also lies within the flood plain and may contain archaeological features of interest.

The existing permanent stands are of limited architectural interest or value, are relatively low key and considered to have a neutral visual impact on the site and its surroundings. Their scale and the screening provided by tree planting along the river means that the rugby ground generally has little presence, especially on non-match days. The existing temporary East Stand however is clearly visible from a number of locations, although it should be noted that in approving an extension and increase in height to the stand in 2010 it was concluded that the scale of development would not have a significant or adverse impact on the historic environment. Whilst the stand was of a temporary nature and appearance, and would not be considered to be appropriate on a permanent basis, it was concluded that the stand would preserve the character and appearance of the conservation area and would not harm the World Heritage Site. The current application seeks permission for the retention of the previously approved East Stand for a two year period and also to increase the seating capacity by adding five rows of seats. The additional seating would increase the height of this structure by 1.25m. The East Stand (as already approved) is already visible when viewed from Grand Parade and the increase in height will be noticeable above the existing West Stand however it is considered that the effect on views across The Rec (and back towards the Abbey) will be marginal with the main vistas and backdrops to the views maintained.

The proposed extension to the North Stand would bring development closer to the Grade II listed President's Lounge by approximately 5m (from 10m to 5m) and impinge on the setting of this building. The proposed extensions would also be at an increased height. However there is a degree of separation between the listed building and the temporary stand and it is considered that the level of harm is less than significant. English Heritage have not raised objection to or commented on this aspect of the proposals. The safety guard rail at the top of the stand would be visible from Johnstone Street however views across the ground would be largely maintained and the impact on the setting of the Grade I listed buildings is considered to be acceptable.

The proposed hospitality boxes adjacent to the existing South Stand would be seen from the north against the existing Leisure Centre and the western extension would be visible from North Parade Bridge although it would be partially screened by trees outside the site. Whilst the proposed western extension to the South Stand will impinge to a degree on views from North Parade Bridge (across the ground towards Johnstone Street and Great Pulteney Street) views across the ground will be maintained and the impact is not considered to be significant.

No changes are proposed to the previously approved open and covered seating on the west side of the ground and views along the river would be largely preserved. A Control Room will be erected adjacent to the North Stand however trees along the river, which will not be affected by the proposed development, screen this view and therefore whilst visible during winter months the proposals are not considered to have a significant impact.

In addition to numerous locations locally within the city centre the site is visible in longer distant views towards the site from elevated positions of the surrounding hills to the south and to the east. Notwithstanding this general visibility the proposed increase in height of the North and East Stand would not significantly detract from views. Accordingly whilst the site and its setting is clearly acknowledged as sensitive and the proposed development will have an impact, the conclusion drawn is that the impacts are not

significant. Overall it is considered that the magnitude of changes are limited and localised and the setting of listed buildings as well as the character and appearance of the surrounding Conservation Area will be preserved.

English Heritage have not objected to the planning application and concerns expressed regarding the extension to the South Stand and its impact on the perceived openness of The Rec within the conservation area have been taken into account in assessing the proposed development. Concerns regarding this element of the scheme by the Council's Urban Design officer have also been reviewed and it is considered that as a temporary structure only the scheme is acceptable. It is considered that the location of the Control Tower will have a marginal impact on views across the site.

The Council's Historic Environment team note that the temporary proposals will undoubtedly have an impact on heritage assets, but this is considered to be less than substantial. Paragraph 134 of the NPPF states 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." They consider that there are considerable public social and economic benefits for the city derived from the scheme and that these outweigh the less than substantial harm caused by the proposed temporary works. They consider that further details should be sought for the proposed new structures adjacent to the river, alternatively conditions should be included, requiring such information. Provided the design of these structures is deemed to be satisfactory they conclude that temporary permission can be granted for the development. The applicant has provided further information regarding the design of the structures and it is considered that whilst utilitarian in design and materials, as temporary structures they are acceptable.

The Council's Archaeologist has advised that a 'watching brief' be undertaken during construction should any foundations of the structures disturb archaeological deposits and a condition is proposed to this effect.

FLOOD RISK: The Rec falls within Zone 3 of the Environment Agency Flood Zone Map, with part designated as Zone 3b 'functional floodplain'. In the NPPF Technical Guidance (Table 2: Flood risk vulnerability classification) the proposed stands represent sports and recreation and essential or ancillary facilities and are considered to be 'water compatible' development. A FRA has been submitted for consideration and the Environment Agency have advised that its contents are acceptable and that the proposed development would not increase flood risk or storage capacity. In addition, operational access to the Radial Gate (which forms part of the River Avon flood alleviation measures) will be maintained. The Environment Agency proposes a condition to ensure that the development takes place in accordance with the approved details of the FRA and that the access is maintained. In addition, a flood evacuation plan should be developed for the site to ensure safe access and egress can be provided at all times and on this basis the Environment Agency have raised no objections to the proposed development.

TRANSPORT AND ACCESS: The Rec is located within the centre of Bath and readily accessible by a variety of means of transport. Accordingly the site is considered to be in a sustainable location and the Council's Highways Development Team does not object to the principle of the development at this location. However, given the existing pedestrian access limitations and also the potential for a wider impact on the Bath transport network

they consider that a full assessment of the impacts is necessary, including during construction. The applicant has submitted a Transport Assessment (TA) and Travel Plan (TP) which aim to quantify the potential impacts and promote mitigation measures where deemed to be necessary.

The proposed increase in capacity at the ground will result in an increase in vehicle trips to and within the city by a number of different modes. Based on existing patterns of travel to the ground by spectators the TA estimates that the 2,000 increase in capacity will give rise to an additional 374 car trips to the city as a whole, 217 excluding those using Park and Ride which are located at the edge of the city and therefore are less likely to involve trips through the city centre. Based on existing trips this is less than 0.5% of daily vehicle numbers and 1% during the peak hour. Whilst no assessment of junction capacity has been undertaken as part of the TA it is considered that the scale of change is small and unlikely to have a significant effect on key junctions. Parking in the city centre is constrained and the TA assumes that parking of additional cars will be principally at Park and Ride sites where there is some spare capacity plus some additional on-street parking and other private arrangements as existing.

In terms of public transport, a number of spectators travel by train and due to capacity constraints on certain services and to discourage additional trips by car the Club is proposing to provide dedicated coach services for spectators. This approach is welcomed and will be secured through the TP. Around the ground the Club provides stewards to assist in the management of spectators and also operates an access system that directs spectators to the relevant gate for their seat in the ground to reduce pressure on particular locations.

It is considered that the issues raised by the Highway Development Team have been satisfactorily addressed and that subject to a condition regarding details and implementation of measures within the Travel Plan the scheme is acceptable in transport terms.

RESIDENTIAL AMENITY: The application would result in an increase in ground capacity of around 2,000 spectators and this may result in an increase in crowd noise during matches at the ground. The closest neighbouring properties to the ground are located in Johnstone Street and particular concerns have been raised about the use of the public address system during matches. No additional speakers are proposed as part of the current application and use of the system is subject to control and agreement with the Council's Environmental Protection team and this will continue to be monitored. The increase in capacity is likely to extend the period over which spectators arrive at and leave the ground however this is not anticipated to be significant and the crowd management measures operated by the Club seek to mitigate the local impacts. In the circumstances the proposed development is considered to accord with Policy D.2 of the Local Plan in that significant harm to the amenities of neighbours is unlikely to result from the development.

OTHER MATTERS: The development proposed is for a temporary two year period. Government guidance in respect of temporary permissions advises that where a proposal relates to a building or use which the applicant is expected to retain or continue only for a limited period and where it is expected that the planning circumstances will change in a particular way at the end of that period, then a temporary permission may be justified. In this case the Club is developing a permanent solution for the site. Any such application

will need to be considered on its own merits and should planning permission be granted for the current scheme for a temporary two year period this would not prejudice or preempt the consideration of a permanent scheme for the site. However it is reasonable to anticipate that the planning circumstances of this case will be different at the end of the proposed two year period and therefore a temporary permission is considered to be justified.

Objection has been received from a number of people relating to the lease on the land, its validity and extent relative to the proposed development. Issues relating to the Charity Commission and Lands Tribunal are not material planning considerations to be considered in the determination of this application.

CONCLUSION: The proposal to accommodate stands for the Rugby Club at The Rec is considered to offer at least equal benefit to the development of sport such as to outweigh the continued (partial) loss of the playing field and the development therefore accords with Policy SR.1A of the Local Plan. The application has been supported by a landscape and visual impact assessment and it is considered that this demonstrates that the impact of the proposals on views into and out of the city would be marginal. It is considered that the character and appearance of the Conservation Area and World Heritage Site and any harm to setting of adjacent listed buildings would not be significant. The increased capacity at the ground will result in additional vehicle movements into the city and around the ground, and may also increase noise generation however this is considered unlikely to give rise to significant harm to the amenity of neighbouring properties or across the city centre.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 This permission shall expire on 3rd July 2016 and the temporary seating, hospitality boxes and other structures hereby approved shall be removed and the land/premises reinstated on or before that date in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority in discharge of this condition prior to the expiry date.

Reason: To allow review of the impact of the temporary stands on this sensitive site and to consider developments in respect of a more permanent solution.

2 The temporary seating, stands and hospitality boxes hereby approved shall not be erected on site for more than 39 weeks in any one season. The structures shall be entirely removed from the site on or before 21st May each year or such other date as has been notified to the Local Planning Authority in discharge of this condition, not less than three months prior to 21st May each year and agreed in writing by the Local Planning Authority prior to 21st May each year.

Reason: In the interests of the character and appearance of this open space within the Conservation Area and World Heritage Site and within the setting of listed buildings.

3 Following the removal of the East Stand at the end of each season the reinstatement scheme for the area underneath the East Stand shall be to a level grassed state by use of grass seed, or if necessary grass turf, or such other scheme as may be submitted to and approved by the Local Planning Authority in discharge of this condition not less than three months before the 21st May each year. The reinstatement scheme shall be commenced within 7 days of 21st May each year or such other date as agreed under Condition 2 and be completed as soon as reasonably practicable after that date.

Reason: In order to ensure that the land under the area covered by the stand is capable of being reinstated to an appropriate condition in order to ensure the continued use of the Recreation Ground for all of its users and in the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

4 The East Stand hereby approved shall only be used with the green double layered screen fabric in place on the rear of the stand.

Reason: In the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

5 The temporary seating hereby approved shall match the existing green seating which is in use at the ground.

Reason: In the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

6 The on-and off-site access requirements associated with the erection and dismantling of the temporary stand, (including reference to timing of vehicle movements, to maximum vehicle sizes, and to any other material considerations) and all access to and from the site in connection with the erection and dismantling of the stands shall be in accordance with the submitted Construction Method Statement Construction Management Plan (Demountable Seating) Revision 01 dated June 2014.

Reason: In order to ensure that access arrangements are satisfactory, having regard to the nature of adjoining properties within this part of the Bath Conservation Area and World Heritage Site.

7 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated May 2014 and the following mitigation measures detailed within the FRA:

- All temporary stands shall have sufficient voids in the scaffolding to allow the passage and storage of floodwater and should be kept clear of debris at all times;
- The development shall be occupied in accordance with the Flood Evacuation Plan for the site dated September 2010.

Reason: To minimise any impact on flood flows, to reduce the risk of flooding from blockages, and to ensure safe access/egress from and to the site.

8 Clear unobstructed access shall be provided at all times for a large crane to access Pulteney Gate in an emergency, as detailed on the drawing entitled 'Autotack analysis 100

tonne crane' (drawing no. BHC-XXX-XX-9008). This route shall be kept free of any obstructions and shall include a clear space of 3500mm wide by 4400mm high to the rear of the north stand.

Reason: To ensure unimpeded access for the Environment Agency to the Pulteney Gate structure in the event of an emergency.

9 Prior to one week before the commencement of the 2014 / 15 Premiership Rugby season, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan.

Reason: In the interests of sustainable development.

10 The development shall take place in accordance with the Written Scheme of Investigation for an Archaeological Watching Brief (Cotswold Archaeology dated 17 June 2010).

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

11 In the event that contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department 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: In order to ensure that there are no unacceptable risks in relation to contamination and that the land is suitable for the intended use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

12 This permission relates only to the East Stand (temporary seats), North Stand (temporary terrace and seats), South Stand (temporary hospitality boxes) and West Stand (temporary seats and Control Room) as shown on the submitted drawings and does not convey consent for any other development shown on the submitted drawings including any flags/advertising.

Reason: In order to clarify the terms of the permission.

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

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

PLANS LIST:

14.1571.L(0)01; PL01; PL02; PL02A; PL03; PL04; PL05 Rev. A; PL06; PL07; PL08; PL09; PL10; PL11; PL12; PL13; PL14; PL15; PL16; PL17; PL18 Rev. A; PL19; PL20 Rev. B; PL21

Decision Taking Statement

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

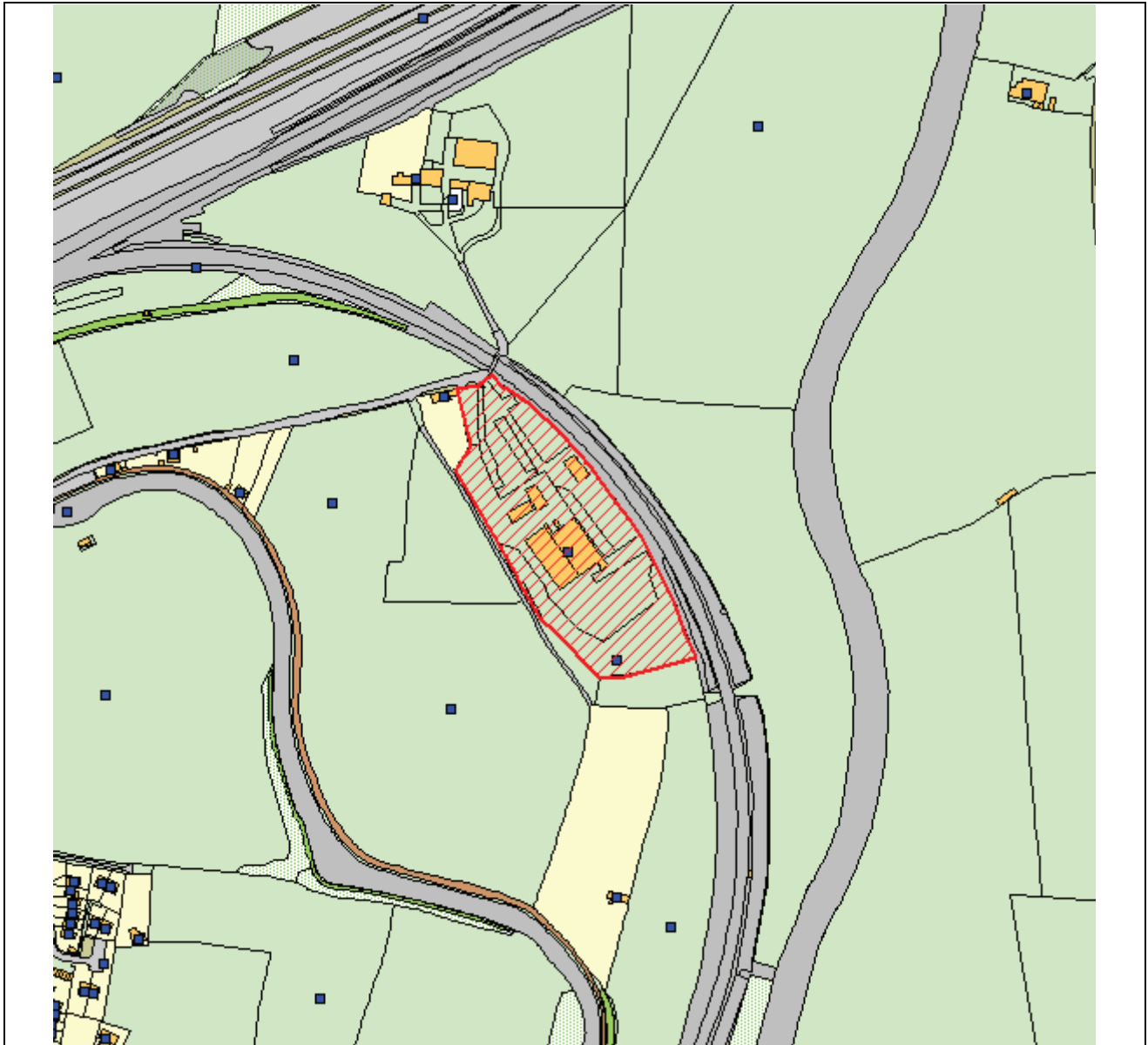
Advisory Note 1. Desk Study and Walkover

Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. The developer is therefore responsible for determining whether land is suitable for a particular development. It is advised that a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. A Phase I investigation should provide a preliminary qualitative assessment of risk by interpreting information on a site's history considering the likelihood of pollutant linkages being present. The Phase I investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties.

The applicant is advised that the Council's Code of Practice to control noise from construction sites should be fully complied with which can be found at the following web-link;

<http://www.bathnes.gov.uk/BathNES/environmentandplanning/Pollution/PollutionConstruction.htm>

Item No:	02
Application No:	13/04710/OUT
Site Location:	The Old Timber Yard Tynning Road Bathampton Bath BA2 6TQ



Ward: Bathavon North

Parish: Bathampton

LB Grade: N/A

Ward Members: Councillor M Veal Councillor Geoff Ward

Application Type: Outline Application

Proposal: Outline planning application with all matters reserved, except means of access, for a residential development (15 units) following the demolition of existing buildings with associated parking, landscaping and ancillary works and relocation of mast.

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

Applicant: Davies Street (Bathampton) Ltd

Expiry Date: 29th January 2014

Case Officer: Richard Stott

REPORT

REASON FOR PRESENTING TO COMMITTEE

This application has been referred to Committee by the Divisional Director - Development under the terms of the adopted Scheme of Delegation as the proposed development relates to a site that is in an area that is being considered as an option for a Park and Ride, possibly involving rail, in the amended Bath Transport Package.

THE APPLICATION

This application relates to a site measuring 1.98ha located on the valley bottom to the east of Bathampton close to the Bristol/London railway, the River Avon and the Kennet and Avon Canal.

The site has a permitted use for B8 storage and distribution and is used by a number of businesses. The majority of the site is hard standing with several large industrial units centrally located. The western border of the site is bounded by a row of tall poplar trees.

Outline permission with all matters reserved, except the means of access, is sought for the residential redevelopment of the site for 15 units with parking, landscaping and ancillary works following the demolition of the existing buildings. The application also proposes the relocation of the existing phone mast.

EIA SCREENING

This proposal has been screened however the level and type of development does not fall within Schedule 1 and falls below the threshold in Schedule 2 of the regulations; as such no screening opinion is required.

RELEVANT HISTORY

13/05491/FUL - Construction of new access road with passing bays to former Jewson Yard and Bathampton Farm to enable Glass accommodation crossing (railway level crossing) to be closed to vehicular traffic - PERMIT

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATION:

HIGHWAY DEVELOPMENT: Object

Objection based on the site location remote from services contrary to policy T.1 and the use of a substandard access, contrary to T.24. In the event that permission is to be granted, the sum of £50,057.00 is required in order to improve street lighting along Tynning Road. Conditions are also recommended.

EDUCATION SERVICES: Comments

If permission is granted the sum of £76,096.85 is required towards schools and youth provisions in the area.

HIGHWAY DRAINAGE: Comments received relating to the proposed drainage strategy

ENVIRONMENT AGENCY: No Objection subject to conditions

LANDSCAPE ARCHITECT: No Objection subject to conditions

HOUSING SERVICES: No Objection subject to obligations tied by s.106 agreement. The following comments are made:

Courtyard parking can generate housing management and services charge issues.

'In-curtilage' parking is required allowing for appropriate visitors parking.

The 'car port' proposal lends nothing to the scheme design, is generally urban in nature and will attract potential management and maintenance issues.

Garden sizes are inconsistent. Specifically, plot 15 lacks space, is north facing and will be over shadowed by the tree-lined boundary when mature.

The affordable dwellings do not benefit in the same way as the market housing from solar gain. Solar gain helps to minimise heating cost to the affordable tenants. The orientation of the affordable dwellings should therefore be adjusted.

Tenure blindness is promoted by the use of materials and relationship between rooflines on the semi detached blocks. The use of stone walling throughout the site promotes consistency in design although other fencing / boundary treatments for the affordable homes creates a clear distinction between them and the market houses.

The layout and density of the affordable homes does not promote tenure blindness and it is suggested that movement of the boundary between the two elements is considered. This will provide a greater area for the delivery of the affordable homes which will allow realignment of the homes to maximise solar gain, provide in curtilage parking while providing the appropriate sweep for refuse etc. vehicles and improve garden sizes.

The site plan shows a significant level of tree planting in the dividing hedge which is not reflected elsewhere on the development and suggests a design attempt to segregate the two elements of the development. This is not supported. The aerial views do not show a difference in hedgerow planting and demonstrate a consistent approach to landscaping that supports the promotion of tenure blindness.

The design should meet Secure By Design requirements and inclusion of the footpath link between the affordable and open market element on the site guided by this. If removal of the pedestrian link is required to achieve SbD and better the layout of the affordable housing element this will not be opposed.

(CASE OFFICER NOTE: The above comments relate to details of the layout which is a reserved matter, the above comments will be more relevant at the RM stage and the developer is encouraged to consider these in the final design of their scheme).

PLANNING POLICY: No Comments Received

AVON AND SOMERSET POLICE: Comments:

Care needs to be taken in relation to the 'footpath' adjoining the two elements of the layout. Surveillance of this path is by two properties Plot 8 and Plot 9, however only Plot 9 directly overlooks the path. It would help if the developer can ensure additional surveillance is possible from occupied rooms in Plot 8. This path would need to be lit by street lighting and any landscaping to be kept low.

The situation is similar, if not slightly worse in relation to the footpath between the two sections of market units. Surveillance is limited to Plot 7 and therefore similar implications concerning habitable rooms and lighting need to be considered at reserved matters stage.

The Affordable Housing Statement declares that the affordable housing will be tenure blind and also meet level 3 Code for Sustainable homes. In order to achieve both of these all of the properties would need to be Secured by design Part 2.

There shouldn't be any reason why the whole site couldn't be certificated as Secured by Design and would welcome consultation with the developer in order to achieve this as the development progresses.

(CASE OFFICER NOTE: The above comments relate to details of the layout which is a reserved matter, the above comments will be more relevant at the Reserved Matters stage and the developer is encouraged to consider these in the final design of their scheme).

ARBORICULTURE: No Objection subject to conditions

The most prominent trees on the site at present are the mature Lombardy Poplars. Whilst these are dominant in the immediate landscape I concur with the assessment in the tree survey and report that they have outgrown their useful life and therefore have limited remaining integral value to offer.

The retention of the poplars within the proposed development, although achievable, would be impractical in the context of proximity to and integration within the setting of domestic dwellings.

BUILDING CONTROL: Comments:

The access roads to these properties should be at least 3.7 metres wide to allow access for the fire brigade

ENVIRONMENTAL HEALTH: No Objection subject to conditions

CONTAMINATED LAND: No Objection subject to conditions

BATHAMPTON PARISH COUNCIL: No Objection but reservations received:

- Visual improvement to the site
- Concern that the site is geographically separate from the village.
- Affordable housing should be better mixed
- No clarity over the management of the affordable housing.
- Affordable housing should be tied to families with a local collection
- Walking/cycling options are optimistic.
- Street lighting should not intrude in the Green Belt

- Changes required to Tynning Road.
- Consideration should be given to flood mitigation
- Consideration should be given to the relocation of the food bank
- Infilling development between this site and the village would not be supported.

REPRESENTATIONS:

3 x "Objections" received raising the following:

- Proximity to rail crossing - safety issue
- Congestion
- Loss of employment opportunities
- Emphasis of Bathampton as a dormitory village
- Loss of the poplar trees which are a local landmark
- No need for development in the Green Belt
- Not an allocated site or in the Core Strategy
- Impact on visual amenities of adjoining residents

4 x "General Comments" received raising the following:

- Misrepresentative transport figures
- Passing places should be included
- Bath food bank located on the site and will need to move when permission is granted. Can the developer or B&NES help in finding an alternative premises?

Officer Note: The comments of the food bank are noted however it is not within the remit of the planning department to find alternative premises. The third party would need to discuss this issue with the current land owner.

POLICIES/LEGISLATION

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

D.2: General design and public realm considerations

D.4: Townscape considerations

IMP.1: Planning obligations

ET.1: Employment Land Overview

ET.3: Core Employment Sites

ES.15 Contaminated Land

HG.1: Meeting the District housing requirement

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

HG.8: Affordable Housing on allocated and large windfall sites

HG.9: Affordable Housing on rural exception sites

HG.10: Housing outside settlements (agricultural and other essential dwellings)

GB.1: Control of development in the Green Belt

GB.2 Visual amenities of the Green Belt

NE.1: Landscape character

NE.2 Area of Outstanding Natural Beauty

NE.10: Nationally important species and habitats

NE.11: Locally important species and their habitats

NE.12: Natural features: retention, new provision and management

T.1: Overarching access policy

T.24: General development control and access policy

T.26: On-site parking and servicing provision

DRAFT CORE STRATEGY, MAY 2011

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes.

Consideration has been given to the Draft Core Strategy however only limited weight can be attached to this document until it is formally adopted. The level of weight the Council attaches to the amended Core Strategy in the determination of planning applications is in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

The following policies of the Draft Core Strategy are applicable to this application:

RA1 Development in the Villages meeting the listed criteria

CP2 Sustainable Construction

CP6 Environmental Quality

CP8 Green Belt

CP9 Affordable Housing

CP10 Housing Mix

CP13 Infrastructure Provision

ET.4 Employment development in and adjoining rural settlements

ET.5 Employment development in the 'countryside'

Planning Obligations Supplementary Planning Document - Adopted July 2009

Landscape - Character Assessment - Rural Landscapes of Bath and North East Somerset

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK, 2012

The NPPF came into effect on the 27th March 2012 replacing all previous Planning Policy Statements (PPS's) and Guidance Notes (PPG's). The NPPF is of primary consideration in the determination of this application.

In the case of the B&NES Local Plan, although adopted in 2007 this was made in accordance with 1990 Town and Country Planning Act and therefore Para 215 of the NPPF is applicable where it is stated "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

With regard to the NPPF, consideration has been given to paragraphs 47 and 49 in respect of the delivery of housing as well as to paragraph 14 in respect of promoting sustainable development. Due consideration is given to Chapter 9 (Protecting Green Belt Land).

NATIONAL PLANNING PRACTICE GUIDANCE, 2014

Due consideration has been given to the recently published NPPG, March 2014 particularly in respect of the guidance relating to Rural Housing, the Landscape and the Historic Environment.

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT

The site is located outside the adopted development boundary and ordinarily therefore, the proposals would be recommended for refusal as being contrary to the Local Plan policies SC.1 and HG.4 and to draft Core Strategy policy RA1.

As part of its work on the emerging Core Strategy the Council considers that it has a 5 year supply of deliverable housing land against the emerging Core Strategy requirement of around 13,000 homes. The Core Strategy Examination Inspector has agreed, through his note ID/44, that the strategic housing requirement is around 13,000 homes or less. However, the Inspector has not yet considered 5 year land supply issues which remain subject to significant unresolved objections. In accordance with NPPF, para 216 only limited weight can be attached to the 5 year land supply position. The Council has also accepted that the Adopted Local Plan is out of date and the Core Strategy has yet to be adopted.

Taking into account the guidance in the National Planning Policy Framework (that LPA's should meet the housing needs in their areas, and have up-to-date plans) at present housing applications are to be considered against the guidance in the National Planning Policy Framework, with a presumption being applied in favour of sustainable development (paragraph 14), the assumption being that such applications should be approved unless the adverse impacts of development significantly and demonstrably outweigh the benefits. Taking this into account, the adopted Housing Development Boundary carries little weight in the determination of the application.

In respect of this application, given the current use of the site, its status as "brownfield" land, the comments received by consultees and a full assessment of the site it is considered that the adverse impacts of this scheme are on balance limited and the redevelopment of the site would have a neutral impact on the landscape.

Whilst it is noted that paragraph 14 of the NPPF may not apply on certain sites where specific policies in the Framework indicate development should be restricted - namely sites in the Green Belt and the Area of Outstanding Natural Beauty - as will be discussed later in this report, notwithstanding the designations covering this site it is considered that the proposed redevelopment of this site does not conflict with National policy and as such the scheme accords with paragraph 14.

On balance, noting the limited weight that can be attached to extant and emerging local policies, the principle of development in this instance is considered to be acceptable.

APPROPRIATENESS OF THE DEVELOPMENT IN THE GREEN BELT

One of the central threads of the NPPF is the preservation of the Green Belt and resistance of new development that conflicts with the aims of the Green Belt (namely

preserving protected land from urban sprawl). This view has been echoed in multiple appeal decisions over recent years and confirmed by Ministerial statements.

It is noted that the proposed development does not strictly accord with the extant local policy position in respect of the Green Belt however as stated, only limited weight can be afforded to the local plan due to the unresolved issues surrounding the Council's housing land supply. Furthermore, the wording of Policy GB.1 does not fully follow the wording of the NPPF and in this regard raises a level of inconsistency; as stated previously in this report, the degree of weight that can be afforded to extant policies is dependent on the degree of consistency with the NPPF and as such the NPPF is taken as the primary decision making tool in respect of this scheme.

With regard to the NPPF, at paragraph 89 it states that the construction of new buildings should be regarded as "inappropriate" (and therefore by definition harmful) except for certain exceptions, one of these being "the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the green belt and the purposes of including land within it than the existing development".

In respect of this application it is not contested that the site is previously developed land and thus the above test of paragraph 89 applies. Whilst it is noted that the current buildings are centrally clustered and thus the overall site coverage is lower than the proposed development, given the scale of the current buildings and their utilitarian form it is considered that, aesthetically, the proposed development will have a more dispersed and thus far softer appearance within the landscape. In terms of the pure statistics of this scheme, the proposed development will result in a total built volume on site of 12,650m³, a 12% reduction in volume over the current buildings which total 14,340m³. At present the existing buildings range in height from 4.8m to 6.2m to the eaves and 8.3m to 9.8m to the ridges. By contrast, the proposed development eaves will not exceed 5.2m and the total building heights will not exceed 8.7m. In addition to the reduction in built mass and height, the proposed development will increase the total level of soft landscaping and permeable surfaces across the site by 560% from 2,360m² to 13,250m² and decrease the total amount of hard-standing area by 73% from 15,210m² to 4,340m².

Overall it is considered that the proposed development will have a lesser, or at the very least no greater, impact on the openness of the Green Belt than the existing development and to this end it is concluded that the proposal is not inappropriate development and therefore does not conflict with prevailing Green Belt policy.

LANDSCAPE CONSIDERATIONS/VISUAL AMENITIES OF THE GREEN BELT/AONB

With regard to the landscape impact of the development and the impact on the visual amenities and openness of the Green Belt as set out above, in contrast to the current site arrangement it is considered that the proposed use of the site will enhance the overall landscape setting and have a less dominant impact on the Green Belt than the current use.

The Council's Landscape Officer has considered this application and raised no primary issue with the principle of development on this site. The Officer has confirmed that he agrees with the conclusions of the LVIA although he does raise a couple of points in

respect of the chosen viewpoints but concludes that the degree of impact would not be a concern given the distance of the site from key viewpoints.

In terms of the general landscape setting it is considered that the proposed redevelopment will enhance the character and local distinctiveness of the site and in terms of the impact on the setting of the Area of Outstanding Natural Beauty, it is felt that the proposal would not adversely affect the natural beauty of the landscape.

The planting as generally indicated on Drg 2049/13/B/7 is to be welcomed, but needs to be fully worked up at the reserved matters stage. There is a significant amount of hedge and tree planting shown across the site and much of this is outside the privately owned areas. The long term management of this vegetation is an issue that will need to be addressed.

The landscape officer has confirmed that he would like to see a balanced provision of walling and fencing across the site, a view shared by the planning officer. The same can be said for paving / surface treatments and these needs to be arranged to provide an appropriate and interesting hierarchy. Higher quality materials and detailing needs to be provided in the most prominent locations - at site entrances for example - however these issues can be addressed through conditions.

Overall, it is considered that the proposal will have a neutral or better impact on the landscape setting of the site when compared to the current arrangements and as such it is felt that the proposed would not conflict with Local Policies GB.2, NE.1 or NE.2 or with national policy as set out in the NPPF.

LOSS OF EMPLOYMENT

No representations have been made in respect of this scheme by either the Economic Development or Planning Policy Teams in terms of the loss of employment on the site.

A detailed Employment Land Review Report has been submitted with this application confirming that the proposal would result in the loss of 2,117m² industrial floorspace; however it is noted that this is in accordance with Policy ET.1 of the Local Plan which seeks a managed reduction in such floor space. ET.1 conforms with the NPPF (para 22) which seeks the prevention of long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose. In respect of this site it is noted that there is a falling demand in the wider area for units such as the ones on site and the only feasible use for the site would be if the existing stock were substantially improved.

Overall it is considered that the need for family homes and affordable housing outweighs the economic advantages of retaining this employment site in this location.

ACCESS AND HIGHWAY SAFETY

The site itself is isolated from other residential areas and services. Bathampton provides some local services, although there are concerns relating to the walking route, and the range of services is limited. Bathampton is served by the Number 4 bus route which operates at a 30 minute daytime frequency on weekdays and Saturdays. There are no

evening or Sunday services. The additional services that are routed along the A36(T) Warminster Road are distant from the site (a 1.3km walk). In consideration of this scheme the Highway Officer has commented that it is not realistic to expect residents to walk this distance in preference to car use and it is not convenient for those that do not have access to a car, concluding that given the isolation of the site and limited access to local services, the development residents would be reliant on travel by private car, contrary to the prevailing policies promoting sustainability. Whilst this assessment is considered to carry some weight it is noted that the site is located in close proximity to the canal towpath, giving level and safe access to the centre of Bath (in less than 15minutes on a bicycle) and indeed the applicant has provided additional information based on census data showing that Bathampton as a settlement has a level of bicycle commuting that is more than double the national average.

Overall, in consideration of the issue of sustainability, although the Highway Officer has objected to the scheme it is recognised that a site like this could never be fully sustainable. However in reality it does have good access to alternative routes to services, amenities and places of employment. It would be unrealistic to expect all but the most centrally located town or city developments to be fully sustainable; however this site is not significantly remote and the overall scale of development is not large. On balance it is concluded that a sustainability argument against this scheme based on the proximity to services would not be sufficient to refuse the grant of planning permission. This has been raised with the Highway Officer who has provided updated comments with suggested planning conditions.

Turning to the issue of highway safety, the Highway Officer has noted that pedestrians currently use Tynning Road for recreational purposes and that the proposed development could present a potential conflict at weekends and through holiday periods when the walking route is most intensively used. Whilst the Highway Officer has objected to the scheme on this basis it is acknowledged that the default use of the site is B8 and that there is capacity on site to expand under industrial permitted development rights. There would be nothing to restrict this situation from changing if the site were to be more intensively used which could result in larger vehicles utilising the road at greater frequencies.

It is recognised that whilst there is always a desire to provide or accommodate the safest means of access for all user groups, in locations such as this, it is often not possible. This site is in a semi-rural location served by a characteristically rural road; however the development is of a relatively small scale and overall the conflict in movement between pedestrians and vehicles is unlikely to be significant. It is noted that Tynning Road is poorly lit at present, narrow and bounded by dense vegetation and the Highway Officer has stated that the risk to personal safety is also a significant concern due to the lack of lighting and that it is highly unlikely that vulnerable pedestrians would use this route. In response to this issue and in consultation with the Street Lighting Team, the Highway Officer has requested a contribution towards street light improvements along Tynning Road totalling £50,057.00. This would provide for additional 15. 8m high lighting columns including the takedown and reinstatement of existing columns, supply of the new columns, electrical infrastructure as well as civil works associated with reinstating paved areas and adding column protection. The requested sum is to be secured by S.106 agreement and in view of the ability to mitigate the lighting issue along Tynning Road, it is considered that the overall risk to pedestrians will be improved.

Overall, in respect of the issue of pedestrian safety, given the fall back position of the use of the site and in light of the level and scale of the proposed development on balance it is felt that provided the required sum towards lighting improvements is secured, the scheme would not adversely prejudice highway or pedestrian safety to an extent that would warrant a refusal.

Finally, in respect of the actual access to the site (the only matter not reserved by this scheme) it is noted that permission has already been granted for improvement works to the road fronting the site including passing bays to facilitate better access under the railway line and close the existing rail crossing. Access into the site is capable of accommodating the acceptable levels of visibility and there is sufficient capacity for vehicles to move in and out of the site without prejudicing highway safety. Overall no objection is raised in respect of this application in terms of the proposed means of access.

AFFORDABLE HOUSING

The Housing Officer has considered this application and raised no objection subject to obligations tied by a s.106 agreement.

Some very useful comments have been made based on the indicative proposed layout; however these relate to details which are reserved matters. The developer is encouraged to consider the comments of the Housing Officer in the final design of their scheme in order to ensure an appropriately designed and laid out site is brought forward conforming to the principles of Secure by Design and ensuring the affordable units are truly "tenure blind".

RESIDENTIAL AMENITY

Given the position of this site whilst there are properties in the wider area that benefit from views into the site there is in fact only one dwelling that would be directly affected by this development which is located to on the northern boundary. An objection has been received from the resident of this property however this focuses on the proximity to the railway line in terms of safety, making suggestions as to how the road network could be improved; however it is noted that the suggested improvements have largely been incorporated into the approved scheme for the access (13/05491/FUL). No objections have been received in respect of this case in terms overlooking, disturbance or harm to residential amenity and overall having assessed the site and the level of development it is considered that 15 units could adequately be accommodated on site without prejudicing the amenities of those residents most closely affected.

EDUCATION

The Education Services Team have considered this application and requested the sum of £76,096.85 towards schools and youth provisions in the area comprised of £73,095.35 towards school places and £3,001.50 towards youth provision. These contributions are to be secured by way of the s.106 agreement to be signed before the issuing of permission.

ECOLOGY

The bat surveys identify lesser horseshoe bat night roosts and common pipistrelle bat roosts in buildings at the site which are proposed for demolition. Activity surveys show bat activity along vegetated routes. No horseshoe bat activity was detected, although the site is used at least by lesser horseshoe bats as evidenced by the night roosting on the site.

Although horseshoe bat activity was not detected at the site, a precautionary approach must be taken as the level of survey was not designed to produce sufficient data to be able to discount use of the site by GHB or LHB if these species were not recorded at the site. It must therefore be assumed that lesser and greater horseshoe bats may use the site and adjacent linear habitats such as the railway line and these may be important to them. This will be particularly relevant to the lighting proposals for the scheme. Further details will be needed to demonstrate dark corridors with zero lux on linear habitats within the site that connect to the railway line and the wider countryside, and zero lux light spill onto adjacent habitats such as the railway line and its vegetated embankment.

The Council Ecologist welcomes the degree of proposed native hedgerow and tree planting, which will create habitat of benefit to bats and other wildlife, and will mitigate for impacts arising from the development including loss of scrub vegetation, and potentially, to some degree, effects of light spill. It is however noted that full landscaping will be considered at a later stage, to be secured by condition, however in principle no objection is raised.

The Ecologist has raised a concern relating to the access road which lies between a proposed native hedgerow and the railway line as this places the lighting proposed for this road immediately adjacent to the railway embankment and its vegetation. The Ecologist has stated that the vegetated route must be assumed to be of importance to bats, as indeed is indicated by the bat survey findings, and also must be assumed to be of potential importance to the light sensitive horseshoe bats. Notwithstanding this concern, it should be noted this outline application does not detail the position of any lighting and fundamentally permission has already been granted for the new access road under application 13/05491/FUL which itself was a reconfiguration of a 2010 permission for the road and no previous ecology objection has been raised in this respect. Detailed design and layout of the site are reserved matters and as such there will be an opportunity to consider the acceptability or otherwise of external lighting and its impact.

It is noted that a European Protected Species (EPS) licence will be needed in respect of this site before demolition can occur and therefore the LPA must be satisfied that the "three tests" of the Habitats Regulations will be met prior to making any decision to consent. The scheme is accompanied by mitigation proposals for bats including a purpose built roost structure in the south eastern area of the site. The Ecologist has considered the mitigation proposals and confirmed that they are appropriate and feasible and she is confident that if implemented as described in the bat report, together with all necessary wildlife protection measures, bat friendly lighting and planting to provide connective habitats and flight lines, there will be no harm to the conservation status of the affected species of bats, thus the "third test" of the Habitats Regulations as required for the EPS licence application, would be likely to be met.

With regard to the other two tests (1, there being an overriding public interest in the development and 2, there being no suitable alternative) firstly, the provision of additional housing can be taken as being in the public interest as it is recognised that there is a need

for housing both at a district and national level and the drive for new housing is a central thread of Government policy, although only proposing a modest number of dwellings this scheme will contribute to the identified local shortfall in housing provision. Secondly, whilst it is accepted that the alternative would be to retain the existing buildings on site, this is not considered acceptable as it would affect the visual quality of the site and detract from the overall aesthetic character of the Green Belt and Area of Outstanding Natural Beauty. As has been stated previously, this application represents an opportunity to enhance rural character and as such, the retention or even conversion of the existing building stock is not considered to be a realistic or viable alternative option. Given that the proposal is to improve the appearance of the site as well as offering a dedicated bat habitat and additional vegetation it is felt that the proposal is in fact a suitable alternative in terms of the tests.

Finally, it is noted that the buildings are also used by swallows for nesting and further details of appropriate mitigation will need to be provided with the reserved matters application. Likewise there is potential for reptiles to use the site and further details to provide pre-development survey findings and mitigation proposals as applicable will be required. The Ecologist has confirmed that these can be secured by condition.

Overall there is no objection to this scheme in respect of ecology.

TREES

The most prominent trees on the site at present are the mature Lombardy Poplars. Whilst these are dominant in the immediate landscape and their loss has been referred to by objectors of this scheme as forming part of the landscape setting of the site, the Council's arboricultural officer has stated that she concurs with the assessment in the tree survey and report that they have outgrown their useful life and therefore have limited remaining integral value to offer. The retention of the poplars within the proposed development, although achievable, would be impractical in the context of proximity to and integration within the setting of domestic dwellings.

Further to the Arboricultural Officer's comments, it is noted that the Landscape Officer has stated that the removal of the Poplars could be viewed as having a positive impact on the surrounding landscape given the alien nature of these trees in this location and in light of their age and health.

It is noted that the proposed development will bring forward its own landscaping which will both mitigate the loss of the poplars and aesthetically compliment the new use of the site. Overall the loss of the poplars does not raise an objection that could sustain refusing this scheme.

LAND CONTAMINATION

Given the historic use of this site, whilst there is no objection in principle to the use of the site, conditions are required to secure an assessment of the site and identify any potential risks as well as reporting any unexpected contamination to the LPA.

RELOCATION OF THE PHONE MAST

No objection is raised in respect of the proposed resiting of the existing phone mast; this will still be on the south eastern boundary of the site and the mast will remain of the same dimensions. This is an established feature in the landscape and therefore will not look out of place or have any greater impact on the landscape character of the Green Belt or Area of Outstanding Natural Beauty.

OTHER ISSUES

It is noted that there are no in principle objections raised in terms of flood risk on this site; however conditions have been requested in respect of site drainage and protecting surrounding water sources. Representations have been made by both the housing officer and crime prevention officer; however these relate to details that will be considered at the reserved matters stage. The developer is encouraged to consider the suggestions relating to design and layout and to engage with the Council prior to the submission of a reserved matters application to ensure an acceptable scheme is brought forward.

Having regard to all other issues raised by third parties and consultees no issues have been raised that should otherwise preclude the granting of planning permission for this development.

BATH TRANSPORT PACKAGE

The location of the railway lines at Bathampton Junction is fixed beyond a limited amount of possible easing of curves. In July 2011 the Council resolved, in amending the Bath Transportation Package, that officers should "...work on alternatives to Bathampton Meadows Park & Ride (P&R), possibly involving rail, as part of the Council's future Transport Strategy". The strategy launch document still sets out that a Park and Ride is needed to the east of Bath. The recommendation agreed at Cabinet on 14th May provides that further work is required to establish the need for increased Park and Ride capacity and that detailed assessment of sites is required to the east of the City. This application site forms one of several options the Council is considering and, at the time of writing this report, a public consultation has been launched (June 2014) to the relative merits of the various option sites. The July 2011 resolution of the Council therefore is still relevant as the evidence underpinning the Transport Strategy maintains that there is Park and Ride capacity to the east of Bath. In respect of this application, the option for the use of this site to meet alternative transport needs is a material consideration however at present only carries limited weight as this site is only an option that has not been agreed let alone adopted and there is no policy yet established in respect a transport option for this site.

In addition to the Transport Package Options, the Cabinet has agreed a recommendation to consult on i) improved vehicle management within the city and ii) reducing the impact of vehicles on the city. This includes measures to address strategic and local 'through traffic'. This is important to address Air Quality issues. However, from a planning policy point of view it is also helpful in assisting the delivery of the growth within Bath as set out in the Council Draft Core Strategy. The need for an A46/36 link road in the vicinity of the application site is also a matter which requires examination, given that it could be brought forward in association with a Park and Ride site involving rail. As stated, no formal option has been agreed for this site however clearly if this site were to be allocated for an alternative option it could have implications for the delivery of the development hereby proposed.

SECTION 106 AGREEMENT

A section 106 agreement has been drafted in respect of the matters set out in the above report however has yet to be engrossed. It is recommended that permission is granted upon the engrossment of the S106 agreement.

CONCLUSION

For the reasons set out in the above report it is recommended that outline permission is granted for this scheme subject to the completion of the S.106 agreement securing the aforementioned financial contributions and obligations and subject to planning conditions.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

Authorise the Group Manager, in consultation with the Planning and Environmental Law Manager, to: (a) enter into a Section 106 agreement to secure financial contributions towards street lighting improvements and educational provision and the provision of affordable housing, and (b) upon completion of the Section 106 agreement permit with the following conditions:

1 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

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

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

3 An application or applications for the approval of the reserved matters for all or parts of the development hereby permitted shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

4 Approval of the reserved matters shall ensure that no more than 15 dwellings shall be erected on the site.

Reason: In the interest of the visual amenities of the area and to ensure the site is not overdeveloped

5 No building on the site hereby approved shall exceed 8.7m in height to the ridge line.

Reason: In the interest of visual amenities and to preserve the setting of the Green Belt

6 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below. For clarification, as this is an outline application, permission is only granted for the development of the site edged red on the site location plan and the access details. All details relating to design, layout, and landscaping shall be addressed at the reserved matters stage in accordance with conditions 1-4.

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

7 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 phasing programme agreed in writing with the Local Planning Authority. All hard landscape works shall be permanently retained and maintained in accordance with the approved details.

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

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

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

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

- a. Findings of reptile surveys and proposals for mitigation as applicable;
- b. Full outstanding details of the proposed bat mitigation scheme in accordance with the recommendations of the Avon Wildlife Trust Bat Survey, Oct 2013 (Annex 2 of the LaDellWood Ecology Phase 1 Habitat Survey).
- c. Full details of all external lighting including street lighting and external property or security lighting, demonstrating zero lux light spill levels onto boundary vegetation and adjacent habitats and the railway embankment and all other locations of darkness as applicable as required for the bat mitigation scheme.

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 or otherwise in accordance with a phasing plan to be submitted to an agreed in writing by the LPA.

Reason: in the interest of ecology

10 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

11 No part of the development hereby approved shall be occupied until parking has been provided to serve that part of the development, in accordance with details submitted to and approved in writing by, and to the satisfaction of the Local Planning Authority.

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

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

Reason: To ensure the safe operation of the highway.

13 Finished floor levels should be set a minimum of 100mm above the existing ground levels.

Reason: To reduce the risk of flooding to the proposed development and future occupants given the proximity of the River Avon to the site and take into account climate change.

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

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.

15 No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the LPA. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes.

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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.

PLANS LIST:

This decision relates to the following drawings date stamped 30th October 2013:
1168 AL 10 (Proposed Site Plan in respect of access only)
1168 AL 20 (Development Area Comparison Plans)
1168 AL 40 (Existing Aerial View North)
1168 AL 41 (Existing Aerial View East)
1168 AL 042 (Existing Aerial View - Looking South)

1168 AL 43 (Existing Aerial View West)
1168 AL 80 (Building Height Comparison)
1168 AL 81A (Scale Parameters)
1168 AL 100 (Site Location Plan)
1168 AL 101 (Existing Site Plan)

The following background documents date stamped 30th October 2013 were submitted to inform and justify the proposed development:

- Ecology Report
- Ecology Phase 1 Habitat Survey
- Avon Wildlife Trust Bat Survey
- Statement Of Community Engagement
- Transport Statement
- Landscape Visual Impact Assessment Report
- Affordable Housing Statement
- Employment Land Report
- Heritage Desk Based Assessment
- Planning Design Access Statement
- Site Investigation No. K0449
- Tree Survey Report
- Noise On Construction Sites
- Environmental Noise Report
- Site Specific Flood Risk Assessment
- Sustainable Construction Checklist

The following drawings date stamped 30th October 2013 have been submitted for information purposes only at this outline stage:

1168 AL 11 (Proposed Site Plan)
1168 AL 50 (Proposed Aerial View North)
1168 AL 51 (Proposed Aerial View East)
1168 AL 52 (Proposed Aerial View South)
1168 AL 53 (Proposed Aerial View West)
1168 AL 70 (Proposed Site Sections)

Indicative Landscape Strategy drawing 2049/13/B/7 date stamped 14th November 2013 has been submitted for information purposes only at this outline stage.

This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

DECISION TAKING STATEMENT

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

ADVICE NOTE:

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

INFORMATIVES

ECOLOGY

A) A European Protected Species Licence will be required before any development can commence - including the demolition of the existing units on site. The Applicant is advised to contact Natural England.

SUSTAINABLE TRANSPORT

B) It is recommended that residents should be issued with a Resident's Welcome Packs upon occupation including information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., together with complimentary bus tickets for each household member to encourage residents to try public transport.

FLOOD MITIGATION

C) There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

LAND DRAINAGE

D) Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SuDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365. The soakage test results and test locations are to be submitted in accordance with BRE digest 365 when discharging the surface water condition.

E) The British Geological Survey maps for the site area suggest that the site area has variable permeability and recommends infiltration tests to confirm suitability for infiltration SuDS. It also suggests a water table at less than 3m.

F) If SuDS are deemed not to be viable then an alternative method of surface water drainage should be proposed with a corresponding drainage strategy at full application stage. To note that surface level attenuation or positive discharge to a watercourse is preferred to underground tanking.

G) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

CONSTRUCTION MANAGEMENT

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

I) 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.

CONTAMINATED LAND

J) In the event that contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department 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.

Item No: 03
Application No: 13/04683/FUL
Site Location: Radway Service Station 482 Wellsway Bath BA2 2UB



Ward: Odd Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor S P Hedges Councillor N J Roberts
Application Type: Full Application
Proposal: Demolition of the existing Radway Service Station at 482 Wellsway and dwelling house at 2 Oolite Road to provide five small-scale student cluster flats. (Resubmission)
Constraints: Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,
Applicant: Legend Strategy Enterprises (UK) Ltd
Expiry Date: 25th December 2013

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE:

A request has been received from Councillor Nigel Roberts for the application to be referred to the Development Control Committee and the Chairman has agreed to this request.

DESCRIPTION OF SITE AND APPLICATION:

The application relates to a former petrol station and adjacent dwelling located within the Bath World Heritage. The application seeks planning permission for the erection of five student cluster flats which would provide a total of 31 bedrooms. The prevailing character of the surrounding area is residential. The application site forms a corner plot and is bounded by residential development on three sides and a school playing fields to the opposite side of the Wellsway. The proposed development is designed as a three storey building with a shallow pitched roof. The external walling materials are proposed to be a combination of Bath stone ashlar, Bath stone colour render, cedar cladding with standing seam zinc to the roof.

RELEVANT HISTORY:

05/03727/FUL - WITHDRAWN - 11 April 2006 - Demolition of petrol station and house and construction of 12 flats

06/02788/FUL - REFUSED - 5 April 2007 - Erection of six flats after demolition of petrol station and house at 482 Wellsway and 2 Oolite Road, Bath (Resubmission)

08/01759/FUL - PERMIT - 15 December 2008 - Erection of six flats following demolition of existing dwelling and petrol filling station

11/05321/REN - PERMIT - 23 April 2012 - Renewal of application 08/01759/FUL (Erection of six flats following demolition of existing dwelling and petrol filling station)

13/01920/FUL - WITHDRAWN - 12 July 2013 - Erection of small-scale student cluster flats to accommodate 35 student rooms following demolition of the existing Radway Service Station at 482 Wellsway and dwelling house at 2 Oolite Road

13/02913/DEM - PRIOR APPROVAL REQUIRED - 5 August 2013 - Demolition of service station at 482 Wellsway Road and the adjacent house: No. 2 Oolite Road including all outbuildings

13/03420/DEMA - APPROVE - 19 December 2013 - Demolition of service station at 482 Wellsway Road and the adjacent house: No. 2 Oolite Road including all outbuildings (Following 13/02913/DEM).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Landscape Architect: No objection subject to conditions to secure a hard and soft landscape.

Environmental Health Officer: No objection subject to a condition to secure sound attenuation measures.

Drainage Engineer: No objection.

Urban Designer: No objection subject to changes to the fenestration details and updated sustainable construction checklist.

Avon and Somerset Police: Recommendations are made in relation to the appropriate security measures for the development.

Highway Development Officer: No objection is raised to the proposal subject to contribution of £28k to support the 20A/C bus service, a restriction preventing occupiers parking in the area and conditions to secure a travel plan, a construction management plan and parking provision.

Parks and Open Space: A contribution of £28,246.35 is sought in relation to Parks and Open Space provision.

Contaminated Land Officer: No objection subject to conditions relating to land contamination.

Councillor Nigel Roberts: A request has been received for the application to be referred to the Planning Committee if officers are minded to approve. Concerns are raised in relation to the accessibility by cycling, the uncertainty about the funding for the 20A/C, the increase in traffic and the visual impact of the development.

Bath Preservation Trust: Concern is raised in relation to the visual impact of the development and the demolition of the existing dwelling.

Representations: Three letters and a petition signed by 48 individuals have been received which raise concern in relation to the following areas:

- Overlooking to adjacent school.
- Inappropriate type of accommodation for the area
- Misleading description
- Increased traffic
- Design which is out of character with the area
- Increased demand for on-street parking
- Flood risk

POLICIES/LEGISLATION

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

D.2 - General Design and public realm considerations

D.4 - Townscape considerations

BH.1 - World Heritage Site

T.24 - General development control and access policy

T.26 - On-site parking provision
HG.17 - Purpose built student accommodation
ES.15 - Contaminated Land
IMP.1 - Planning Obligations
ES.1 - Renewable Energy
ES.2 - Energy conservation
ES.4 - Water supply
ES.5 - Foul and surface water drainage
ES.9 - Pollution and nuisance
ES10 - Air Quality
ES12 - Noise and vibration
ES13 - Safety hazards

Bath & North East Somerset Draft Core Strategy November 2013

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

B1: Bath Spatial Strategy
B5: Strategic policies for Bath's universities
CP2: Sustainable construction
CP3: Renewable Energy
CP6: Environmental quality
CP7: Green Infrastructure
CP13: Infrastructure provision

National Planning Policy Framework (NPPF) - March 2012

National Planning Policy Guidance (NPPG) - March 2014

OFFICER ASSESSMENT

INTRODUCTION:

The primary issues to consider when determining this application relate to the principle of student accommodation in this location, the visual impact of the development, residential amenity, highway safety, land contamination and planning obligations.

The application relates to a former petrol station and an adjacent dwelling which have now been demolished under a separate application ref: 13/03420/DEMA. The planning history relating to this site also confirms that planning permission has previously been granted for a development of 6 residential flats however this scheme has not been implemented. It is understood that this scheme was unviable due to the costs of decontaminating the site. A previous application for student accommodation was withdrawn in response to concerns from officers about the impact on the streetscene, parking restrictions and residential amenity.

PRINCIPLE OF DEVELOPMENT:

Policy HG.17 of Local Plan requires new student accommodation to be located on previously development land, with good access to university campuses and other facilities by transport modes other than private cars and to be within the built-up area of Bath. In this case the proposed development would be located on the site of a former petrol station and a dwelling. Although the site is not located in close proximity to a university campus or the City Centre, there is an existing bus route (Number 20A/C) which provides a direct link to the Bath University Campus at Claverton Down and there are numerous other services to the City Centre. The accessibility of the site is discussed in more detail below. The site is located within the built-up area of Bath and consequently the requirements of policy HG.17 would be met.

The draft Core Strategy also includes provision for student accommodation under policy B5 which states that 'Proposals for off-campus student accommodation will be refused where this would adversely affect the realisation of other aspects of the vision and spatial strategy for the city.' Only limited weight can be attached to this policy however there is not deemed to be any direct conflict with the wider spatial strategy for Bath.

VISUAL IMPACT:

The application site is located on the corner of Wellsway and Oolite Road. There are a mixture of properties and architectural styles in the area however these buildings are predominantly two stories in height with bay windows to the front elevations. In terms of the streetscene on the Wellsway, the proposed development would be located between a semi-detached property to the northeast and a new detached property to the southwest which is located on the opposite side of Oolite Road.

The proposal was submitted under a previous application which was subsequently withdrawn following concerns about the visual impact of the development. The main issues with the scheme were scale of development being proposed onto the side boundaries of the site and the massing of the roof. The proposal has subsequently been revised in consultation with the Council's Urban Designer including the introduction a shallow pitch standing seam zinc roof and a reduction in the size of the third storey to bring the bulk of development away from the boundaries at this level. The height of the development would be consistent with the existing properties adjacent to the site, albeit at three stories. Although the footprint of the development would extend forwards of the adjacent property to the northeast this could be accommodated within the corner plot and would reflect the siting of the new dwelling located to the opposite of Oolite Road. The mixture of materials would be in keeping with the contemporary design of the development and would integrate the structure within the streetscene. Overall, officers consider that this revised scheme would have an acceptable impact on the character and appearance of the area.

RESIDENTIAL AMENITY:

The impact on the residential amenity of adjacent occupiers has been given careful consideration by officers. Concern has been raised in relation to current and previous applications that the density of development, now at 31 bedrooms, may lead to disturbance for adjacent occupiers.

As a starting point, the previous use of the site as a petrol station needs to be taken into account when assessing the impact on residential amenity. This type of use creates noise and odour which will have impacted on living conditions to some extent. The potential disturbances caused by the proposed student accommodation need to be assessed in this context.

The Council's Urban Designer has provided advice in relation to the layout of the development which would help to reduce the potential level of disturbance. In particular, the areas of outdoor space have been located to the front of the site along with the bin stores. This layout is deemed to function more successfully for student accommodation as it would prevent activity towards the rear boundaries which are more closely related to the adjacent properties. For the same reason, the bike storage has also been relocated centrally to the ground floor. The fenestration details to the rear elevation have been revised to re-orientate the directional windows away from the adjacent properties.

In addition to the design of the development, the on-going management of the building would have an impact on residential amenity. The information which has been submitted in support of this application indicates that the building would be managed by a property management company who would carry out regular inspections and would be contactable for local. Although this could not be secured by a condition, a clause could be included within a legal agreement to ensure that the building continues to be managed by a property management company. A site management plan would need to be agreed in relation to this planning obligation to confirm the details of how disturbance could be reported and investigated. This would provide a facility for local residents to address issues if they arise. Furthermore, local residents would be able to contact the Environmental Health Team under the normal procedures.

The comments received within the consultation period have highlighted the potential impact on the adjacent school from overlooking. Whilst these comments have been noted there is not considered to be sufficient justification to warrant a refusal of the application based on this issue. The school site is already visible from the existing properties in the area and the proposed development would not significantly increase this level of overlooking.

On balance, the proposal is considered to have an acceptable impact on the residential amenity of adjacent and future occupiers. Officers remain concerned about the intensification of the use of the site however the layout of accommodation and the possibility for site management would ensure that any future disruption is minimised.

HIGHWAY SAFETY:

The Council's Highway Development Officer has raised no objection to the proposal for student accommodation in this location. The main issues which have been considered by officers are the accessibility of the site by public transport and the demand for on-street parking.

Negotiations have taken place with the agent in relation to the need for planning obligations to mitigate against the impact of the development. The site does not fall within the central area or near to a university campus however there is a direct bus service to the

University of Bath Claverton Down Campus in addition to the services to the City Centre. The Council's Public Transport Officer has confirmed that the 20A/C service to the Claverton Down Campus is a subsidised route including funding from the Sainsbury's development at Odd Down (ref: 09/02389/OUT) and the University of Bath 12/02626/FUL. A contribution of £28k is sought from the current application in order to maintain the existing level of service for a period of a year. This is deemed to be a reasonable level of contribution with regards to the scale of the development being proposed and has been agreed by the applicant.

A further planning obligation has been agreed to prevent future occupiers of the development from parking within 2km of the site. There is a single disabled parking space provided on site however there is no other parking and therefore the development could place a substantial demand for on-street parking. A clause within a section 106 agreement would prevent student from parking in the area and this is proposed to be monitored by an independent agency. The Council's Highway Development Officer has confirmed that this would provide an acceptable solution to overcome this issue. A site management plan would be required as part of this planning obligation to confirm the frequency and method of monitoring which is to be undertaken in relation to the parking restrictions.

CONTAMINATED LAND:

The Council's Contaminated Land Officer has been consulted in relation to this application and has raised no objection subject to conditions to control sources of contamination. The historic use of the site as a petrol station is likely to create issues with site contamination which will need to be addressed. The petrol station has now been demolished with the tanks being made safe under a separate application which dealt specifically with the demolition (ref: 13/03420/DEMA). The site is considered to be acceptable for redevelopment to student housing subject to conditions which will ensure that contamination issues are addressed.

SUSTAINABILITY

The application is supported by a Sustainable Construction Checklist and a Design and Access Statement which indicate that sustainable construction methods will be incorporated into the development. A sustainable development is sought to be achieved through passive solar gain with the principle elevations facing south, the incorporation of solar panels to the roof and a combined heat and power gas boiler.

PLANNING OBLIGATIONS:

In addition to the planning obligations set out above, a contribution of £28,246.35 is sought in relation to parks and open spaces provision which has been agreed by the applicant.

CONCLUSION:

In light of the points raised above, on balance, the revised proposal is considered to be acceptable and is recommended for permission subject to the completion of a section 106 agreement and conditions set out below.

RECOMMENDATION

Authorise the Divisional Director, Development to PERMIT subject to condition(s)

CONDITIONS

A. Authorise the Development Manager to permit the application subject to the applicant entering into a legal agreement to secure:

Public Transport

A contribution of £28,000 is sought in order to maintain the existing level of service for the 20A/C bus route for a period of a year.

Formal Open Space

A contribution of £28,246.35 is sought to fund the provision of new formal open space, natural open space and allotments off-site to serve the population.

Site Management Plan

A planning obligation is sought to restrict future occupiers of the development from parking within 2km of the site which will be monitored in accordance with a site management plan.

A planning obligation is sought to ensure that the development is managed by a property management company in accordance with a site management plan.

B. Subject to the prior completion of the above agreement, authorise the Development Manager to PERMIT subject to the following conditions (or such conditions as he may determine):

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 sample panel of all external walling and roofing materials to be used has been erected on site and approved in writing by the Local Planning Authority. Thereafter, the sample panel shall be kept on site for reference until the development is completed and the development shall be carried out in accordance with the approved details.

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 part of the development hereby permitted shall be occupied until the parking area shown on the approved plans has been provided. Thereafter, the parking space shall be kept free of obstruction and shall not be used for any other purposes than parking in association with the development hereby permitted.

Reason: In the interests of highway safety and public amenity

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

Reason: In the interests of sustainable development.

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

Reason: To ensure the safe operation of the highway.

8 On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 30dBLAeq,15min for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F timeweighting) shall not (normally) exceed 45dBLAmax.

Reason: In the interest of residential amenity

9 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) a survey of the extent, scale and nature of contamination;
- (b) an assessment of the potential risks to:
- (c) human health,
- (d) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- (e) adjoining land,
- (f) groundwaters and surface waters,
- (g) ecological systems,
- (h) archaeological sites and ancient monuments;
- (i) 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.

10 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.

11 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.

12 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 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition no. Condition 11, 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. Condition 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.

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

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

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

PLANS LIST:

676/7049/1A, 865/PA/01B, G10C, G12B, G16A, G17A, G18C, G19B, G22, G23C, G25C

DECISION MAKING STATEMENT:

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

Item No: 04
Application No: 14/01016/FUL
Site Location: 21 Woodland Grove Claverton Down Bath Bath And North East Somerset BA2 7AT



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Nicholas Coombes Councillor David Martin
Application Type: Full Application
Proposal: Erection of 3no detached dwellings following demolition of a single dwelling and garage
Constraints: Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,
Applicant: Mr Paul Kettleby
Expiry Date: 16th May 2014

REPORT

REASON FOR REPORTING TO COMMITTEE

Councillor David Martin has requested that the application be considered by the Development Control Committee and has made the following comments:

1. The proposal does not maintain the character of the public realm and fails to respond to the local context due to its materials, design, layout, spacing and appearance;
2. The development does not take account of the need to minimise energy consumption due to choice of materials and orientation of buildings;
3. The development would impose additional demands on the local foul water sewage infrastructure and no account has been taken of the need for additional provision;

In line with the Council scheme of delegation the application has been referred to the Chairman of committee who has decided that the application should be determined by committee due to the level of local interest and concerns about design and amenity.

DESCRIPTION

21 Woodland Grove comprises a detached bungalow with a detached garage positioned centrally on a large plot within a cul-de-sac. A low stone boundary wall surrounds the site and there is a line of trees along the southern and eastern boundaries of the site.

The site lies within the Bath World Heritage Site.

The area surrounding the site is characterised by a mixture of semi-detached and detached properties set back from the road edge and arranged around a series of cul-de-sacs.

The proposal is to demolish the existing bungalow and garage and to erect three detached dwellings on the site (1 x 4 bedroom dwelling and 2 x 5 bedroom dwellings). The proposals include two off-street parking spaces per dwelling.

SITE HISTORY

05/03026/OUT - Outline consent granted in 2005 for the construction of 2 new dwellings following the demolition of the existing dwelling. Reserved matters were not submitted and this consent was never implemented and has now expired.

07/02648/FUL - Full planning permission granted in November 2007 for the erection of 1 detached dwelling and two semi-detached dwellings following the demolition of the existing dwelling. This planning permission has not been implemented and has now expired.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Full copies of comments received are available on the Council's website. A summary of comments received is provided below.

HIGHWAYS OFFICER

No objection, subject to conditions.

FLOOD RISK AND DRAINAGE

No objection, subject to conditions.

ARBORICULTURAL OFFICER

No objection, subject to conditions

ARCHAEOLOGICAL OFFICER

No objection.

ECOLOGY

No objection.

EDUCATION SERVICES

We do not need to seek a contribution for this development as once the existing dwelling that is to be demolished is taken into account, there will be a net gain of only two dwellings.

PARKS AND OPEN SPACES

No objection, subject to contribution towards formal green space, natural green space and allotment provision of £13,858.08

BATH PRESERVATION TRUST

(Comments received prior to revised drawings)

We welcome the principle of housing development on the site, and the density and layout proposed. The city needs to make the best use of existing urban areas to provide much needed housing. We regret that the design appears dated and encourage a review. We are unconvinced that the design and fenestration in particular, does anything to strengthen local distinctiveness.

THIRD PARTIES/NEIGHBOURS

18 Letters of objection have been received. The main points raised are summarised and grouped below:

Character and appearance

- The proposed buildings are out of keeping with the area;
- Style, design, spacing, layout and materials are not sympathetic to the area;
- Other houses in the street are constructed from re-constituted bath stone;
- Proposal represents overdevelopment;
- Proposed density is excessive;
- Buildings stand proud of the adjacent buildings;
- Buildings will not relate positively to the public realm;
- Plans fail to express roof detail similar to surrounding houses;
- The six car parking spaces are very dominant at the front of the plan;
- Proposed dwellings resemble townhouses;

- Not appropriate in this quiet, leafy, woodland suburb;
- Scale of development is disproportionate to rest of cul-de-sac;
- Proposed gables will have a tunnelling effect on the close;
- Lack of meaningful landscaping;
- Contrary to policies D.2 and D.4 of the Local Plan;

Residential amenity

- Loss of light to 23 Woodland Grove due to proximity of unit 1;
- Gable ends will overlook properties opposite the site;
- Loss of privacy;
- Will spoil the aspect of no. 19 Woodland Grove;
- Reliance on trees to screen the proposal;
- Side wall of unit 1 is overbearing;
- In the event of approval, the side elevation of unit 1 should be softened;

Highways and parking

- Insufficient off-street parking provided;
- Proposal represents a marked increase in traffic movements;
- Proposed houses and lack of visitor parking will result in additional on-street parking;
- Potential overcrowding on existing short and narrow road;
- Insufficient road width to accommodate visiting cars;
- If cars are parked opposite a drive it is impossible to reverse out;
- Vehicle turning, access and on-street permit parking will be adversely affected;
- Loss of on-street parking due to proposed accesses;
- Road is used every day by delivery vans and tradesmen;
- Surrounding roads have double yellow lines so impact will be focused on this road;
- Proposed parking places will be a hazard to pedestrians and road users;
- Highways safety will be compromised;

Other matters

- Conditions controlling construction times and methods should be applied;
- The sewage system dates from the 1950s and already causes problems from time to time;
- Three additional dwellings will be too much for the sewage system;
- No provision has been made for foul sewage infrastructure;
- Previous experiences of sewer blockages;
- Drains from surrounding properties discharge under the grounds of the site;
- Flood risk assessment is inadequate;
- Concerns about inaccuracies in the documents/drawings;
- Concerns about use as HMOs;
- Lack of sustainability.

A further 18 letters of objection were received following the submission of amended drawings. The previous issues raised were restated and the other main points raised were:

- Revised drawings do not address concerns previously raised;
- Changes to proposals are superficial;
- Revised drawings make units 1 and 2 more cramped;
- Concerns about ambiguities in the drawings;

- Loss of boundary wall at front of site will be detrimental to the street scene;
- Proposals will be a blot on the skyline;

POLICIES/LEGISLATION

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

D.2:	General Design and public realm considerations
D.4:	Townscape considerations
HG.4:	Residential development in the urban areas and R.1 settlements
BH.1:	World Heritage Site
NE.10:	Nationally important species and habitats
NE.11:	Locally important species and habitats
ES.5:	Foul and surface water drainage
IMP.1:	Planning obligations
T.1:	Overarching access policy
T.24:	General access and development control policy

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

All policies referred to above, with the exception of BH.1, are proposed as saved policies within the submission core strategy.

The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations. The following sections of the NPPF are of the particular relevance:

Section 7: Requiring good design

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development;
- Character and appearance;
- Residential amenity;
- Highways and parking;
- Ecology;
- Trees and woodland;
- Flood risk and drainage;
- Parks and open spaces contribution.

PRINCIPLE OF DEVELOPMENT

The site falls within the built up area of Bath where the principle of new residential development is acceptable in accordance with policy HG.4 of the Bath and North East Somerset Local Plan. Furthermore, the principle of residential development on this site

has been established by the two previous permissions granted on the site in 2005 and 2007.

CHARACTER AND APPEARANCE

The previous permission granted in 2007 was for the erection of two semi-detached and one detached dwelling following the demolition of the existing bungalow. The current scheme proposed three detached dwelling with an increased footprint.

The design of the scheme as originally submitted was considered to be unacceptable, due to the vertical emphasis of the proposed fenestration, the uniform spacing of the properties and the creation of higher ridge lines than previously approved. This was considered to give the dwellings a 'townhouse' appearance, unsuited to this suburban setting.

Following negotiations, the height and width of the dwellings have been slightly reduced, the spacing of the units amended and the fenestration has been redesigned to give less of a vertical emphasise to the front elevations.

The heights of units 1 and 2 are now comparable to the height of the dwellings approved under the 2007 permission. Both units have a slightly higher ridge than the adjoining property no. 23 Woodland Grove. Unit 3 is slightly higher than the previously approved detached dwelling and is comparable to the ridge height of no. 19 Woodland Grove. The proposed heights are not considered to be excessive.

The footprint of these two units (units 1 _ 2) is similar to that of the previously approved semi-detached pair under the 2007 permission. However, both units are positioned slightly further forward and project deeper into the application site than the previously approved semi-detached dwellings. Unit 3 is positioned at a slight angle to street on the eastern part of the site. The proposed units include an additional single storey element to the rear which extends their footprint beyond that of the previous permission. It is considered that the site is capable of accommodating this additional footprint and the proposed sub-division of the site is similar to that previously approved.

Woodland Grove comprises a mixture of dwellings and, whilst there a no examples of gable fronted properties within this particularly cul-de-sac, there is a variety of different roof forms and gables are not uncommon within other parts of Woodland Grove.

Overall, the scale and form of development proposed is considered acceptable.

The proposed design and fenestration have adopted a contemporary approach with a choice of materials which contrasts with the prevalent use of reconstituted bath stone in the surrounding area. Although contemporary in approach, the revised design is considered not to harm the character and appearance of the surrounding area. A condition requesting samples of materials to be approved prior to construction is considered necessary to ensure materials of sufficient quality used.

RESIDENTIAL AMENITY

Number 23 Woodland Grove is located directly to the west of the application site. Unit 1 would be positioned approximately 1m from the boundary with no. 23 Woodland Grove and would be adjacent to its driveway, detached garage and utility area. The proposed dwelling would result in some loss of direct light to the east facing window of the utility of no. 23 Woodland Grove during morning and would have some impact upon its outlook. However, the utility area is not considered to be a primary habitable room of the property and, in any case, would still receive reasonable levels of daylight. Furthermore, following the submission of revised drawings, additional obscure windows have been inserted into the west elevation of unit 1 to help break up the massing of the side elevation. In light of the above, it is considered that the proposal will not have a significant detrimental impact upon the amenity of no. 23 Woodland Grove.

Number 19 Woodland Grove lies to the east of the application site and is situated further back from the street than the proposed dwellings. The nearest proposed dwelling to no. 19 Woodland Grove is unit 3 which is approximately 9m away at its closest point. The orientation of the properties and the existing screening provided by the planting along the boundary is considered to prevent the proposed dwelling from have any significant detrimental impact upon the neighbouring amenity.

Numbers 18 and 20 Beech Avenue are positioned to the rear of the application site. There is a significant amount of screening provided by the existing tree line along the southern boundary of the site and this is intended to be retained. The distance between the proposed dwellings and nos. 18 and 20 Beech Avenue is significant and is in excess of the 21m tolerance which is usually taken as an appropriate standard for back-to-back distances between dwellings. The proposed dwellings are therefore considered not to adversely affect the amenities of nos. 18 and 20 Beech Avenue.

HIGHWAYS AND PARKING

The area is an established residential location with convenient walking, cycling and public transport links. There is therefore no objection to residential development in this sustainable location.

The Highways Officer has raised no concerns about the additional traffic which is likely to be generated from the inevitable increase in occupancy of the site. In consideration of this area as a whole, an additional two dwellings will not have a significant adverse impact upon traffic levels.

In terms of parking, while the site is sustainable, two parking spaces for each of the relatively large dwellings is a compromise to the maximum. There is therefore the potential to generate a degree of on-street parking (from visitors and service vehicles etc.). However, it is the view of the Highways Officer that it could not be argued that this would have a significant or severe adverse impact on road safety, and therefore does not conflict with local or national planning policy.

ECOLOGY

A completed ecological survey and bat survey of the buildings has been submitted and assessed by the Council's ecologist. No further surveys are required and no significant ecological constraints were identified.

TREES AND WOODLAND

The Council's arboricultural officer is in broad agreement with the findings of the submitted arboricultural report.

The trees identified to be removed on the road frontage, whilst contributing to the street scene, have limited public visual amenity. Similarly, the purple plum in the rear garden has limited public visual amenity.

The Council's arboricultural officer is satisfied that despite a small incursion into the Root Protection Area of the silver birch on neighbouring land, the proposed construction will not impact adversely on the welfare of this tree. They also consider that if the Leyland Cypress hedge along the southern boundary of the site is reduced in height and trimmed back it will create a useful screen without casting unacceptable shade.

A condition requiring a detailed arboricultural method statement to be submitted prior to the commencement of development is considered necessary to ensure adequate protection of the retained trees during the development.

FLOOD RISK AND DRAINAGE

A number of concerns have been raised by residents about the capacity of the sewer systems within Woodland Grove. The Council's flood risk and drainage team have raised no objection to the proposals and have recommended a condition be applied to require details of how surface water will be disposed of from the site. This is considered necessary and will ensure that the risk of local flooding from surface water discharge is not increased.

A number of the concerns raised relating to sewage are matters controlled by other legislative regimes, e.g. building regulations, and therefore are not material planning considerations.

PARKS AND OPEN SPACES

The proposal would result in a net occupancy of 8 persons who would create demand for formal green space, natural green space and allotment provision equal to 120m², 120m² and 24m² respectively. The proposals do not include any on-site provision, which in this instance is acceptable given the size of the site. Financial contributions are therefore required in accordance with the Community Infrastructure Levy Regulations (as amended) and the Council's SPD 'Planning Obligations' adopted July 2009.

Total contributions of £13,858.08 have been requested for formal green space, natural green space and allotment provision. This has been agreed with the applicant and is to be

secured through a S106 agreement. Subject to the completion of this agreement there is no objection from the Parks and Open Spaces officer.

CONCLUSION

The proposal is acceptable in principle and is not considered to harm the character or appearance of the surrounding area or the amenities of adjoining residents. Although the proposal might result in an increase in on-street parking, this impact is not considered to be significant or severe and therefore complies with local and national policy. Furthermore, subject to conditions, the proposal is acceptable in terms of its ecological, arboricultural and flood risk impact.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

A. Authorise the Development Manager to permit the application subject to the applicant entering into a legal agreement to secure:

Formal Open Space

Contributions of £13,858.08 to fund the provision of formal open space off-site to serve the population. The amount of the contribution has been calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be paid prior to the occupation of the development.

B. Subject to the prior completion of the above agreement, authorise the head of Planning Services to PERMIT subject to the following conditions (or such conditions as he may determine):

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 activity shall take place until a detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The final method statement shall incorporate a provisional programme of works, supervision and monitoring details by an Arboricultural Consultant and provision of site records and certificates of completion and compliance. The statement should also include the control of potentially harmful operations such as construction access, storage, handling and mixing of materials on site, access improvements, burning, location of site office, service run locations including soak-away locations and movement of people and machinery.

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

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

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

4 No development shall commence, except site clearance and preparation works, 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.

5 No development shall commence, except site clearance, preparation works, ground investigations and infiltration tests, until details of the surface water drainage system have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall be completed prior to the occupation of the development in accordance with the approved details.

Reason: In the interests of flood risk management and drainage.

6 No part of the development hereby approved shall be occupied 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.

7 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.

8 Before the dwellings hereby approved are first occupied, properly bound and compacted accesses and parking areas (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety.

9 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.

10 The ground floor and first floor windows on the west elevation of unit 1 (annotated on drawing number 13121(L)015 revision C with 'Obscured glazing to stair) shall be obscurely glazed and fixed shut unless the parts of the window that can open are more than 1.7m above the floor level of the room in which they are installed.

Reason: In the interests of amenity and to protect the privacy of 23 Woodland Grove.

11 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:

13121 L001B
13121_L_010_D
13121_L_011_C
13121_L_012_C
13121_L_013_C
13121_L_014_C
13121_L_015_C
13121_L_016_C
13121_L_017_B
13121_L_018_C
13121_L_019_B
13121_L_021_A
3655-27NOV13-02
3655_27NOV13-01

DECISION MAKING STATEMENT

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

ADVICE NOTE:

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

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

ADVICE NOTE

In the interests of flood alleviation we would encourage the applicant to investigate the use of a Sustainable Urban Drainage Scheme (SuDS) in order to manage surface water drainage.

SuDS infiltration schemes include techniques such as infiltration trenches and basins, filter drains, rain gardens and soakaway techniques. Other surface level SuDS techniques include swales and attenuation ponds.

For more details about SuDS please refer to the guidance from Ciria (<http://www.susdrain.org/resources/ciria-guidance.html>)

If SuDS techniques are pursued, details of the proposed drainage scheme should be submitted to the Council's Flood Risk Management and Drainage Team.

We have reviewed the British Geological Survey maps for the site area and subject to infiltration tests, the ground would appear to be suitable for infiltration SuDS schemes such as INTEML as soakaways.

If discharge to the mains sewer is considered the only viable option, written confirmation from Wessex Water that they are satisfied that the additional discharge into their network is acceptable must be submitted to the Council's Flood Risk Management and Drainage Team. All discharge rates and connection points will need to be agreed with Wessex Water.

Item No: 05
Application No: 13/05022/FUL
Site Location: Druid Farm Pensford Lane Stanton Drew Bristol Bath And North East Somerset



Ward: Clutton **Parish:** Stanton Drew **LB Grade:** N/A
Ward Members: Councillor Jeremy Sparks
Application Type: Full Application
Proposal: Erection of a new building following the demolition of existing building for storage purposes
Constraints: Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt,
Applicant: Mrs Helen Curtis
Expiry Date: 30th May 2014
Case Officer: Chris Griggs-Trevarthen

REPORT

REASON FOR REPORTING TO COMMITTEE

Stanton Drew Parish Council has supported the proposal and in line with the Council's scheme of delegation the application has been referred to the Chairman of the Development Control Committee. The Chairman has decided that the application should be determined by the Committee because although the proposal is contrary to Green Belt policy there may be circumstances by which the Committee might take a different view.

DESCRIPTION

Druid Farm is situated on the north western edge of Stanton Drew with access of Pensford Lane. Three barns on the holding were converted to holiday accommodation in 2000 (ref: 00/02134/FUL). There is an existing single storey, rendered building with a mono-pitch roof which provides storage.

The site lies within the designated Bristol and Bath Green Belt.

It is proposed to demolish the existing single storey storage building and replace it with a larger storage building with a dual pitched roof. The storage building is to be associated with the holiday lets for the storage of holiday let sundries. It is not stated as being used in connection with the agricultural use of the rest of the holding.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

ECOLOGY

Objection - Insufficient information to be confident the building is not used by bats.

STANTON DREW PARISH COUNCIL

Support - Complies with agricultural policies ET.6 and ET.7 and Design policy D.4.

THIRD PARTIES/NEIGHBOURS

No letters of representations have been received from any third parties or neighbours.

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
- GB.1: Development in the Green Belt
- GB.2: Visual amenity of the Green Belt
- NE.10: Nationally important species and habitats

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

Policies D.2, D.4, GB.2 and NE.10 of the local plan are proposed as saved policies within the submission core strategy.

The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations. The following sections of the NPPF are of the particular relevance:

Section 7: Requiring good design

Section 9: Protecting Green Belt land

OFFICER ASSESSMENT

The main issues to consider are:

- The impact upon the Green Belt;
- The impact upon the character and appearance of the area;
- The impact upon residential amenity;
- The impact upon ecology;

GREEN BELT

Policy GB.1 reflects guidance in the NPPF which states that development in the Green Belt is inappropriate with only a few categories of exception. Paragraph 89 states that the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, can be considered appropriate development

The existing building to be demolished is utilised for storage and the proposed building is also for storage use. The proposal therefore meets the first part of the exception criteria. However, the proposed building is approximately 70 cubic metres larger in terms of volume than the existing building. This is approximately a 50% increase in volume over the original building.

The replacement building therefore represents a materially larger building than the one it replaces. It is therefore considered inappropriate development.

The increased volume of the proposed replacement building also results in moderate harm to the openness of the Green Belt.

CHARACTER AND APPEARANCE

The existing structure is unassuming and has no significant features worthy of retention. Its loss is acceptable. The proposed replacement structure reflects many of the characteristics of the existing building in its simple form and style. However, the increase in the size of the proposed building and the insertion of domestic style windows and doors, gives the replacement building the appearance of a domestic bungalow. The appearance of a domestic bungalow in this location would be out of keeping with the context of the site and harmful to the rural character of the area.

RESIDENTIAL AMENITY

The use of the proposed replacement structure for storage associated with the holiday lets does not have any adverse impacts upon the amenity of the holiday lets or the occupiers of the farm holding. Its single storey scale means that the proposed structure does not appear overbearing or result in any loss of light or outlook to any adjoining occupiers.

ECOLOGY

The existing building is a farm building in a rural location with known bat activity. The Council's Ecologist has advised that buildings of this nature often provide suitable conditions for use by bats. The proposal does not include sufficient information for the LPA to be confident that the building is not used by bats. All bats are protected and the LPA is obliged to ensure that planning decisions are sufficiently informed of potential impacts on protected species, prior to a decision.

An inspection of the building for potential use by bats must be undertaken by a suitably experienced ecologist to ascertain whether bats are present. An ecological survey has been requested and the outcome of this request will be reported to committee in the update report.

CONCLUSION

As discussed above, the proposed replacement building is inappropriate development in the Green Belt. Paragraph 87 of the NPPF states that inappropriate development should only be approved if very special circumstances exist. Paragraph 88 of the NPPF states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Inappropriate development is harmful by definition and some harm is also identified to the openness of the Green Belt due to the size of the replacement building. Additional harm arises from the harm to rural character and from the lack of information provided regarding protected species and the potential harm to bats.

No very special circumstances have been advanced in favour of the proposal, and besides the minor benefits to the operation of the holiday let business and the rural economy, there are no other significant considerations which weigh in favour of the application.

It is therefore considered that other considerations do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and the harm to its openness. Very special circumstances do not exist and the proposal is therefore unacceptable.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed replacement building is materially larger than the existing building to be replaced and is therefore considered inappropriate development in the Green Belt. Furthermore, the proposal results in harm to the openness of the Green Belt. Very special circumstances do not exist to clearly outweigh the substantial harm to the Green Belt. The proposal is therefore contrary to policy GB.1 of the Bath and North East Somerset Local Plan and guidance in the National Planning Policy Framework.

2 The proposed replacement building, due to its size, design and domestic features, has the appearance of a domestic bungalow which is out of keeping with the surrounding area and harmful to rural character. The proposal is therefore contrary to policies D.2, D.4 and GB.2 of the Bath and North East Somerset Local Plan and guidance in the National Planning Policy Framework.

3 Insufficient information has been provided for the Local Planning Authority to be confident that the existing building is not used by bats. The proposal is therefore considered to result in potential harm to protected species contrary to policy NE.10 of the Bath and North East Somerset Local Plan, guidance in the National Planning Policy Framework and The Conservation of Habitats and Species Regulations 2010.

PLANS LIST:

Site Location Plan
Block Plan
Existing Elevations,
Existing Floor Plan
Proposed Elevations
Proposed Floor Plan

DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Council encourages the use of pre-application advice. Unfortunately, this was not sought in the current case. For the reasons given, and expanded upon in a related case officer's report, the proposal was unacceptable and was refused planning permission.

Item No: 06
Application No: 14/00981/FUL
Site Location: Abbey Hotel 1 North Parade City Centre Bath Bath And North East Somerset



Ward: Abbey **Parish:** N/A **LB Grade:** IISTAR
Ward Members: Councillor B J Webber Councillor Manda Rigby
Application Type: Full Application
Proposal: Change of use of public highway to allow temporarily sitting of chalet to house outside catering bar
Constraints: Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, World Heritage Site,
Applicant: Abbey Hotel

Expiry Date:	28th April 2014
Case Officer:	Jonathan Fletcher

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE:

A request has been received from Councillor Brian Webber for the application to be referred to the Development Control Committee if officers are minded to approve and a further request from Councillor Brian Dixon if officers are minded to refuse. Officers are minded to refuse the application and the Chairman has therefore agreed for the application to be referred to the Committee.

DESCRIPTION OF SITE AND APPLICATION:

The application relates to a grade II* listed building located within the Bath Conservation Area and the Bath World Heritage Site. The application seeks planning permission for the change of use of public highway to allow temporarily siting of chalet to house outside catering bar. The chalet is intended to be used as an 'après-ski bar' during the Christmas and New Year period. The chalet would be located in front of the principle elevation of the Abbey Hotel. There are a range of commercial uses adjacent to the site.

RELEVANT HISTORY:

97/00152/LBA - APPROVE - 14 May 1997 - Internal and external alterations to convert two seminar rooms with toilets into four bedrooms with en-suite bathrooms at the Abbey Hotel

97/00160/FUL - APPROVE - 17 April 1997 - External alterations to rear of property

04/01280/FUL - PERMIT - 1 July 2004 - Change of use of highway in front of The Abbey Hotel for the siting of tables and chairs for the purpose of serving refreshments

06/03563/LBA - CONSENT - 21 December 2006 - Internal alterations to Flat 1 to reposition stud partition between hall and bedroom/shower room

07/00498/FUL - PERMIT - 25 April 2007 - Change of use of public highway to public highway and the siting of 12 tables and 48 chairs

10/01135/FUL - PERMIT - 21 May 2010 - Use of the public highway for the siting of 12 tables and 48 chairs.

10/04296/FUL - PERMIT - 30 November 2010 - Use of the public highway for the siting of 12 tables and 48 chairs.

12/01273/VAR - PERMIT - 22 May 2012 - Variation of condition 4 of application 10/04296/FUL (Use of the public highway for the siting of 12 tables and 48 chairs.)

12/04887/LBA - CONSENT - 1 February 2013 - Internal alterations for the renovation of mechanical (hot water and heating) systems.

12/04902/FUL - PERMIT - 16 January 2013 - Installation of 2no satellite dishes

12/05180/LBA - CONSENT - 1 February 2013 - External alterations for the installation of 2no. satellite dishes.

13/01969/VAR - REFUSED - 3 July 2013 - Variation of condition 4 of application 10/04296/FUL (Use of the public highway for the siting of 12 tables and 48 chairs).

13/02679/LBA - CONSENT - 16 September 2013 - Internal and external alterations to make two structural openings in basement to gain access to previously closed room plus one external structural opening (regularisation)

13/03241/VAR - REFUSED - 19 September 2013 - Variation of condition 4 of application 10/04296/FUL (Use of the public highway for the siting of 12 tables and 48 chairs) (Resubmission of 13/01969/VAR)

14/00955/FUL - PENDING CONSIDERATION - Change of use of public highway for the siting of 12 tables and 48 chairs (Retrospective)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development Officer: No highway objection.

English Heritage: An objection is raised as the proposal is deemed to cause 'less than substantial harm' with reference to the guidance within the NPPF.

Conservation Officer: An objection is raised as the proposal is deemed to be harmful to the setting of the grade II* listed building and the character and appearance of the wider conservation area.

Cllr Brian Webber: A request has been received for the application to be referred to the Development Control Committee if officers are minded to approve. Concern is raised in relation to the potential impact of granting a permanent permission for this type of use.

Cllr David Dixon: A request has been received for the application to be referred to the Development Control Committee if officers are minded to refuse. The use is deemed to compliment the Christmas market and to be good use of the a public highway without causing obstruction.

Bath Preservation Trust: The building/use detracts from the surrounding historic buildings and therefore should not become a semi-permanent fixture.

Representations:

One letter has been received in support of the application which considered to be an attractive feature within the Christmas period.

One letter has been received in objection to the application which raises concern in relation to the harmful impact on the setting of the grade II* listed building and the character and appearance of the wider conservation area.

POLICIES/LEGISLATION

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

- D.2 - General Design and public realm considerations
- D.4 - Townscape considerations
- BH.1 - Bath World Heritage Site and its setting
- BH.2 - Listed buildings and their settings
- BH.6 - Development within or affecting conservation areas
- S.7 - Siting of tables and chairs outside A3 or A4 uses in Bath City Centre

Bath & North East Somerset Draft Core Strategy November 2013

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

- B1- Bath Spatial Strategy
- B2 - Central Area Strategic Policy
- B4 - The World Heritage Site and its Setting

National Planning Policy Framework (NPPF) - March 2012

National Planning Policy Guidance (NPPG) - March 2014

OFFICER ASSESSMENT

INTRODUCTION:

The primary issues to consider when determining this application are the principle of the change of use, economic vitality, the impact on the setting of the grade II* listed building and the character and appearance of the wider conservation area, residential amenity and highway safety.

PRINCIPLE OF THE USE:

The Town and Country Planning (General Permitted Development) Order 1995 (as amended) under Part 4, Class B allows for temporary changes of use, as set out below.

'The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes referred to in paragraph B.2, and the provision on the land of any moveable structure for the purposes of the permitted use.'

The proposed apres ski bar was previously operated during the 2014 Christmas period under this section of permitted development rights and officers considered this to be a lawful use for up to 28 days. The current application seeks to operate the use for a period of 45 days each year across the Christmas and New Year period and therefore planning permission is required.

Policy S.7 of the Local Plan provides for outdoor tables and seating to serve commercial uses within the City Centre. In this case the Abbey Hotel benefits from planning permission for tables and chairs however the current proposal would go beyond the scope of policy S.7 as a bar would be created on the pavement.

ECONOMIC VITALITY:

It is noted that responses within the consultation period have highlighted the benefits to the vitality of the area during the Christmas period created by this use. This is noted to be a use which complements the Christmas markets which take place. It is clear that footfall in this part of the City is increased during the Christmas market period which is beneficial for businesses in the area. It is recognised that the après-ski bar would provide an additional offer for visitors to the area however the use in isolation is unlikely to have a significant impact on footfall.

LISTED BUILDING / CONSERVATION AREA:

The Council's Conservation Officer and English Heritage have been consulted in relation to this application and have both raised objections. The following comments have been received from the Council's Conservation Officer:

'This area of the city has the potential to be very beautiful and dynamic public realm with it's juxtaposition of numerous listed buildings (a number of them grade II* listed), the fountain, views towards North Parade Bridge and the majesty of the Abbey emerging over the top of York Street and Terrace Walk. The area has a high footfall much of it from visitors to the World Heritage Site taking this route into the city having arrived by train or coach.

Unfortunately the area is being over whelmed by clutter (various kiosks, telecommunications boxes, miscellaneous signage) which impedes ease of movement for pedestrians and detracts from the appearance and character of the townscape. The significant area of authorised seating outside of the grade II* Abbey Hotel surrounded by the planter barricade already forms part of this pattern which is contributing to a decline in quality.

The timber chalet would be an incongruous structure in a city centre characterised by classical architecture. Siting of the chalet is tolerable over the Christmas period because it is limited under permitted development to 28 days and in the wider context of the annual market somehow less jarring. Any explicit increase in the length of time would harm the character and setting of the listed buildings and the wider area.

Unlike the tables and chairs which allow a degree of visual permeability the solid chalet would also block an important and natural desire line and views between North Parade Bridge, North Parade and North Parade Buildings.

As noted in the EH comments permission at this stage would also make it very difficult to resist further applications to site the chalet for longer periods of time and indeed applications for further similar structures elsewhere in the public realm.'

The objections received from the Council's Conservation Officer and English Heritage consider there to be clear harm caused by this development to the setting of the grade II* listed building and the character and appearance of the wider conservation area and world heritage site.

RESIDENTIAL AMENITY:

The proposed use would be operated in a city centre location where there are existing restaurant and bar uses adjacent to the site. The proposal is considered to maintain the residential amenity of adjacent occupiers. The Design and Access Statement supporting the application confirms that the use would be operated between the hours of 10am to 11pm. This would be consistent with the city centre location of the site and could be controlled by a condition.

HIGHWAY SAFETY:

The Council's Highway Development Officer has raised no objection to the application. The proposal would not cause a distraction for pedestrians in the area.

CONCLUSION:

In light of the objections received from the Council's Conservation Officer and English Heritage, the proposal is considered to have an unacceptable impact on the setting of the grade II* listed building and the character and appearance of the wider conservation area and world heritage site. This is not deemed to be outweighed by the limited economic benefits which would be achieved by the development. The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed chalet, by reason of its incongruous design and construction materials and siting in the public realm, fails to preserve the setting and character of the grade II* listed Abbey Hotel as well as having a harmful impact on the wider appearance and character of this part of the Bath Conservation Area and the Bath World Heritage Site, contrary to the National Planning Policy Framework 2012 and policies BH.1, BH.2 and BH.6 of the Bath & North East Somerset Local Plan including minerals and waste policies - Adopted October 2007.

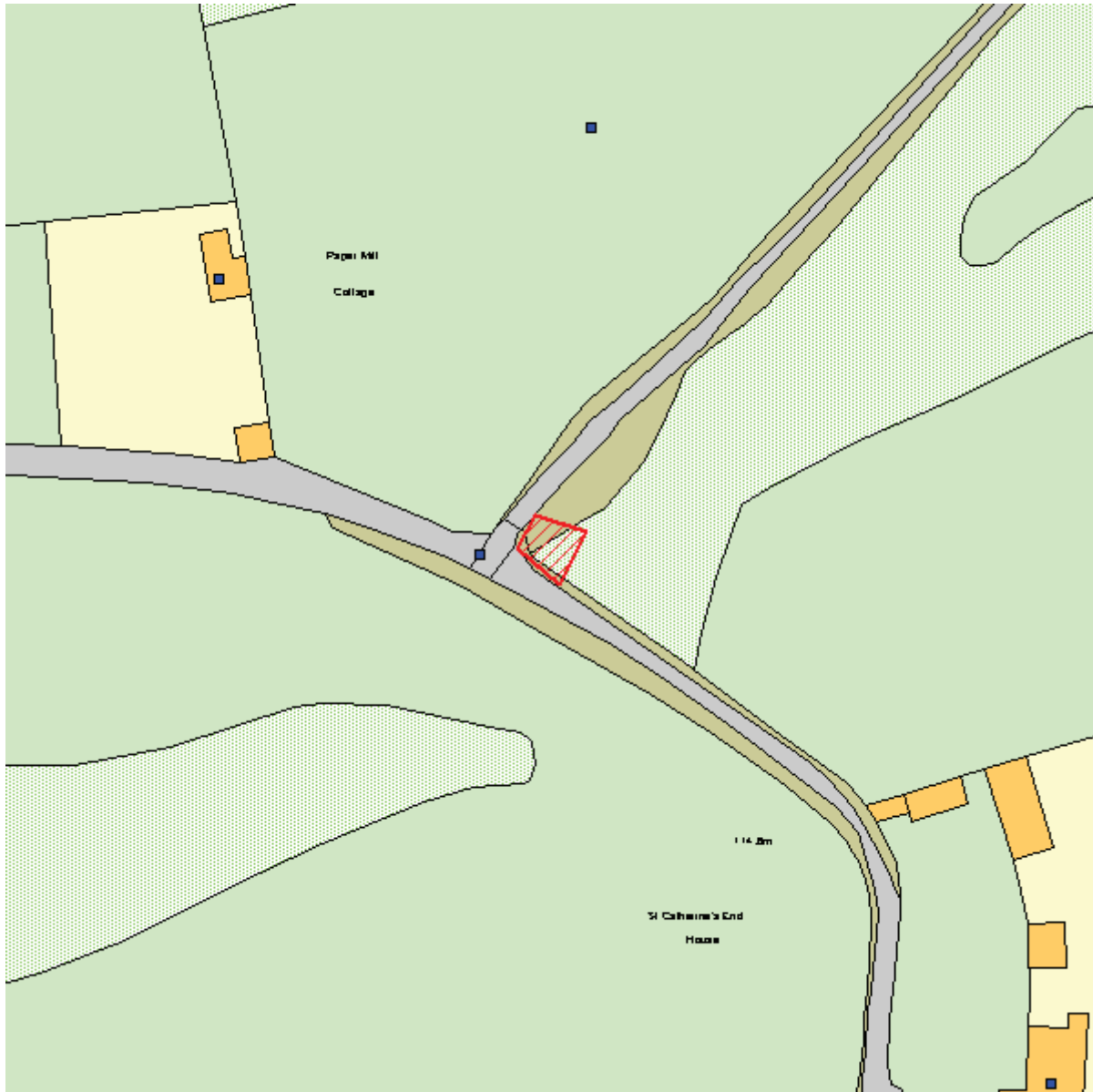
PLANS LIST:

442.10, 442.31, 442.32

Decision-taking statement:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No: 07
Application No: 14/01817/FUL
Site Location: End Farm St Catherine Lane St. Catherine Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** St. Catherine **LB Grade:** N/A

Ward Members: Councillor M Veal Councillor Geoff Ward

Application Type: Full Application

Proposal: Provision of field gate onto St Catherine Lane adjacent to junction with Beek's Lane, allowing access to three agricultural fields east of Beek's Lane, formerly accessed via Beek's Lane (Retrospective) (Resubmission)

Constraints: Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Greenbelt,

Applicant: Mr Donald MacIntyre

Expiry Date:	2nd June 2014
Case Officer:	Jonathan Fletcher

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE:

A response has been received from St Catherine Parish Council in support of the application. As officers are minded to refuse the application, the proposal has been referred to the Chairman who has therefore agreed for the application to be referred to the Committee.

DESCRIPTION OF SITE AND APPLICATION:

The application relates to an agricultural field located within the Bristol/Bath Green Belt. The application seeks retrospective planning permission for the provision of a field gate onto St Catherine Lane to serve three fields. The site boundary is formed with a mature hedgerow adjacent to St Catherine Lane. The proposed access was constructed to replace a previously existing access onto Beek's Lane. There is another point of access onto the three fields at the old milking parlour to the east of the site.

RELEVANT HISTORY:

97/02928/AGRN - REFUSED - 28 October 1998 - Erection of tool shed, glasshouse and open-fronted lean-to link

97/03011/AGRA - PERMIT - 5 January 1998 - Extensions to barn to provide storage and propagation area as amended by plans received 5th January 1998.

06/00305/FUL - WITHDRAWN - 25 April 2006 - Conversion of redundant agricultural barn to residential at End Farm and erection of dog day care centre building

09/03726/FUL - PERMIT - 9 March 2010 - Change of use of milking parlour and concrete yard from agricultural to dog day-care service (Retrospective)

13/00919/FUL - WITHDRAWN - 21 May 2013 - Provision of field gate onto St Catherine Lane adjacent to junction with Beek's Lane, allowing access to three agricultural fields east of Beek's Lane, formerly accessed via Beek's Lane (Retrospective)

13/04740/FUL - WITHDRAWN - 7 January 2014 - Provision of field gate onto St Catherine Lane adjacent to junction with Beek's Lane, allowing access to three agricultural fields east of Beek's Lane, formerly accessed via Beek's Lane (Retrospective) (Resubmission)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

SUMMARY OF CONSULTATION/REPRESENTATIONS:

Highway Development Officer: An objection is raised as the proposal is considered to have an unacceptable impact on highway safety.

Ecologist: No objection is raised as no further hedgerow is proposed to be removed.

St Catherine Parish Council: As its meeting held on 30th April 2013, the parish council agreed to "support any future application subject to access being limited for agricultural use and appropriate landscaping. A resubmission should address any relevant highway safety and associated concerns raised previously.' The application was referred to the Chairman of the Development Control Committee as officers are minded to refuse the application.

Representations:

3 letters have been received in objection to the application which raise concern in relation to the following areas:

- Impact on highway safety
- Alternative access could be widened
- No agricultural need for proposed access

49 letters have been received in support of the application which raise the following issues:

- Improves highway safety
- No impact on environment
- Supports an agricultural use
- Acceptable visual impact

POLICIES/LEGISLATION

POLICIES/LEGISLATION:

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

GB.1: Control of development within the Green Belt
GB.2: Visual amenities of the Green Belt
T.24: General development control and access policy
NE.1: Landscape character
NE.4: Trees and Woodland Conservation
NE.8: Nationally important wildlife sites (SSSIs)
NE.9: Locally important wildlife sites
NE.10: Nationally important species and habitats
NE.11: Locally important species and habitats

Bath & North East Somerset Draft Core Strategy November 2013

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

CP9: Green Belt

National Planning Policy Framework (NPPF) - March 2012

National Planning Policy Guidance (NPPG) - March 2014

OFFICER ASSESSMENT

INTRODUCTION:

The primary issues to consider when determining this application are appropriateness of the development within the green belt, the benefits to the rural economy, the visual amenity of the area, the impact on highway safety and the ecological interest of the site. There have been two previous applications (refs: 13/00919/FUL and 13/04740/FUL) for this proposal which were subsequently withdrawn in response to concerns from officers about the impact on highway safety and the need for further information in relation to the loss of the hedgerow. The current application seeks to overcome these concerns through the submission of additional information and proposals to relocate the access gate.

GREEN BELT:

Paragraph 90 allows for engineering operations as an exception to the presumption against development within the green belt, 'provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt'. This is also reflected by policy GB.1 of the Local Plan. The access which has been constructed is considered to comprise an engineering operation for the purposes of green belt policy. The development has not created any increase in ground levels or further enclosure and therefore the openness of the green belt has been maintained.

Paragraph 80 of the NPPF identifies the 5 purposes of the Green Belt:

- to check the unrestricted sprawl of large built up areas
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns;
- and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The development would not conflict with the any of these purposes. The development is therefore not considered to be an inappropriate form of development within the green belt.

RURAL ECONOMY:

The proposed development is sought as second point of access to three agricultural fields. The applicant has indicated within the Design and Access Statement that two points of access are required in order to allow the fields to be used for a mixture of livestock grazing and growing crops. This is asserted to be normal access arrangement for most agricultural fields. It is recognised that the flexibility provided by creating a second vehicular access would be beneficial to the applicant's business. It should also be noted that this additional

point of access was previously provided through an informal arrangement with the owners of the adjacent private lane (referred to in the application as Beek's Lane).

VISUAL AMENITY:

The formation of the access has required the removal of part of the hedgerow to create a visibility splay. The overall character of the area has not been significantly affected by this loss of hedgerow and no further loss of vegetation is being proposed. The development is not therefore deemed to be harmful to the visual amenity of the area.

HIGHWAY SAFETY:

The Council's Highway Development Officer has submitted the following comments in relation to this application:

'The application has been submitted as a resubmission of earlier applications for retrospective consent for a new field gate access onto St Catherine Lane.

The previous applications, 13/00919/FUL and 13/04740/FUL, were both the subject of a highway recommendation of refusal, on the grounds of an additional access onto St Catherine Lane with substandard alignment and visibility, which would be likely to create a hazard to all users of the highway.

During the course of the previous applications, there were legal submissions which indicated that the applicant has never had a right of access over the access from Beek's Lane, and therefore to establish an access, as proposed, would introduce additional traffic to a sub-standard lane, which would therefore be unacceptable.

The application red line boundary appears to conflict with the title plan for Beeks Mill previously provided to us, which supported the claim that the applicant could not control the means of access from St Catherine Lane.

The application Design and Access Statement states that the access would serve three agricultural fields, and would accommodate tractors and machinery, and also states that the three fields have always been served by the access at Beek's Mill, together with a further access at the old milking parlour to the east.

St Catherine Lane is both narrow and steep, and is not considered appropriate for large agricultural machinery, and without evidence that there has been an established and authorised means of access into the site from St Catherine Lane, which served the three fields by all manner of agricultural vehicles, I would feel bound to raise an objection on the grounds of the substandard nature of St Catherine Lane to serve as a means of access to the site.

With regard to the form of access now proposed, the applicant has shown a tarmac strip of 6m by 3m adjoining the carriageway, with limestone rubble between this tarmac strip and the proposed gates. I have previously advised that the current surface is wholly unacceptable, and in order to prevent loose material being tracked out into the carriageway, a bound surface would be required between the carriageway and the gates.

There were also issues raised regarding visibility from the proposed access, which is restricted to the east by the hedgerow, and whilst some of this has subsequently been removed, I maintain that this access has unsuitable visibility for a new access to serve agricultural fields.

Given the complex history of this proposal, and the claims about land ownership, I feel this needs careful investigation, but in the absence of any evidence to support the former established use of an access from the Beek's Mill access to serve three fields by agricultural vehicles, and full ownership of the means of access from St Catherine Lane, I feel bound to recommend that this application be refused on highway grounds for the following reasons:-

The proposed access together with the introduction of conflicting traffic movements on St Catherine Lane, generated by the proposed development, would be prejudicial to road safety. The proposed access would introduce an additional entrance onto St Catherine Lane, with substandard surfacing and visibility, and would increase the use of the substandard lane by unsuitable vehicles. The use of such an access would therefore be likely to create a hazard to all road users.

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.'

The issue of whether there has previously been a legal right of access at this point on the junction of Beek's Lane and St Catherine's Lane is a key material consideration in respect of this application. Officers have been presented with evidence to confirm that Beek's Lane falls with the ownership of the adjacent property, Beek's Mill and there are no easements or rights of way in favour of third parties. Although this is contested in the email from the applicant dated 27 May 2014, no evidence has been submitted to lead officers to an alternative conclusion in relation to the rights of access and consequently officers have considered the application on the basis that the proposal would lead to an intensification of vehicular movements on this part of St Catherine Lane. The issues relating to visibility and conflicting vehicular movements raise serious concerns that granting planning permission in this case would not maintain an acceptable level of highway safety. The proposal is therefore deemed to be contrary to policy T.24.

ECOLOGY:

An Extended Phase 1 Habitat Survey has been submitted in support of the application in response to requests from officers for further information under the previous applications. The Council's Ecologist has raised no objection to the application as no further removal of hedgerow is being proposed.

CONCLUSION

The proposed vehicular access is considered to fail to maintain an acceptable level of highway safety. It is noted that the development would provide benefits to the applicant's business however this vehicular access is not deemed to be essential as an existing access to the three fields is provided to the east of the site. The flexibility which would be achieved to use the fields for livestock and growing crops is not considered to outweigh

the harm to highway safety which is set out above. The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed access, by reason of the introduction of conflicting traffic movements on St Catherine Lane, the introduction of an additional entrance onto St Catherine Lane creating an intensification in vehicular movements and the substandard surfacing and visibility being proposed for the access, would create a hazard to all road users. The proposal is therefore contrary to the guidance set out in the National Planning Policy Framework 2012 and Policy T.24 of the Bath & North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

PLANS LIST:

SITE LOCATION 1:2500

SITE LOCATION FIELD GATE

BLOCK PLAN, ELEVATION AS EXISTING AND PROPOSED

STOPPING SIGHT DISTANCE

VERTICAL SIGHT LINES

Decision-taking Statement:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	2nd July 2014
RESPONSIBLE OFFICER:	Mark Reynolds, Group Manager, Development Management (Telephone: 01225 477079)
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

APPEALS LODGED

App. Ref: 13/05198/FUL
Location: 4 Milton Avenue Bear Flat Bath BA2 4QZ
Proposal: Erection of rear dormer to facilitate loft room
Decision: REFUSE
Decision Date: 3 March 2014
Decision Level: Delegated
Appeal Lodged: 22 May 2014

App. Ref: 13/05127/OUT
Location: Agricultural Building Harts Lane Hallatrow Bristol BS39 6EB
Proposal: Demolition of existing agricultural barn to facilitate the erection of 4no.dwellings (Outline with all matters reserved)
Decision: REFUSE
Decision Date: 6 March 2014
Decision Level: Delegated
Appeal Lodged: 23 May 2014

App. Ref: 13/05590/FUL
Location: 6 Maple Grove Oldfield Park Bath BA2 3AF
Proposal: Creation of new vehicle access and off-road parking space to include the removal of a substantial section of a front wall
Decision: REFUSE
Decision Date: 20 February 2014
Decision Level: Delegated

Appeal Lodged: 23 May 2014

App. Ref: 13/03990/FUL
Location: Derelict Property 43 Springfield Buildings Radstock
Proposal: Erection of 4no. dwellings following demolition of existing building (Resubmission)
Decision: REFUSE
Decision Date: 12 November 2013
Decision Level: Delegated
Appeal Lodged: 3 June 2014

App. Ref: 13/03835/FUL
Location: Proposed Development Site King George's Road Twerton Bath
Proposal: Erection of 11 houses and 10 flats following the demolition of half of an existing apartment building.
Decision: REFUSE
Decision Date: 17 January 2014
Decision Level: Planning Committee
Appeal Lodged: 10 June 2014

App. Ref: 14/00335/OUT
Location: Parcel 7800 Grove Wood Road Haydon Radstock
Proposal: Outline application for residential development comprising up to 100 dwellings with access off Kilmersdon Road (with all matters reserved)
Decision: REFUSE
Decision Date: 6 May 2014
Decision Level: Delegated
Appeal Lodged: 10 June 2014

App. Ref: 14/00526/FUL
Location: Town Mills Mill Road Radstock BA3 3PB
Proposal: Erection of 7no bedroom terraced houses with associated car parking
Decision: REFUSE
Decision Date: 17 April 2014
Decision Level: Delegated
Appeal Lodged: 11 June 2014

App. Ref: 14/00091/FUL
Location: 7 Hornbeam Walk Keynsham Bristol BS31 2RT

Proposal: Erection of 1no. dwelling adjacent to 7 Hornbeam walk, Keynsham
Decision: REFUSE
Decision Date: 6 March 2014
Decision Level: Delegated
Appeal Lodged: 12 June 2014

App. Ref: 13/05456/FUL
Location: River View Steel Mills Keynsham Bristol
Proposal: Creation of a new highway access and driveway extension (Retrospective)
Decision: REFUSE
Decision Date: 24 March 2014
Decision Level: Delegated
Appeal Lodged: 16 June 2014

App. Ref: 13/04607/FUL
Location: Somerset Inn Bath Road Paulton Bristol
Proposal: Conversion from a Public House (Use Class A4) to form a single dwelling (Use Class C3) and associated works.
Decision: REFUSE
Decision Date: 13 May 2014
Decision Level: Planning Committee
Appeal Lodged: 17 June 2014

APPEALS DECIDED

App. Ref: 14/00417/FUL
Location: 1 The Leaze Westfield Radstock BA3 3YH
Proposal: Erection of single storey rear extension. (Resubmission).
Decision: REFUSE
Decision Date: 25 March 2014
Decision Level: Delegated
Appeal Lodged: 29 April 2014

Appeal Decision: Allowed on 28 May 2014

Link to Inspector's Decision:

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-825617.pdf?extension=.pdf&id=825617&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

App. Ref: 12/05477/OUT

Location: Land Between Hillside View And Bath Road Greenlands Road
Peasedown St. John Bath

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

Decision: REFUSE

Decision Date: 22 August 2013
Decision Level: Planning Committee
Appeal Lodged: 4 December 2013

Appeal Decision: Allowed on 3rd June 2014

Link to Inspector's Decision:

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-827384.pdf?extension=.pdf&id=827384&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

App. Ref: 13/03448/FUL

Location: 16 Kensington Place, Walcot, Bath, BA1 6AP

Proposal: Erection of double garage following removal of existing shipping container at rear of 16 Kensington Place, Bath

Decision: REFUSE

Decision Date: 17 October 2013
Decision Level: Delegated
Appeal Lodged: 27 February 2014
Appeal Decision: Dismissed 3rd June 2014

Link to Inspector's decision:

<http://idox.bathnes.gov.uk/WAM/doc/Decision-827413.pdf?extension=.pdf&id=827413&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

App. Ref: 14/00613/FUL
Location: Holmlea Main Street Farrington Gurney Bristol
Proposal: Alterations to existing dwellinghouse including erection of two storey extensions to the east and west sides.
Decision: REFUSE
Decision Date: 4 April 2014
Decision Level: Delegated
Appeal Lodged: 22 April 2014

Appeal Decision: Dismissed 9th June 2014

Link to Inspector's decision:

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-829345.pdf?extension=.pdf&id=829345&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

App. Ref: 13/02873/FUL
Location: Court Farm The Street Compton Martin Bristol
Proposal: Erection of Clock Tower (Retrospective)
Decision: PERMIT
Decision Date: 17 September 2013
Decision Level: Delegated
Appeal Lodged: 17 January 2014

Appeal decision: Dismissed 10th June 2014

Link to Inspector's decision:

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-829384.pdf?extension=.pdf&id=829384&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

App. Ref: 13/05208/FUL

Location: Rose & Laurel Public House 118 Rush Hill Southdown Bath

Proposal: Construct a new two-storey dwelling at the land to the rear and westward of the property formerly known as the Rose and Laurel public house, 118 Rush Hill, Bath, BA2 2QS
(Resubmission of 13/01010/FUL)

Decision: REFUSE

Decision Date: 24 January 2014

Decision Level: Delegated

Appeal Lodged: 5 March 2014

Appeal Decision: Dismissed 11th June 2014

Link to Inspector's Decision:

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-830156.pdf?extension=.pdf&id=830156&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

ENF. Ref: 13/00420/UNDEV

Location: Site at 24 Rogers Close, Clutton, Bristol, BS39 5RT

Breach: UNDEV - Unauthorised development.

“Without planning permission, the erection of a boundary fence over 1 metre in height above ground level adjacent to a highway”.

Notice date: 21 January 2014

Appeal decision: Dismissed and upheld without variation, 21.05.2014.

This page is intentionally left blank