

**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: 26 August 2014

E-mail: [Democratic\\_Services@bathnes.gov.uk](mailto:Democratic_Services@bathnes.gov.uk)

**To: All Members of the Development Control Committee**

**Councillors:-** Patrick Anketell-Jones, Rob Appleyard, Neil Butters, Gerry Curran, Ian Gilchrist, Les Kew, Dave Laming, Malcolm Lees, Bryan Organ, Vic Pritchard, Manda Rigby, Martin Veal and David Veale

**Permanent Substitutes:- Councillors:** Sarah Bevan, Sally Davis, Nigel Roberts, Jeremy Sparks and Brian Webber

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Development Control Committee: Wednesday, 3rd September, 2014**

You are invited to attend a meeting of the **Development Control Committee**, to be held on **Wednesday, 3rd September, 2014 at 2.00pm** in the **Council Chamber - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 2<sup>nd</sup> September in the Council Chamber, Guildhall, Bath.

The rooms will be available for the meetings of political groups. Coffee etc. will be provided in the Group Rooms before the meeting. A Tea will be provided for Members in the Dome Room at an appropriate point in the meeting for an adjournment.

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. Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet [www.bathnes.gov.uk/webcast](http://www.bathnes.gov.uk/webcast) An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

5. **Attendance Register:** Members should sign the Register which will be circulated at the meeting.
6. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.

**7. 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, 3rd September, 2014  
at 2.00pm 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 7

2. ELECTION OF VICE CHAIR (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

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

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

(b) The nature of their interest.

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

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

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

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

(1) At the time of publication, no items had been submitted.

(2) To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to the Committee Administrator will be able to make a statement to the Committee immediately before their respective applications are considered. There will be a time limit of 3 minutes for each proposal, ie 3 minutes for the Parish and Town Councils, 3 minutes for the objectors to the proposal and 3 minutes for the applicant, agent and supporters. This allows a maximum of 9 minutes per proposal.

7. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

To deal with any petitions or questions from Councillors and where appropriate Co-opted Members

8. MINUTES: 30TH JULY 2014 (PAGES 9 - 52)

To approve as a correct record the Minutes of the previous meeting held on Wednesday 30<sup>th</sup> July 2014

9. SITE VISIT LIST - APPLICATION FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 53 - 74)

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 75 - 222)

11. QUARTERLY PERFORMANCE REPORT - APRIL TO JUNE 2014 (PAGES 223 - 230)

To note the report

12. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 231 - 240)

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 19<sup>th</sup> 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, 30th July, 2014

**Present:-** Councillor Gerry Curran in the Chair

Councillors Rob Appleyard, Neil Butters, Sally Davis (In place of David Veale), Ian Gilchrist, Les Kew, Dave Laming, Malcolm Lees, Bryan Organ, Vic Pritchard, Manda Rigby, Martin Veal and Tim Warren (In place of Patrick Anketell-Jones)

Also in attendance: Councillors Doug Nicol, Roger Symonds and Brian Webber

**24 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

**25 ELECTION OF VICE CHAIR (IF DESIRED)**

A Vice Chair was not required

**26 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were apologies for absence from Councillors Patrick Anketell-Jones and David Veale whose substitutes were Councillors Tim Warren and Sally Davis respectively

**27 DECLARATIONS OF INTEREST**

There was none

**28 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none

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

The Senior Democratic Services Officer informed the meeting that there were numerous people wishing to make statements on planning applications in Reports 9 and 10 and that they would be able to do so when reaching those items on the Agenda. The Chair stated that timings had been extended for applications on the Bath Recreation Ground and St James' Surgery, Northampton Buildings, Bath. He requested that the time also be extended for the Fosseyway Environment Park to which the Committee concurred (see Speakers List attached as *Appendix 1* to these Minutes).

**30 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

There was none

### 31 MINUTES: 2ND JULY 2014

The Minutes of 2<sup>nd</sup> July 2014 were approved as a correct record and signed by the Chair

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

The Committee considered

- The report of the Group Manager – Development Management on a planning application by Bath Rugby Ltd on the Bath Recreation Ground
- Oral statements by members of the public etc., the Speakers List being attached at *Appendix 1* to these Minutes
- An Update Report by the Group Manager on this application, which Report is attached as *Appendix 2* 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 3* to these Minutes

**Recreation Ground, Pulteney Mews, Bath – 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 permission references 09/01319/FUL, 10/01609/FUL, 10/01608/FUL, and 10/01611/FUL), provision of new hospitality boxes to either side of 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 2 years)** – The Case Officer reported on this application and his recommendation to grant permission subject to conditions. The Update Report contained references to further representations and Officer's observations.

The public speakers made their statements against and in favour of the application. The Chair responded to some of the issues raised by Steve Osgood in his statement.

Councillor Tim Warren stated that he was a season ticket holder of Bath Rugby Club and queried whether this amounted to an interest that he needed to declare. The Senior Legal Adviser stated that it was a matter for Councillor Warren's judgement in accord with Members' Code of Practice to consider whether his participation in the item was reasonable as it may be an interest but not a disclosable pecuniary interest.

The Chair referred to a letter sent to Members and Officers by the Friends of the Bath Residents' Recreation Ground alleging, amongst other matters, that a decision by the Committee would be illegal. The Senior Legal Adviser stated that these issues were of a property nature and not planning – if permission were granted, it would be for the Recreation Ground Trust to consider these issues. He responded to some aspects raised by Councillor Malcolm Lees regarding the possibility of Members being charged and held liable for any possible wrongdoing in determining the application. The Chair summed up the advice given. However, Councillor Lees

considered that, without a guarantee that Members would be indemnified from prosecution etc., consideration of the application should be deferred, and he so moved. The motion was seconded by Councillor Dave Laming. Members briefly debated the motion. Councillor Manda Rigby (Ward Member on the Committee) considered that a decision should be taken today but that a definitive legal statement was required to differentiate between property and planning matters and that one did not have a bearing on the other. The motion was then put to the vote which was lost, only 2 Members voting in favour and a substantial majority against.

The Ward Councillor Brian Webber then made a statement in support of the proposal.

Councillor Manda Rigby expressed some concerns regarding the North Stand being raised to 9m and additional hospitality boxes which would impair some of the views. There would also be an increase in the number of fans attending and this was an Air Quality Management Area so there was a requirement to mitigate the impact. The Officers responded to some of the issues raised. Councillor Martin Veal considered these issues and decided to move the Officer's recommendation to grant permission with conditions which was seconded by Councillor Bryan Organ.

Members debated the motion. The Chair commented on the application. There was an incremental increase in size and the Rugby Club would need to resolve any issues. The Rec was an important site but there was good tree cover, particularly in the summer, and the application proposed a temporary period of just 2 years. The site was close to existing transport links, although a park and ride facility on the east side of Bath was desirable for visitors from Wiltshire. He personally supported the proposal.

The motion was put to the vote and was carried, 10 voting in favour and 0 against with 3 abstentions (Note: Councillor Tim Warren did not take part in the debate and abstained from voting).

### **33 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered

- The report of the Group Manager – Development Management on various applications for planning permission etc.
- Oral statements by members of the public etc., the Speakers List being attached as *Appendix 1* to these Minutes
- An Update Report by the Group Manager on Item 8, a copy of which Report is attached as *Appendix 2* to these Minutes

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

**W T 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 Senior Planning Officer reported on the application and the recommendation to refuse permission which had been overturned by the Committee at its previous meeting on 2<sup>nd</sup> July. At that meeting, as the decision was contrary to Green Belt policy and Officer advice, the Team Manager – Development Management had decided to exercise his discretion under Paragraph 7 of the Committee Protocol which rendered the decision of no effect until the application was reconsidered by the Committee at a subsequent meeting when it could make such decision as it saw fit.

The public speaker made his statement in support of the application.

Councillor Sally Davis (the Ward Councillor on the Committee for this meeting) considered that this was an exception to Green Belt Policy as stipulated in Paragraph 89 of the NPPF as this was complete redevelopment of a previously developed brownfield site which she considered as infilling. She considered that there would not be any impact on the openness of the Green Belt and the existing commercial uses would be far more detrimental to the amenities of local residents. It would be an advantage, however, if the 30mph speed limit could be extended across the site frontage. On this basis, she moved that permission be granted. The Group Manager – Development Management advised that Green Belt tests had been applied and this was inappropriate development which by definition was harmful. Paragraph 89 provided guidance that excluded temporary buildings and there was only 1 permanent building which would be demolished. Openness meant the absence of development. The key test was whether the proposed development would have a greater impact on openness than the existing permanent development at the site. In this case, Officers considered that replacing one permanent building with 14 dwellings would have a materially greater impact on openness. There was a risk if not complying with the NPPF and a legal challenge to the decision without full discernable grounds if permission was given. The motion was then seconded by Councillor Bryan Organ.

Members debated the motion. It was considered that the situation had not changed since the previous meeting when Members would have given permission, No precedent would be set from granting permission and there would a benefit from having housing on the site which would add vitality to the village. The issue of flooding was raised by one Member. The Senior Development Control Engineer commented on the speed limit on the road which was not likely to change. The Group Manager advised the Members that very special circumstances needed to be demonstrated to justify the proposal and referred to financial contributions that would need to be included in a S106 Agreement to cover the issues of improved pedestrian provision at the junction with Tilley Lane and towards Education, namely, provision of primary and secondary school places as set out in the report. The motion would therefore need to be amended to delegate to permit with the S106 Agreement and appropriate conditions. Members considered that the former use of the site would have been harmful to openness and to neighbouring amenity and the redevelopment of the site would improve its appearance which amounted to the very special circumstances required to approve the application. The amended motion was accepted by the mover and seconder and it was then put to the vote. Voting: 12 in favour and 0 against with 1 abstention. Motion carried.

**Item 2 Fosseway Environment Park, Fosseway, Bath – Proposed erection of residual waste facility including a materials recovery facility, anaerobic digestion plant, reception building, weighbridge, outdoor storage areas and other ancillary development (Outline development with access to be determined all other matters reserved)** – 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 application.

Councillor Sally Davis read out a statement provided by the Ward Councillor David Veale who could not attend the meeting.

A Member queried whether the application should be deferred pending the outcome of enforcement proceedings on the site. The Group Manager – Development Management stated that this was not necessary as they were two separate issues and it was appropriate to determine the application today. He further advised that, in the event of permission being granted, an updated report regarding the enforcement matters at the site would be brought before the Members to a subsequent meeting of this Committee. Members discussed the Joint Waste Core Strategy (JWCS) and the Council-run facility in Pixash Lane, Keynsham, which Officers stated was not material to this consideration. Councillor Les Kew referred to the long history of this industrial site and the opportunity to regularise the situation bringing the site under planning control. The JWCS had been adopted and it has been demonstrated that very special circumstances had been identified, one of which was the adoption of the JWCS. He therefore moved the Officer recommendation to grant permission with conditions which was seconded by Councillor Ian Gilchrist.

The Chair commented on the proposal which he supported and then put the motion to the vote. Voting: 10 in favour and 2 against with 1 abstention. Motion carried.

**Item 3 Former Rockery Tea Gardens, North Road, Combe Down, Bath – Erection of a detached single storey dwelling (Revised proposal)** – The Case Officer reported on this application and her recommendation to authorise the Group Manager, in consultation with the Planning and Environmental Law Manager, to enter into a S106 Agreement to secure various provisos; and (B) on completion of an acceptable S106 legal agreement, grant permission subject to various conditions. She updated Members on the representations that had been received.

The public speaker made her statement against the application which was followed by a statement by the Ward Councillor Roger Symonds who supported objections to the proposal.

After a short discussion, Councillor Malcolm Lees moved that consideration be deferred for a site visit to view the site in the context of its surroundings which was seconded by Councillor Neil Butters. The motion was out to the vote and was carried unanimously.

(Note: Councillor Roger Symonds requested that Members particularly view the site from properties in St Winifred's Drive).

**Item 4 Parcel 2866 Woolley Lane, Charlcombe – Erection of 2 mobile field shelters** – The Case Officer reported on this application and his recommendation to grant permission subject to conditions.

The Chairman of Charlcombe Parish Council made a statement against the application.

Councillor Martin Veal, Ward Member on the Committee, read out a statement provided by his fellow Ward Councillor Geoff Ward. He submitted his own comments on the proposal by stating that this was a stunning location which could be viewed from many locations. He referred to Paragraphs 79 and 88 of the NPPF with reference to proposals that were harmful to the Green Belt. He considered that the poultry business was probably unviable and stated that the Article 4 Direction removed agricultural permitted development rights over a large part of Swainswick Valley. On the basis that it was development in the AONB/Green Belt, the potential visual impact of the proposal, and that no very special circumstances had been provided, he moved that permission be refused. The motion was seconded by Councillor Neil Butters.

Members debated the motion. The issues of whether planning permission was required and whether the units were legal were raised by Members to which Officers responded. The Chair summed up the situation regarding this site and the proposal and put the motion to the vote. Voting: 7 in favour and 4 against with 2 abstentions. Motion carried.

(Note: After this decision at 5pm, the Committee adjourned for a Tea break and reconvened at 5.22pm).

**Item 5 The Somerset Inn, Bath Road, Paulton – Change of use of public house (Use Class A4) to form a single dwelling (Use Class C3) and associated works (Resubmission)** – This application was withdrawn at the applicants' request and was not considered

**Item 6 Whiteways, White Cross, Hallatrow – Erection of 2 holiday cottages to expand existing B&B business following the demolition of existing outbuildings (Resubmission)** – The Case Officer reported on this application and his recommendation to refuse permission. The application included the offer of a S106 legal deed to tie the holiday cottages to the existing bed and breakfast business so that they could not be operated as a separate business or occupied by the same occupant for longer than 3 months. This would prevent the cottages being occupied as permanent dwellings.

The applicant's agent made a statement in support of the application.

Councillor Les Kew, Ward Member on the Committee, considered that small developments in the rural area needed to be supported. This site was not in open countryside, it being surrounded by a number of mainly residential properties. Local facilities were available in Hallatrow and it was an ideal site for passing trade on the busy A37. In addition, there were no objections lodged against the application. Based on the above, he moved that the Officer recommendation be overturned and that Officers be delegated to grant permission subject to appropriate conditions. This would include a S106 legal deed to tie the use of the holiday cottages to the existing

B&B business as offered by the applicant. The motion was seconded by Councillor Bryan Organ.

Members debated the motion. Members generally supported the application as it was in a good location and not isolated from other properties or distant from local facilities. It was also felt that there was a demand for holiday accommodation. The Group Manager – Development Management advised the Committee that the motion was contrary to the Committee's previous decision to refuse a similar application. He also outlined Officers' concerns regarding the policy position of permitting this proposal outside of a recognised settlement.

The motion was put to the vote and was carried, 12 voting in favour and 0 against with 1 abstention.

**Item 7 Bathway House, 144 London Road West, Bath – Erection of 2 detached dwellings and associated landscape works** – The Case Officer reported on this application and his recommendation to refuse permission. He stated that the highways objection had been withdrawn and therefore the second reason for refusal could be deleted from the recommendation. The Senior Development Control Engineer commented on the highways aspects of the application.

The applicant made a statement in support of the proposal.

Councillor Les Kew considered that the application was satisfactory and with the highways objection removed, it was a good use of the site for residential development. He therefore moved that permission be delegated to Officers, with appropriate conditions, which was seconded by Councillor Gerry Curran.

Members debated the motion. Councillor Dave Laming raised the issue of drainage (Sustainable Urban Drainage) as the site was close to the river and the flood plain. He requested that this be taken into account in possible conditions. The motion was put to the vote and was carried, 11 voting in favour and 1 against with 1 abstention.

**Item 8 St James' Surgery, 8/9 Northampton Buildings, Bath – Variation of Condition 6 of application 08/04692/FUL (Erection of a new surgery annexe(Use Class D1) and first floor apartment (Use Class C3) following demolition of garages)** – The Chair realised that he was acquainted with one of the public speakers. He therefore declared an interest which he considered was not significant to prejudice his participation in the item and therefore he would speak and vote on the application. The Planning Officer reported on this application and the recommendation to grant permission with conditions. The Update Report commented further on the application and amended conditions in the recommendation.

The public speakers made their statements against and in favour of the application which was followed by a statement by the Ward Councillor Doug Nicol against the proposal.

The Chair informed the meeting that the vicinity of the site had been viewed at the recent Site Visits tour. Councillor Manda Rigby stated that the pharmacy was not located in the Surgery but in a separate building something substantially different to the current permission and therefore was not ancillary to it. The proposal would

threaten the business of another local pharmacy and put one community asset against another. Councillor Malcolm Lees referred to the narrowness of the road with little parking available. The proposal would create more problems for the area with additional customers using the facility for medical products as well as prescriptions. For these reasons, he moved that the Officer's recommendation be overturned and that permission be refused. The motion was seconded by Councillor Dave Laming.

Members debated the motion. Councillor Manda Rigby suggested that additional reasons for refusal could be that the building was not ancillary to the existing use creating a new retail outlet; the removal of choice from vulnerable people in the community due to the impact on other retailers; and the resulting increased car journeys which would impact on narrow streets in the locality. The mover and seconder agreed to this amendment. The Chair summed up the issues and stated that a school also used the road for access. He then put the motion to the vote. Voting: 11 in favour and 0 against with 2 abstentions. Motion carried.

**Item 9 No 135 Englishcombe Lane, Bath – Erection of a new dwelling** – The Case Officer reported on this application and her recommendation to refuse permission.

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

Councillor Rob Appleyard stated that the proposal was of very poor design in a bad location. He therefore moved the recommendation to refuse permission which was seconded by Councillor Bryan Organ.

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

**Item 10 Charnwood House, Rankers Lane, Compton Dando – Erection of extension to garage to form car ports and store** – The Case Officer reported on this application and his recommendation to refuse permission.

Councillor Sally Davis supported the application. There was no overlooking as there were no properties nearby. Councillor Tim Warren agreed and on this basis moved that the Officer recommendation be overturned and that permission be granted. The motion was seconded by Councillor Martin Veal.

Members debated the motion. There was discussion regarding the percentage increase and the number of car ports which one Member considered was too many. The Group Manager - Development Management advised that a third of the volume of the original house was usually acceptable. He stated, however, that this was a disproportionate addition and impacted on the openness of the Green Belt – no very special circumstances had been demonstrated. Members discussed this. There was the aspect of security as a footpath ran close to the property which was in an isolated position; equipment was needed to maintain the grounds; and the accuracy of the percentage increase was challenged. It was considered that there was no adverse impact on the openness of the Green Belt from the single storey proposal and open-fronted design in keeping with the existing property. Members considered that these were sufficient reasons to support the application and therefore very special circumstances had been demonstrated.



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

**Items 11 and 12 No 3 High Street, Wellow – (1) Erection of rear single storey extension, attic conversion and roof alterations with conservation lights Ref 14/02319/FUL); and (2) internal and external alterations to include the erection of a single storey rear extension, attic conversion, alterations to roof. Installation of conservation lights; removal of internal wall and lining wall, reposition of modern staircase to first floor and installation of new staircase to roof space (Ref 14/02384/LBA) –** The Case Officer reported on these applications and his recommendations to grant permission/consent with conditions.

The Chair allowed the applicant to make a statement in his personal capacity as the applicant.

Councillor Neil Butters supported the proposal and moved that the Officer recommendations be approved which was seconded by Councillor Bryan Organ.

The motions were put to the vote and were carried unanimously.

**Items 13 and 14 Land and buildings to the rear of 1-7 High Street, Wellow – (1) Conversion of former farm buildings to form 1 dwelling with associated works (Resubmission with revisions of 13/02812/FUL)(Ref 14/01866/FUL); and (2) internal and external alterations to facilitate conversion of former farm buildings to 1 dwelling (Resubmission with revisions of 13/02813/LBA)(Ref 14/01867/LBA) –** The Case Officer reported on these applications and his recommendations to grant permission/consent with conditions.

The Chair allowed the applicant to make a statement in his personal capacity as the applicant.

Councillor Neil Butters supported the applications and moved that the Officer's recommendations be approved which was seconded by Councillor Les Kew.

After a brief discussion, the motions were put to the vote and were approved unanimously.

#### **34 TREE PRESERVATION ORDER: 63 BLOOMFIELD ROAD, BATH**

The Committee considered the report of the Senior Arboricultural Officer which (1) referred to an objection being received to the making of a Tree Preservation Order to protect a Cedar at No 63 Bloomfield Road which makes a contribution to the landscape and visual amenity of the Bath Conservation Area; and (2) recommended that the Order be confirmed without modification.

It was stated that the Ward Councillor David Bellotti supported the confirmation of the Tree Preservation Order.

Members discussed the condition of the tree, its roots, the canopy, and the possible effect on adjoining properties. The Officer responded to queries raised.

It was generally felt that the tree did not contribute to the landscape and visual amenity of the area. Councillor Vic Pritchard felt that it did contribute and therefore moved the Officer recommendation to confirm the Order without modification. This was seconded by Councillor Gerry Curran. The motion was put to the vote. Voting: 4 in favour and 7 against with 2 abstentions. Motion lost.

Members considered that work could be undertaken on the tree whenever it was required (subject to Bath Conservation Area control) and that it was not worthwhile to confirm the Order in the interest of amenity. It was therefore moved by Councillor Bryan Organ and seconded by Councillor Tim Warren that the Order not be confirmed. Voting: 7 in favour and 4 against with 2 abstentions. Motion carried.

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

The report was noted

The meeting ended at 7.42 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

**SPEAKERS LIST  
BATH AND NORTH EAST SOMERSET COUNCIL**

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE MEETING  
OF THE DEVELOPMENT CONTROL COMMITTEE ON WEDNESDAY, 30<sup>TH</sup> JULY  
2014**

<b>SITE/REPORT</b>	<b>NAME/REPRESENTING</b>	<b>FOR/AGAINST</b>
<b>SITE VISIT – REPORT 9</b>		
Bath Recreation Ground (Pages 57-83)	1.William Thomas 2.David Greenwood 3.Steve Osgood  Nick Blofeld, Chief Executive, Bath Rugby (Applicants)	Against – To share 6 minutes  For – Up to 6 minutes
<b>MAIN PLANS LIST – REPORT 10</b>		
W T Burden Ltd, Bath Road, Farmborough (Item 1, Pages 89-97)	David Roberts (representing the applicants)	For
Fosseway Environment Park, Fosseway, Bath (Item 2, Pages 98-117)	1.Peter Duppa-Miller, Clerk to Combe Hay Parish Council 2.Robert Hellard, Vice Chairman, South Stoke Parish Council  1.Caroline Kay, Chief Executive, Bath Preservation Trust 2.Philip Harrison (representing Protect Bath) 3.Trevor Osborne  Matthew Kendrick, Grass Roots Planning Ltd (Applicants' Agents)	Against – To share 3 minutes  Against – To share 6 minutes  For – Up to 6 minutes
Former Rockery Tea Gardens, North Road, Combe Down, Bath (Item 3, Pages 118-135)	Kathryn Harris	Against
Parcel 2866, Woolley Lane, Charlcombe (Item 4, Pages 136-146)	Alistair MacKichan, Chairman, Charlcombe Parish Council	Against
Whiteways, White Cross, Hallatrow (Item 6, Pages 158-165)	Andy Moger, Tetlow King (Applicant's Agents)	For
Bathway House, 144 London Road West, Bath (Item 7, Pages 166-170)	Andy Pegler (Applicant)	For

St James' Surgery, 8/9 Northampton Buildings, Bath (Item 8, Pages 171-179)	1.Linda Gamlin (representing local residents groups) 2.Chris Beaver, PlanningSphere Ltd  Dr Sharon Gillings (representing the Applicants)	Against – To share 5 minutes  For – Up to 5 minutes
135 Englishcombe Lane, Bath (Item 9, Pages 180-184)	Tony Phillips, Thurdleigh Planning Consultancy (Applicants' Agents)	For

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Control Committee**

**30<sup>th</sup> July 2014**

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

**ITEMS FOR PLANNING PERMISSION**

**Site Visit**

**Item No 1**

**Application No. 14/02158/FUL**

**Address. Recreation Ground, Pulteney Mews, Bathwick, Bath**

**Further Representations**

Since completion of the Committee report a further 3 representations have been received, 2 in support of the application and 1 against.

The objection is in respect of the Travel plan that has been submitted, noting that the initial set of comments on the application from the Council's Highways expressed a number of reservations about the Travel Plan and that, in the objector's opinion these were not fully reflected in the report to the Development Control Committee report on 2<sup>nd</sup> July. They consider that the Club should make a financial contribution to various measures to influence match day travel choices.

**Officer Observations**

Following the initial comments from Highways the Club submitted an updated Travel Plan and this informed the assessment and reporting of the application. Discussions between the Club and Highways have also been on-going regarding a further information to address outstanding concerns.

A condition (9) is proposed requiring a further iteration of the Travel Plan to be submitted and agreed prior to commencement of the 2014/15 Premiership season. This will include further information on the review of traffic flows, crowd management and liaison with P&R / train operators.

It is considered that this provides an appropriate mechanism to monitor and manage transport impacts of the proposed increase in spectator capacity from approximately 12,000 to 14,000 at the ground, as well as provide baseline information should proposals for redevelopment come forward in the future.

**Planning Item No 8**

**Application No. 14/00958/VAR**

**Address. St James Surgery , 8 - 9 Northampton Buildings, Lansdown, Bath**

Since the report has been drafted a further three letters of objection have been received.

The two letters raised largely issues which have been reported in the case officer's report. One further issue has been raised with regards to the application procedure. The objections state that the proposed use constitutes a full retail unit (use class A1) and therefore cannot be considered under a variation of condition application. As stated in the case officer report the council has taken a different view to that of the objectors in that the proposed use of the ground floor of the annexe is considered to be ancillary to the primary use of the surgery. Therefore it is considered to fall within the existing D1 use class and does not constitute a change of use. In this regard the council considers that the application being made for a variation of condition is appropriate.

Reference has been made to a further appeal decision in which it was said that a pharmacy within a surgery was not considered to be ancillary and that the supply of a prescription is considered to be a retail transaction. In this case the proposed pharmacy would operate within opening times far beyond the opening times of the existing surgery which is not the case with this application.

For an operation to be considered to be ancillary it must have a functional link with the existing use of the building. The operational statement submitted by the applicant has stated that the proposed pharmacy does not include a retail element. The permission can be conditioned so that the pharmacy is only used for the dispensing of prescriptions from the related surgery. Thereby retaining a functional link between the surgery and pharmacy. The pharmacy would not operate outside the opening times of the surgery.

In response to the further comments received the conditions to the application have been updated.

A further condition is added to state;

The pharmacy hereby permitted shall operate solely in connection with the dispensing of prescribed medicines from St James Surgery and for no other use.

Reason: To ensure that the ground floor of the annexe continues to operate within the existing D1 use class.

Condition 5 is deleted and replaced with

Prior to the commencement of the development, a Parking and Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of delivery management (including restricted times as appropriate).

Reason: To ensure the safe operation of the car park and highway.

Recommendation:

PERMIT, as per the officer report with the following updated conditions;

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

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

2. The ground floor annexe accommodation hereby permitted shall be ancillary to the principle surgery premises only.

Reason: To prevent a material increase in patient numbers at the surgery, which would result in a significant hazard to highway and pedestrian safety.

3. The pharmacy hereby permitted shall operate solely in connection with the dispensing of prescribed medicines from St James Surgery and for no other use.

Reason: To ensure that the ground floor of the annexe continues to operate within the existing D1 use class.

4. The annexe shall not operate outside the hours of 08:00 to 18:30 Monday to Friday and 09:00 to 12:00 Saturdays in line with the existing surgery opening hours.

Reason: In the interests of residential amenity

5. The annexe shall operate in accordance with the proposed floor layout plan detailed in drawing 9049\_L\_22 rev A. The existing windows shall not be used as a display area.

Reason: To ensure that the proposed use remains within the D1 use class and ancillary to the existing surgery.

6. Prior to the commencement of the development, a Parking and Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of delivery management (including restricted times as appropriate).

Reason: To ensure the safe operation of the car park and highway.

7. 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.

Site location plan 9049 (L) 001 P3

Proposed ground floor layout 9049\_L\_22 rev A



**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**30th July 2014**

**SITE VISIT DECISIONS**

<b>Item No:</b>	001
<b>Application No:</b>	14/02158/FUL
<b>Site Location:</b>	Recreation Ground, Pulteney Mews, Bathwick, Bath
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	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)
<b>Constraints:</b>	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,
<b>Applicant:</b>	Bath Rugby Ltd
<b>Expiry Date:</b>	15th August 2014
<b>Case Officer:</b>	Gwilym Jones

**DECISION    PERMIT**

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, PL22

### **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>

**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**30th July 2014**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	14/00862/OUT	
<b>Site Location:</b>	W T Burden Ltd, Bath Road, Farmborough, Bath	
<b>Ward:</b> Farmborough	<b>Parish:</b> Farmborough	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Outline Application	
<b>Proposal:</b>	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.	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Hazards & Pipelines,	
<b>Applicant:</b>	Boystown Ltd	
<b>Expiry Date:</b>	23rd May 2014	
<b>Case Officer:</b>	Alice Barnes	

**DECISION** Overturned – Delegate to PERMIT Subject to S106 and conditions

<b>Item No:</b>	02	
<b>Application No:</b>	14/00839/EMINW	
<b>Site Location:</b>	Fosseway Environment Park, Fosseway, Englishcombe, Bath	
<b>Ward:</b> Bathavon West	<b>Parish:</b> Combe Hay	<b>LB Grade:</b> N/A
<b>Application Type:</b>	EIA Minerals & Waste Application	
<b>Proposal:</b>	Proposed erection of residual waste facility including a materials recovery facility, anaerobic digestion plant, reception building, weighbridge, outdoor storage areas and other ancillary development. (Outline application with access to be determined all other matters reserved)	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, MOD Safeguarded Areas, Regionally Important Geological Site RIG, Sites of Nature Conservation Interest, Tree Preservation Order,	
<b>Applicant:</b>	Gazelle Properties Ltd	

<b>Expiry Date:</b>	9th July 2014
<b>Case Officer:</b>	Chris Herbert

## **DECISION    APPROVE**

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

2 Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 2 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.

3 The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.

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 The layout and scale of the proposed buildings and tanks shall conform with the description in the Design and Access Statement and Drawing No. 214.15 dated 18/02/2014 and shall comply with the following limits:

- i. Buildings shall not exceed a ridge height of 12 metres;
- ii. Gross new internal floor area shall not exceed 2313m<sup>2</sup>;
- iii. A maximum of 2 digester tanks and 1 digestate storage tank; and
- iv. The above tanks to not exceed 12 metres in height and 15.2 metres in diameter

Reason: In the interest of visual amenities and the landscape character of the area and in order to safeguard the openness of the Green Belt.

5 Before the development hereby permitted commences details of the finished floor levels of the development shall be submitted and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In the interest of visual amenities and the landscape character of the area and in order to safeguard the openness of the Green Belt

6 The development hereby permitted shall not be commenced until a schedule of materials and samples of such materials and finishes and colours to be used for external walls, roofs and tanks of the proposed development have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter proceed in accordance with the approved details.

Reason: In the interest of visual amenities and the landscape character of the area

7 No more than 100,000 tonnes of waste per annum shall be imported to the application site. Records of the amounts of imports of waste for each calendar month shall be taken and shall be made available to the Local Planning Authority within 10 working days of receiving such a request.

Reason: In the interests of highway safety.

8 Vehicle movements into and out of the application site shall be restricted to a maximum of 128 HGV movements (64 in and 64 out) per day. The applicant shall keep a log of all HGV movements which shall be made available to the Local Planning Authority within 10 working days of receiving such a request.

Reason: In the interests of highway safety.

9 Adequate sheeting shall be provided on uncovered vehicles when exiting the site to ensure there is no material deposited onto the highway.

Reason: In the interests of highway safety.

10 Prior to the commencement of the development details of the means of access, including amended internal junction radii and a pedestrian safe zone, shall have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter proceed in accordance with the approved details.

Reason: In the interests of highway safety.

11 Prior to the commencement of the development, an operational statement shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the hours of operation of the site, provision of wheel washing facilities, and the details of the method of monitoring for HGV movements. The development shall thereafter operate in accordance with the approved details.

Reason: In the interests of highway safety.

12 Prior to the development being first brought into use details of the type and location of a covered cycle shelter and cycle stands shall have been submitted to and approved in writing by the Local Planning Authority. The cycle shelter and cycle stands shall be provided prior to the site being first brought into use.

Reason: In the interests of sustainable development.

13 Before the development hereby permitted commences a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise (including vehicles), dust and odour emanating from the application site. The approved scheme shall be implemented prior to the receipt of waste at the application site and thereafter maintained in accordance with the approved details.



Reason: To protect the amenities of the area.

14 No work for the implementation of the development hereby permitted shall be undertaken on the application site except between the hours of 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturdays. No works shall be undertaken on Sundays, Bank and Public Holidays.

Reason: To safeguard neighbouring amenity.

15 No waste deliveries, export of waste or recycled/processed materials or any external activities shall take place on the application site except between the hours of 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturdays. No works shall be undertaken on Sundays, Bank and Public Holidays.

Reason: To safeguard neighbouring amenity.

16 No development shall take place until full details of both the hard and soft landscaping works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out in their entirety within 12 months of receiving written approval.

Reason: In the interest of the visual amenities and the landscape character of this part of the Green Belt.

17 All bunding, planting and seeding comprised in the approved landscaping works shall be carried out prior to the occupation of any of the buildings or the use of the processed/recyclable material storage area. Any plants or trees which within a period of five years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure the successful establishment of the approved landscaping scheme

18 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, 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.

19 All stockpiles on the application site shall not exceed a height of four metres above 177.73m AOD.



Reason: In the interests of visual amenities and the landscape character of the site and protecting the openness of the Green Belt.

20 No waste shall be stored on the application site at any time except within buildings.

Reason: In the interest of visual amenities and the landscape character of this part of the Green Belt.

21 No processed/recyclable materials or skips shall be stored or stacked on the application site at any time except within buildings or the processed/recyclable material storage area.

Reason: In the interest of visual amenities and the landscape character of this part of the Green Belt.

22 No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

Reason: In the interest of visual amenities and the landscape character of this part of the Green Belt.

23 Any outflow from the application site must be limited to Greenfield run-off rates and discharged incrementally for all return periods up to and including the 1 in 100 year storm event.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

24 No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details on the following matters:

- i. A clearly labelled drainage layout plan showing any pipe networks, swales, soakaways and drainage storage tanks. This plan should show any pipe node numbers referred to in the drainage calculations and the invert and cover levels of manholes.
- ii. Model runs to demonstrate that the critical storm duration is being used.
- iii. Confirmation of the agreed discharge rate, with any flow control devices indicated on the plan with the rate of discharge stated.
- iv. Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 critical duration storm event. If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with Table 5 of the Technical Guidance to the National Planning Policy Framework (NPPF).
- v. Clarification over the storage volume requirement shown in the micro drainage calculations which suggest that more storage is required than currently shown on the proposed surface drainage strategy drawing.

vi. Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365. 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.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

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

25 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment.

26 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

i) a preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

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

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

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the LPA. The scheme shall be implemented as approved.

Reason: To prevent pollution of the water environment.

27 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages,

maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To prevent pollution of the water environment.

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

Reason: To prevent pollution of the water environment.

29 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

30 The development hereby approved shall not be occupied until parking, turning and access facilities have been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of highway safety

31 1 Before the development hereby permitted commences a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP will cover the following:

- i. A description of the sensitive features or receptors associated with the Application Site and surrounding area, and the rationale for protection of these features (known as the Environmental Impacts / Aspects register);
- ii. An overall programme for construction activities, together with method statements and risk assessments relating to certain activities;
- iii. Details including deliveries (including storage arrangements and timings), contractor parking, traffic management and any need for cranes for construction;
- iv. The control measures and monitoring requirements to be implemented during each stage of the construction works to minimise resource use, protect the environment or minimise disturbance of sensitive receptors;
- v. Names of the nominated person(s) responsible for implementing these measures and undertaking the required monitoring, and the person(s) responsible for checking that these measures have been implemented and monitoring completed;

- vi. Reporting procedures and documentation requirements in relation to implementation of the control measures and monitoring; and
- vii. Actions to be taken in the event of an emergency or unexpected event.

In addition it should reflect the mitigation measures with respect to dust controls detailed in the Environmental statement 6.147 (page 143) in addition to the Council's Code of Practice to Control noise from construction sites (see informative).

Reason: In the interests of sustainable construction and to minimise the disturbance to the surrounding area during the construction period.

32 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:**

Application Boundary Plan, Drawing No. 214.17 dated 18/02/2014; Proposed Illustrative Site Plan, Drawing No. 214.15 dated 18/02/2014; Existing Topographical Survey, Drawing GRP/004/01; Proposed Illustrative Floor Plan, Drawing No. 214.16 dated 18/02/2014; Proposed Illustrative Site Sections, Drawing No. 214.10 Rev A dated 27/11/ 2013; Indicative Site Sections A-C, Drawing No.12-14-37 Rev 0 dated 29/04/2014; Illustrative Landscape Masterplan, Drawing No. 12-14-29 Rev C dated 28/01/2014.

### **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](http://www.planningportal.gov.uk).

### **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 related case officer's report, a positive view of the submitted proposals was taken and permission was granted.

<b>Item No:</b>	03		
<b>Application No:</b>	13/01733/FUL		
<b>Site Location:</b>	Rockery Tea Gardens Vacant Premises, North Road, Combe Down, Bath		
<b>Ward:</b> Combe Down	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		

<b>Proposal:</b>	Erection of a detached single storey dwelling (revised proposal).
<b>Constraints:</b>	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, Mineral Consultation, Water Source Areas, World Heritage Site,
<b>Applicant:</b>	Freemantle Capital (Coombe Down) Ltd
<b>Expiry Date:</b>	20th August 2014
<b>Case Officer:</b>	Rachel Tadman

**Deferred awaiting site visit:** To allow Members to view the site in the context of its surroundings

<b>Item No:</b>	04		
<b>Application No:</b>	14/01124/FUL		
<b>Site Location:</b>	Parcel 2866, Woolley Lane, Charlcombe, Bath		
<b>Ward:</b> Bathavon North	<b>Parish:</b> Charlcombe	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of 2no. mobile field shelters.		
<b>Constraints:</b>	Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Article 4, Greenbelt, MOD Safeguarded Areas, Sites of Nature Conservation Interest,		
<b>Applicant:</b>	Golden Valley Paddocks Ltd		
<b>Expiry Date:</b>	9th July 2014		
<b>Case Officer:</b>	Richard Stott		

## **DECISION REFUSE**

1 The field shelters represent inappropriate development in the Green Belt, which by definition are harmful and the applicant has failed to adequately demonstrate any very special circumstances to justify the need for the shelters which are considered harmful to the openness of the green belt. The shelters are considered contrary to Policy CP8 of the Bath & North East Somerset Core Strategy, 2014, contrary to Policy GB.2 of the Bath and North East Somerset Local Plan, including minerals and waste policies, October 2007 (which is a saved policy) and contrary to the national guidance set out in the National Planning Policy Framework, 2012.

2 By reason of the visual prominence of the application site the siting of two mobile field shelters is considered harmful to the setting of this part of the Area of Outstanding Natural Beauty and harmful to the wider landscape character, contrary to policies NE.1 and NE.2 of the Bath and North East Somerset Local Plan, including minerals and waste policies, October 2007 which are saved policies in the Core Strategy, 2014.

## **PLANS LIST:**

This decision relates to Photo (2028/97) and Elevation and Floor Plan (drawing 2028/98) date stamped 11th March 2014 and to the Site Location Plan (drawing 2028/99) dated 9th April 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 Framework and for the reasons given, and expanded upon in the related case officer's report, a positive view of the submitted proposals was taken and permission was granted.

<b>Item No:</b>	05	
<b>Application No:</b>	14/02308/FUL	
<b>Site Location:</b>	Somerset Inn, Bath Road, Paulton, Bristol	
<b>Ward:</b> Paulton	<b>Parish:</b> Paulton	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Change of use of Public House (Use Class A4) to form a single dwelling (Use Class C3) and associated works. (Resubmission).	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Forest of Avon, Housing Development Boundary,	
<b>Applicant:</b>	Poulton Ltd	
<b>Expiry Date:</b>	15th July 2014	
<b>Case Officer:</b>	Daniel Stone	

**DECISION** Application Withdrawn

<b>Item No:</b>	06	
<b>Application No:</b>	14/00808/FUL	
<b>Site Location:</b>	Whiteways, White Cross, Hallatrow, Bristol	
<b>Ward:</b> High Littleton	<b>Parish:</b> High Littleton	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of 2no. holiday cottages to expand existing B&B business following the demolition of existing outbuildings (Resubmission)	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Hazards & Pipelines,	
<b>Applicant:</b>	Mr Nick Pollett	
<b>Expiry Date:</b>	16th April 2014	
<b>Case Officer:</b>	Daniel Stone	

**DECISION** Overturned – Delegate to PERMIT Subject to Unilateral Undertaking and conditions

<b>Item No:</b>	07	
<b>Application No:</b>	14/01943/FUL	
<b>Site Location:</b>	Bathway House, 144 London Road West, Lower Swainswick, Bath	
<b>Ward:</b> Lambridge	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of 2no detached dwellings and associated landscape works	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Greenbelt, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,	
<b>Applicant:</b>	Mr Andrew Pegler	
<b>Expiry Date:</b>	4th August 2014	
<b>Case Officer:</b>	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 Prior to the occupation of the development, plans showing the works to improve the visibility at the existing junction shall be submitted to and approved in writing by the local planning authority. The works shall then be carried out prior to the occupation of the permitted dwellings.

Reason: In the interests of highway safety.

4 Prior to the commencement of the development details of the proposed method of drainage of the site shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the details so approved.



Reason: In the interests of highway safety

5 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 construction and 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.

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.

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

Reason: To mitigate the loss of trees for the development. In the interests of the appearance of the development and the surrounding area.

7 All 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 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.

9 The areas 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/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.

<b>Item No:</b>	08
<b>Application No:</b>	14/00958/VAR
<b>Site Location:</b>	St James Surgery , 8 - 9 Northampton Buildings, Lansdown, Bath
<b>Ward:</b> Kingsmead	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Application for Variation of Condition
<b>Proposal:</b>	Variation of condition 6 of application 08/04692/FUL. (Erection of a new surgery annexe (Use Class D1) and first floor apartment (Use Class C3) following demolition of garages)
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,
<b>Applicant:</b>	St James' Surgery
<b>Expiry Date:</b>	1st August 2014
<b>Case Officer:</b>	Alice Barnes

**DECISION** Overturned – REFUSED. Reasons: Parking/access issues and building not ancillary to the existing use

<b>Item No:</b>	09
<b>Application No:</b>	14/01542/FUL
<b>Site Location:</b>	135 Englishcombe Lane, Southdown, Bath, Bath And North East Somerset
<b>Ward:</b> Oldfield	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of a new dwelling
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,
<b>Applicant:</b>	Mr Sam Sardo
<b>Expiry Date:</b>	27th May 2014
<b>Case Officer:</b>	Tessa Hampden

**DECISION** REFUSE

1 The development, due to the unacceptable siting, scale and design, would form an incongruous proposal that would be at odds with the established pattern of development in the area, appearing cramped in the street scene and would have a resultant harmful impact upon the character and appearance of the area. The development would therefore be contrary to saved policies D2 and D4 of the of the Bath and North East Somerset Local Plan - 2007 and policy CP6 of the Core Strategy July 2014

## PLANS LIST:

01 Apr 2014	353-S-01	LOCATION PLAN
28 May 2014	353/P/00 A	SITE PLAN
28 May 2014	353/P/03 A	PROPOSED EAST ELEVATION
28 May 2014	353/P/04 A	PROPOSED WEST ELEVATION
28 May 2014	353/P/05 A	PROPOSED SOUTH ELEVATION
28 May 2014	353/P/06 A	PROPOSED NORTH ELEVATION
28 May 2014	353/P/07 A	PROPOSED STREET ELEVATIONS
28 May 2014	353/S/01 A	LOCATION PLAN

## DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The 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 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.

<b>Item No:</b>	10	
<b>Application No:</b>	14/01624/FUL	
<b>Site Location:</b>	Charnwood House, Rankers Lane, Compton Dando, Bristol	
<b>Ward:</b> Farmborough	<b>Parish:</b> Compton Dando	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of extension to garage to form car ports and store	
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt,	
<b>Applicant:</b>	Mr Neil Saunders	
<b>Expiry Date:</b>	1st August 2014	
<b>Case Officer:</b>	Chris Griggs-Trevarthen	

## DECISION PERMIT

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

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

2 The 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:**

CHBS394JY-1 C  
CHBS394JY-2  
CHBS394JY-1 B

#### **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 Committee took a positive view of the submitted proposals and the application was approved.

<b>Item No:</b>	11		
<b>Application No:</b>	14/02319/FUL		
<b>Site Location:</b>	3 High Street, Wellow, Bath, Bath And North East Somerset		
<b>Ward:</b> Bathavon South	<b>Parish:</b> Wellow	<b>LB Grade:</b> II	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of rear single storey extension, attic conversion and roof alterations with conservation lights		
<b>Constraints:</b>	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building,		
<b>Applicant:</b>	Mr Chris Watt		
<b>Expiry Date:</b>	15th July 2014		
<b>Case Officer:</b>	Stuart Ashford		

#### **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 site location plan and drawing numbers 2557-02B and 2557-04 all received on 19 May 2014. Drawing numbers 2557-J-01, 2557-J-02 and 2557-05 Rev B all received on 17 June 2014. Drawing numbers 2557-J-03 Rev G and 2557-J-03 Rev G both received on 3 July 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.

<b>Item No:</b>	12	
<b>Application No:</b>	14/02384/LBA	
<b>Site Location:</b>	3 High Street, Wellow, Bath, Bath And North East Somerset	
<b>Ward:</b> Bathavon South	<b>Parish:</b> Wellow	<b>LB Grade:</b> II
<b>Application Type:</b>	Listed Building Consent (Alts/exts)	
<b>Proposal:</b>	Internal and external alterations to include the erection of single storey rear extension, attic conversion, alterations to roof, installation of conservation lights, removal of modern internal wall and lining wall, reposition of modern staircase to first floor and installation of new staircase to roof space.	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building,	
<b>Applicant:</b>	Mr Chris Watt	
<b>Expiry Date:</b>	12th August 2014	
<b>Case Officer:</b>	John Davey	

### DECISION CONSENT

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

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

2 Notwithstanding the submitted drawings of the casement window joinery and stone details, large scale details of the casement windows, including the thickness of glazing and its method of fixing are to be submitted to the local planning authority for agreement in writing.

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

3 Prior to commencement of development full details of the proposed treatment and repair methods for fireplace openings, including any surrounds are to be submitted to the local planning authority for approval in writing.

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

4 Prior to commencement of development large scale detailed drawings of the new staircases are to be submitted to the local planning authority for approval in writing.

Reason: To safeguard the internal character and appearance of the listed building.

5 Prior to commencement of development large scale details of the roof lights are to be submitted to the local planning authority for approval in writing.

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

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

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

#### **PLANS LIST:**

This decision relates to the Heritage Statement, Design and Access Statement, Photographs, site location plan and drawing numbers 2557-02B and 2557-04 all received on 19th May 2014, 2557-J-01, 2557-J-02 and 2557-05 Rev B all received on 17th June 2014 and 2557-J-03 Rev G and 2557-J-03 Rev G both received on 3rd July 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 Framework. For the reasons given and expanded upon in the related case officer's report a positive view of the proposals was taken and consent was granted.

<b>Item No:</b>	13	
<b>Application No:</b>	14/01866/FUL	
<b>Site Location:</b>	Land And Buildings To Rear Of 1-7 High Street, Mill Hill, Wellow, Bath	
<b>Ward:</b> Bathavon South	<b>Parish:</b> Wellow	<b>LB Grade:</b> II
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Conversion of former farm buildings to form 1No. dwelling with associated works. (Resubmission with revisions of 13/02812/FUL)	

<b>Constraints:</b>	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building,
<b>Applicant:</b>	Mr Chris Watt
<b>Expiry Date:</b>	9th July 2014
<b>Case Officer:</b>	Rebecca Roberts

## 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 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.

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 shall take place until full details of a Wildlife Mitigation and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Details of replacement bat roosts and additional bat roost provision including bat tubes and boxes and specifications and methods for their incorporation into the fabric of the building where applicable

(ii) Details of bat friendly lighting, demonstrating avoidance of light spill onto roosts and provision of dark corridors for commuting bats

(iii) Details of wildlife friendly planting and other ecological enhancements as appropriate

Reason: In the interests of the ecology of the area.

5 The development hereby permitted shall be carried out only in accordance with the approved Wildlife Mitigation and Enhancement Scheme, and the approved Bat and Bird Survey (ACE Consulting dated 29th August 2012 and CTM Wildlife Ltd Bat Survey dated July 2013) or any amendment to these documents as approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: In the interests of the ecology of the area.

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 windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in any elevation; at any time unless a further planning permission has been granted.

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

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 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.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no 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.

9 Provision shall be made within the site for the disposal of surface water. Details of which including the means of outfall shall be submitted to, and approved in writing by the Local Planning Authority prior to construction.

Reason: In the interests of Flood Risk Management.



10 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 of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety

11 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.

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

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

### **PLANS LIST:**

This decision relates to The Bat and Bird Survey, Tree Survey and Subterranean pool methodology date stamped 22nd April 2014 and drawing no's 2544-17A, 2544-02C, 2544-03I, 2544-05G, 2544-07D, 2544-08A, 2544-09A, 2544-0210A, 2544-11B, 2544-12A, 2544-15B, 2544-16B, 2544-S-02A, 2544-S-03A, 2544-SK-01H, 2544-SK-02, 2544-SK-03, 2544-S-04a, 2544-SK-05B, 2544-17A, 12654-200-001 date stamped 14th May 2014.

### **ADVICE NOTE:**

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

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

The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings

### **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.

### **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](http://www.planningportal.gov.uk).

<b>Item No:</b>	14		
<b>Application No:</b>	14/01867/LBA		
<b>Site Location:</b>	Land And Buildings To Rear Of 1-7 High Street, Mill Hill, Wellow, Bath		
<b>Ward:</b> Bathavon South	<b>Parish:</b> Wellow	<b>LB Grade:</b> II	
<b>Application Type:</b>	Listed Building Consent (Alts/exts)		
<b>Proposal:</b>	Internal and external alterations to facilitate conversion of former farm buildings to 1 no. dwelling. (Resubmission with revisions of 13/02813/LBA)		
<b>Constraints:</b>	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building,		
<b>Applicant:</b>	Mr Chris Watt		
<b>Expiry Date:</b>	9th July 2014		
<b>Case Officer:</b>	Rebecca Roberts		

## **DECISION    CONSENT**

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

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

2 Prior to the re-pointing of existing external walls a sample of the lime pointing to be undertaken and details of the areas of wall to be re pointed shall be submitted to and agreed in writing by the local planning authority. The works shall be undertaken in accordance with the approved sample.

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

3 Prior to the erection of the new walls a sample panel of natural limestone stonework shall be constructed on site to show type, bonding, and pointing with a lime based mortar, to be agreed in writing by the local planning authority . The works shall be undertaken in accordance with the approved specification of works.

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

4 Prior to commencement of the extension works full structural details of the method for supporting the existing barn structure shall be submitted to and agreed in writing by the local planning authority.

Reason: To avoid damage to the structural integrity of the listed building.

5 Prior to re-cladding the roofs of the listed buildings a sample of the clay tiles to be used shall be submitted to and agreed in writing by the local planning authority. The works shall be undertaken in accordance with the approved sample of roof tile.

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

6 Prior to commencement of the works large scale details of the roof lights are to be submitted to the local planning authority for approval in writing.

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

7 Prior to the fitting of any external vents, gas or electricity meter inspection boxes details of their appearance and location on the buildings shall be submitted to and agreed in writing by the local planning authority .

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

8 Prior to the fitting of the external joinery, details of the final colour finish shall be submitted and agreed in writing by the local planning authority. The works shall be undertaken in accordance with the approved details.

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

9 Prior to works commencing on the existing floors and interior walls of the listed buildings a detailed specification of works to include existing and proposed finishes shall be submitted to and agreed in writing by the local planning authority. The works shall be undertaken in accordance with the approved specification of works.

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

10 Prior to repair works to the first floor and roof structure in the stables and the roofs of the barn and the forge, a detailed specification of works shall be submitted to and agreed in writing by the local planning authority. The works shall be undertaken in accordance with the approved details.

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

11 Prior to commencement of the works full details of the proposed mezzanine in the barn shall be submitted to and agreed in writing by the local planning authority. The works shall be undertaken in accordance with the approved details.

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

12 Prior to commencement of works to construct the swimming pool, details of the pool surround and any associated structures or boundary treatment shall be submitted to and agreed in writing by the local planning authority.

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

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

(i) Details of replacement bat roosts and additional bat roost provision including bat tubes and boxes and specifications and methods for their incorporation into the fabric of the building where applicable

(ii) Details of bat friendly lighting, demonstrating avoidance of light spill onto roosts and provision of dark corridors for commuting bats

(iii) Details of wildlife friendly planting and other ecological enhancements as appropriate

Reason: In the interests of the ecology of the area.

14 The development hereby permitted shall be carried out only in accordance with the approved Wildlife Mitigation and Enhancement Scheme, and the approved Bat and Bird Survey (ACE Consulting dated 29th August 2012 and CTM Wildlife Ltd Bat Survey dated July 2013) or any amendment to these documents as approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: In the interests of the ecology of the area.

15 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 Bat and Bird Survey, Tree Survey and Subterranean pool methodology date stamped 22nd April 2014 and drawing no's 2544-17A, 2544-02C, 2544-03I, 2544-05G, 2544-07D, 2544-08A, 2544-09A, 2544-0210A, 2544-11B, 2544-12A, 2544-15B, 2544-16B, 2544-S-02A, 2544-S-03A, 2544-SK-01H, 2544-SK-02, 2544-SK-03, 2544-S-04a, 2544-SK-05B, 2544-17A and 12654-200-001 date stamped 14th May 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 consent was granted.

#### **ADVICE NOTE:**

When a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to an approved application, or where a request to discharge conditions is submitted, it will assist the Local Planning Authority if the 1APP standard form is used. The form is available from the Planning Portal at

[www.planningportal.gov.uk](http://www.planningportal.gov.uk). Requests can be submitted via the Planning Portal or sent direct to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG.

Bath & North East Somerset Council		
MEETING:	Development Control Committee	AGENDA ITEM NUMBER
MEETING DATE:	3rd September 2014	
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)	
TITLE:	SITE VISIT 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.

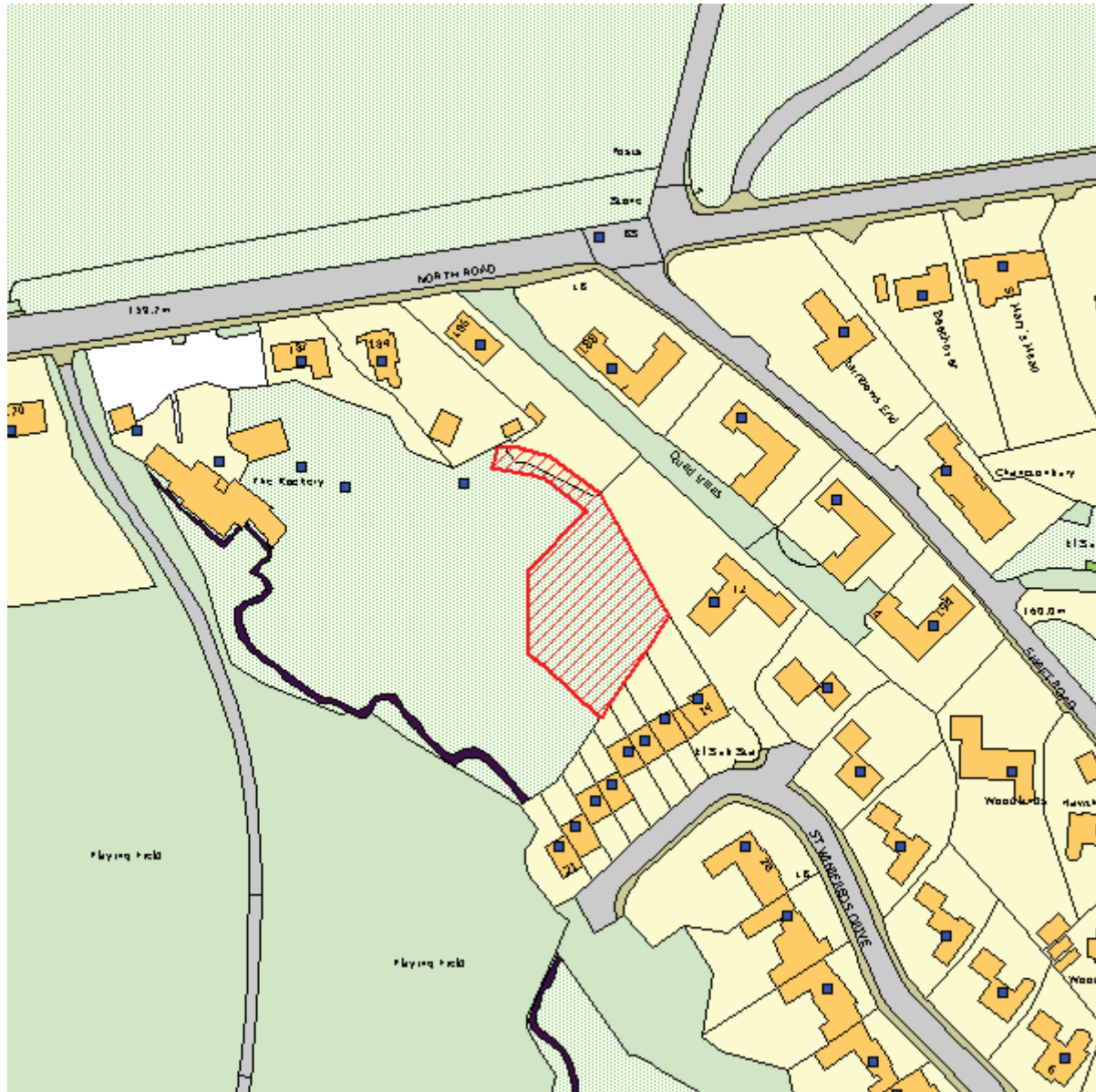
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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:
001	13/01733/FUL 10 September 2014	Freemantle Capital (Coombe Down) Ltd Rockery Tea Gardens Vacant Premises, North Road, Combe Down, Bath, BA2 5DN Erection of a detached single storey dwelling (revised proposal).	Combe Down	Rachel Tadman	Delegate to PERMIT

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

**Item No:** 001  
**Application No:** 13/01733/FUL  
**Site Location:** Rockery Tea Gardens Vacant Premises North Road Combe Down  
Bath BA2 5DN



**Ward:** Combe Down                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Cherry Beath      Councillor R A Symonds  
**Application Type:** Full Application  
**Proposal:** Erection of a detached single storey dwelling (revised proposal).  
**Constraints:** Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, Mineral Consultation, Water Source Areas, World Heritage Site,  
**Applicant:** Freemantle Capital (Coombe Down) Ltd

<b>Expiry Date:</b>	10th September 2014
<b>Case Officer:</b>	Rachel Tadman

## **REPORT**

Reason for Reporting To Committee:

The application has been referred to Development Control Committee after a request by the Ward Councillors Roger Symonds and Cherry Beath and the further agreement of the Chair.

The application was considered by Development Control Committee on 30 July 2014 where it was referred for a site visit. Members visited the site on 18 August 2014.

Description of the Site and Proposal:

The site of the Rockery Tea Gardens is located on the south side of North Road, approximately 350 metres east of its junction with Ralph Allen Drive and 100 metres west of the junction with Shaft Road.

The site comprises a former quarry and was used as a Tea Garden until work recently commenced to construct two houses and nine apartments granted planning permission under application ref: 08/03370/FUL in December 2010.

The site has a frontage of 45 metres to North Road and slopes away to the quarry floor approximately 5 metres below street level. The whole Tea Garden site has a total area of approximately 0.85 hectares.

To the east of the site are three chalet bungalows on the south side of North Road, whose rear gardens adjoin the application site. To the west of the site is the access drive to Monkton Combe Junior School and the school playing fields and there are two storey houses further to the west on the south side of North Road. On the opposite side of North Road is a high stone wall with woodland beyond. To the south-east of the site is modern terrace housing fronting on to St Winifreds Drive.

The site is located just outside the City of Bath Conservation Area, the southern boundary of which follows North Road, but the site is within the World Heritage Site and the built-up area of the city. North Road also forms the southern boundary of the Green Belt and Cotswolds Area of Outstanding Natural Beauty in the vicinity, but the site is not subject to these designations. The site is within a mineral consultation area.

The proposal is for the erection of a single dwelling house on an area within the Rockery Tea Gardens site that was safeguarded as a Woodland area under the previous permission of 08/03370/FUL. The dwelling would be single storey with the main element having a pitched roof and flat roofed elements to the front and side.

The dwelling would be constructed of natural rubble stonework with Cedar vertical boarding and Cedar shingles to the south west gable.



The existing driveway to the approved Rockery Tea Gardens development would be extended to serve the proposed dwelling.

Relevant History:

DC - 08/03370/FUL - PERMIT - 17 December 2010 - Erection of new two houses and nine apartments with nine garages

DC - 11/05422/COND - DISCHG - 30 April 2012 - Discharge of condition 2, 8, 15 and 24 of application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 12/00053/COND - SPLIT - 19 April 2012 - Discharge of conditions 3,4,5,6,11,13,14 and 17 of application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 12/00145/COND - DISCHG - 6 March 2012 - Discharge of condition 2 of application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 12/00232/COND - DISCHG - 30 April 2012 - Discharge of conditions 15 and 16 for application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 12/02264/COND - DISCHG - 29 June 2012 - Discharge of condition 16 of application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 12/02715/COND - RF - 8 August 2012 - Discharge of condition 10 of application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 12/03544/COND - RF - 19 October 2012 - Discharge of condition 10 of application 08/03370/FUL ( Erection of new two houses and nine apartments with nine garages)

DC - 12/04380/NMA - WD - 25 October 2012 - Non-Material Amendment to application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 12/05489/COND - DISCHG - 11 February 2013 - Discharge of condition 10 of application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 12/05583/FUL - WD - 28 February 2013 - Erection of single dwelling.

DC - 13/01733/FUL - PCO - - Erection of a detached single storey dwelling (revised proposal).

DC - 13/01823/NMA - APP - 9 July 2013 - Non-Material amendment to application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 13/05125/COND - DISCHG - 16 January 2014 - Discharge of Conditions 2 (Resubmission) and 20 of application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages).

DC - 13/05346/COND - RF - 20 January 2014 - Discharge of condition 22 of application 08/03370/FUL. (Erection of 2no houses and 9no apartments with 9 garages)

DC - 14/00693/COND - DISCHG - 26 March 2014 - Discharge of condition 22 attached to 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Highways Development Officer: It is not considered that the proposed development will result in any material concerns regarding increased vehicular movements or highway safety, I therefore recommend that no highway objection is raised subject to a condition being attached to any permission granted.

Arboricultural Officer: Further to my comments dated 4th June 2013 and 5 July 2013, to summarise, the current application shows that 5 trees are to be removed of which two, identified within the tree survey as T12 and T18, are to be lost as a direct result of the proposed layout without supporting arboricultural reasons.

Replacement planting along the south eastern boundary to mitigate for the loss of trees as a direct result of the current proposal and further offsite tree planting is proposed to mitigate for the loss of tree planting space within the woodland as part of the development of the Rockery Tea Gardens as a whole.

The proposed tree planting opportunities appear to follow the principles and aspirations of the adopted Green Infrastructure Strategy in terms of connectivity and address the requirements within retained policy NE.4 Trees and Woodlands:

A revised woodland management plan to incorporate the whole of the Rockery Tea Gardens and offsite tree planting is considered appropriate and should be conditioned if possible or secured by some other means. In addition conditions are suggested.

Ecology: Further to my comments of June 2013 objecting to the scheme, revised plans have been submitted and I no longer object subject to conditions and a S106 legal agreement. The comments are summarised below:

- o Light Spill - it has now been demonstrated that light spill from the proposed development will be minimised sufficiently and will not harm bat activity.
- o Mitigation for loss of canopy and woodland management area - the provision of off site planting with the aim of mitigating and compensating impacts of tree removal and loss of canopy area to this woodland site are now considered acceptable.
- o Tree planting & meadow area - the proposed new tree planting is located on grassland outside the red line development boundary, on adjacent land used and managed by Monkton Combe School. Despite local concerns that the grassland area contains wild flower interest there are no objections to the loss of this area to tree planting. The proposed new tree planting area must be secured by condition and its ongoing long term management by legal agreement.
- o Proposed planting including new native tree and shrub planting within the land to which the S106 Woodland Management Plan for the adjacent development 12/05583/FUL applies. I am happy with the proposed planting but the proposed specifications including

importation of topsoil and use of herbicides are not acceptable within the woodland area where this area is subject to an approved Woodland Management Plan.

- o Long Term Management - the approved Woodland Management Plan 12/05583/FUL (and secured by S106) remains in force but a further legal agreement is required to secure the production and long term implementation of an additional Management Plan incorporating all off site planting and habitat provision.

- o Test of Likely Significant Effect - The net impact on bats including bats of the SAC will be neutral, and potentially enhanced due to the stronger habitat connectivity that will result from the proposed off-site planting. A "Test of Likely Significant Effect" has been completed which concludes that there will be no risk of a "likely significant effect" on the SAC or bats of the SAC.

Natural England: No objections

Landscape Officer: Initially objections were raised due to the dwelling being located within land that was agreed as being a woodland management area.

The Landscape Officer has now considered the revised plans submitted and has confirmed, verbally, that the mitigation planting is considered sufficient to overcome his previous objections.

Sport England: No comments

Contaminated Land: No objections subject to conditions.

Education Services: No contribution is sought for Children's Services for this proposed development as it is only one dwelling.

Environmental Health: The applicant has submitted a noise assessment in respect of application ref. 08/03370/FUL, which shows that the development falls within Noise Exposure Category B in PPG24.

As this subsequent application falls within the same Noise Exposure category (B) PPG24 recommends that in such circumstances "noise should be taken into account when determining the planning application and where appropriate conditions imposed to ensure an adequate level of protection against noise."

Accordingly I would advise that there are no objections subject to conditions.

(Officer Note: PPG24 has been superseded by the NPPF.)

Local Residents:

The application has received representations from 41 contributors of which 37 objected and 4 made general comments. No letters of support have been received. The objections/comments relate to the following concerns:

1. The 08/03370/FUL permission set the maximum development limit for the site and which should not be breached.
2. Overdevelopment of the site

3. Its location in an area that was to be retained as woodland is unacceptable and goes against the recommendations of the 08/03370/FUL
4. Loss of woodland, protected trees and area for wildlife
5. Harm to wildlife and protected species
6. Risk to remaining trees due to concerns from future residents about falling branches etc
7. It will result in a visually prominent and intrusive development
8. Contrary to Green Infrastructure Policy CP7
9. The proposed development, including the compensatory planting, will cause overlooking, overshadowing and loss of outlook for existing dwellings as well as light and noise pollution from the access road.
10. Detrimental impact on existing trees
11. Lack of info to show relationship with existing dwellings
12. Loss of wildlife meadow and footpath across Glen Field due to compensatory planting
13. Location on spoil heap could have land stability issues
14. Increased impact on the highways
15. Inaccuracy of drawings.

Councillor Cherry Beath: I am opposed to the Application on the grounds that it constitutes over development on this very special site, and would irreversibly harm the special setting and wild life habitat which makes up the complete site, and which was protected by the original permitted application some years ago, which limited the number of dwellings on the site.

## **POLICIES/LEGISLATION**

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

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Saved Policies from the Bath & North East Somerset Local Plan (2007)
- Joint Waste Core Strategy

The following policies should be considered:

DW1 - District Wide Spatial Strategy  
 Policy B1 - Bath Spatial Strategy  
 Policy B4 - World Heritage Site  
 Policy CP2 - Sustainable Construction  
 Policy CP3 - Renewable Energy  
 Policy CP6 - Environmental Quality  
 Policy CP7 - Green Infrastructure

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not

replaced and remain saved are listed in Appendix 2 of the Core Strategy. The policies relevant to this application are:

D2: Design;  
D4: Townscape;  
ES2: Energy Efficiency;  
ES15: Contaminated Land;  
SR1A: Playing fields and recreational open space;  
GB2: Visual Amenities of the Green Belt;  
NE1: Landscape Character;  
NE4: Trees;  
NE.8, NE.10 and NE.11: Ecology;  
NE.12: Natural Features;  
BH6: Conservation Areas;  
M2: Minerals Consultation Areas;  
T24: Highways;  
T26: Parking and Servicing.

## **OFFICER ASSESSMENT**

Principle of the Development:

The site is located within the built-up area of Bath where Policy B1 of the Core Strategy states that housing development is acceptable in principle.

There is therefore no objection in principle to the development of this site for residential purposes.

Impact on the character and appearance of the surrounding area and this part of the World Heritage Site:

The proposed dwelling has been designed so that it is of a low height and, due to its location within the wider Rockery Tea Gardens development and some distance from both North Road and Shaft Road would not be prominent or particularly visible from public viewpoints surrounding the site.

It has been designed in a contemporary fashion to reflect the design of the adjoining wider Rockery Tea Gardens development and uses a mixture of cedar boarding and natural rubble stone walling.

Many objections to the scheme have been received on the grounds that the development represents overdevelopment of the site. However this issue has been given particular consideration and due to the limited visual impact that the proposed house will have on the local area and the setting of the nearby Conservation Area it has been concluded that the proposal would not result in the overdevelopment of the site or adversely affect the setting of the World Heritage Site.

Impact on Trees:

The proposal to erect a further dwelling within the Rockery Tea Gardens site, and within the existing woodland management area, does show that 5 trees are to be removed of

which two, identified within the tree survey as T12 and T18, are to be lost as a direct result of the proposed layout without supporting arboricultural reasons.

Following initial objections by the Arboricultural Officer a revised replacement planting scheme was submitted to include additional planting along the south eastern boundary to mitigate for the loss of trees as a direct result of the current proposal. In addition the offsite tree planting proposed on the Glen Field is proposed to mitigate for the loss of tree planting space within the woodland as part of the development of the Rockery Tea Gardens as a whole.

The proposed tree planting opportunities follow the principles and aspirations of the adopted Green Infrastructure Strategy in terms of connectivity and address the requirements within saved policy NE.4 Trees and Woodlands:

#### Impact on Ecology:

The site is close to part of the "Combe Down and Bathampton Down Mines" Site of Special Scientific Interest (SSSI), which is a component site of the "Bath & Bradford on Avon Bats" Special Area of Conservation (SAC). It is also known that the site is used by bats from the SSSI and the SAC. As a result the impact of the proposed development on the habitat of the bats has been carefully considered. The location of the dwelling within the area safeguarded as a Woodland area, which is required to be managed in accordance with an Ecological Management Plan under the S106 legal agreement attached to Planning permission ref: 08/03370/FUL, attracted an objection from the Ecologist due to the lack of mitigation for the loss of the woodland area.

However the revised replacement planting scheme subsequently submitted, including the offsite tree planting proposed on the Glen Field, is now considered to retain and strengthen habitat connectivity sufficiently to avoid harm to bats that are known to use the site including use of the boundary tree-lines as flight lines. The boundary of the proposed house is now defined by a native species hedgerow which is welcomed and enables a clear distinction of the garden from the retained area of woodland.

The proposed new tree planting is located on grassland on adjacent land used and managed by Monkton Combe School. Concerns have been expressed from local residents that part of this grassland area contains wild flower interest and has been subject to a meadow creation project for some years. The complete loss of this area to tree planting would be regrettable although the Ecologist is of the view that there are no objections to the proposal in relation to this.

The proposed new tree planting area must be secured by condition and its ongoing long term management by legal agreement. The ecologist has recommended that the condition is worded with sufficient flexibility to allow minor revisions, to accommodate any changes to mitigate impacts on the wildflower area as referred to above, and for final details to be approved in writing by the LPA.

The revised plans have also addressed other concerns such as light spill from the dwelling and a number of windows have been removed from the scheme which, in conjunction with the use of SPD Smartglass, which operates when lights are switched on to prevent 99% of light emission from the building at night, will reduce light spill to a level that is not



considered to harm bat activity. External lighting and the provision of future windows within the proposed dwelling will also be controlled by condition.

Due to the location of the site close to the SAC a Test of Likely Significant Effect has been carried out by the Ecologist. She has concluded that she is confident that the net impact on bats including bats of the SAC will be neutral, and potentially enhanced due to the stronger habitat connectivity that will result from the proposed off-site planting.

In conclusion it is considered that, the proposed mitigation and compensation package sufficiently addresses the likely ecological impacts and is therefore acceptable, subject to appropriate conditions and a S106 legal agreement. The S106 legal agreement should specifically require that the provision and long term management of the off-site tree planting area is carried out in accordance with a Woodland Management Plan, that is to be submitted and agreed in writing prior to the commencement of development. Furthermore the proposed new tree planting must take place prior to further removal of trees from the development site and commencement of development.

Finally Natural England has made no objections to the proposals. The Ecologist has been in discussion with Natural England as the proposals, including the provisions within the S106 legal agreement, have progressed. Natural England have also approved the Test of Likely Significant Effect and they are, overall happy with the Council's Ecologists assessment of the proposal.

Impact on the Landscape:

The Landscape Officer originally objected to the scheme, however the revised plans are now considered to overcome his concerns and it is considered that the proposed development would not have an adverse impact on the landscape of the site or the surrounding area.

Impact on Glen Field:

Glen Field is designated as a playing field and recreational open space under Policy SR1A of the Local Plan. With regard to this case, Policy SR1A seeks to ensure that development involving the loss of part of the playing field is not permitted except in certain circumstances. Sport England have responded to state they have no comments on the proposals.

The proposed development seeks to plant trees on the playing field which will lead to a loss part of the playing area, forming recreational open space, but only around the periphery. The plans clearly indicate that a pitch would still be retained for sports use. Therefore it is considered that the loss of recreational open space would be negligible compared with the overall provision within the Monkton Combe School grounds, that sufficient playing space would be retained to be considered acceptable and that there is no identified deficiency.

In conclusion it is considered that the proposal is not contrary to Policy SR1A of the Local Plan.

Impact on residential amenity:

The proposed development would be located adjacent to the boundary of Plot 2 within the Rockery Tea Gardens development but also adjacent to the boundary with other existing dwellings located off North Road and St Winifred's Drive.

The majority of the windows to habitable rooms within the dwelling face south and south east which is towards the dwellings on St Winifred's Drive. Furthermore the proposed dwelling would be located at an elevated level to the neighbouring dwellings on St Winifred's Drive (Nos 14 to 21) meaning that there are a number of windows and patio areas of the garden which would have views looking towards the neighbouring dwellings.

However, many of the windows on this elevation are secondary windows to the living room, a kitchen window and a utility window. The glazed gable also would have oblique views towards the neighbouring dwellings. The main window which raises the most concern is that to the bedroom with its patio area immediately outside.

However, the proposed dwelling, would be still be located some distance from Nos 14-21 with Nos 14-17 being the closest. At a minimum the dwelling would be 29m from the rear of Nos 14-17 and 35m at its maximum.

The minimum distance of 29m is considered to be of sufficient distance to significantly reduce any incidence of direct overlooking and, furthermore, the dwelling is proposed to be single storey in height and views from ground floor windows would therefore be further blocked or obscured by both existing planting but also, in part, by the proposed hedge boundary around Plot 3.

Overall, these factors combined are considered to comprise a situation where the proposed development would not cause an unacceptable level of overlooking to the neighbouring dwellings and would not have a significant detrimental impact on the occupiers residential amenity.

With regard to the impact of the building itself, due to its location some distance from the boundaries, its design, size and height, it is not considered to have an overbearing or overshadowing impact on any neighbouring dwellings to the detriment of the residents, future or existing, amenity.

The development also proposes the provision of an access drive and parking area close to the north eastern boundary of the site which is close to Plot 2 and the gardens of the dwellings to the north and east of the site. Whilst movements of cars on the access drive and parking area are likely to be audible to adjoining residents, the number of car movements arising from an additional dwelling in this location is not considered to be so significant as to have a detrimental impact on residential amenity. The impact from vehicle headlights is not considered to be significant.

Concerns have been raised by the residents living on St Winifred's Drive, and adjacent to the proposed mitigation planting area on Glen Field, that the proposed tree planting will cause a loss of light, overbearing impact and loss of outlook. This issue has been considered carefully by Officers, including the Arboricultural Officer, and it is clear from the proposed planting scheme that whilst there are some large trees such as Oaks being proposed, these are interspersed between smaller trees. Furthermore the trees would not



be planted right up to the boundary of Glen Field with St Winifred's Drive allowing for a small buffer zone in between.

Additional trees are also proposed along the boundary of the site, within the remaining woodland area, and alongside the boundary with Nos 14-21 St Winifred's Drive. The impact of these trees on the residential amenity of both the future and existing occupiers has been considered and it is concluded that they would not have a significant detrimental impact through overshadowing to justify the refusal of the scheme.

In light of this it is considered that, whilst some residents will lose their existing open outlook onto Glen Field, the proposed planting would not have an overbearing or overshadowing impact that would be so significant as to have a harmful impact on the residential amenity of the occupiers.

Turning to the residential amenity of the future occupiers of the proposed dwelling, the siting of the dwelling is in close proximity to a number of large trees which have a heavy canopy under which limited sunlight will be gained. However it has been shown the submitted plans that the trees would not directly overhang the dwelling and that it would still benefit from sufficient areas of garden that would benefit from direct sunlight during the day. This is also considered to significantly reduce the risk of future residents raising concerns about the trees and thereby pressuring for their removal.

Overall it is considered that the future occupiers of the dwelling will benefit from an acceptable level of residential amenity. Furthermore it is considered that the proposed dwelling would not cause an unacceptable level of overlooking, overbearing or overshadowing impact or would cause a level of noise and disturbance, particularly through the movement of cars, that would result in an unacceptable impact on the residential amenity of those living in the neighbouring dwellings.

#### Impact on Highway Safety:

As a result of the already approved development within the Rockery Tea Gardens an acceptable vehicular access to the site has already been established. As the proposed development would only result in additional vehicle movements from one dwelling it is considered that the existing vehicular access is acceptable. The proposal has not attracted any concerns or objections from the Highways Development Officer, subject to a condition, and it is therefore considered that the development would not have a harmful impact on highway safety.

The proposed dwelling will, however, have the benefit of the use of the communal access road which is maintained by a management company as required by the S106 legal agreement secured under 08/03370/FUL. As a result it is considered necessary that the S106 legal agreement for this development also includes the requirement that the future owners of the approved dwelling sign up to a management company for the future maintenance of the communal road leading to the dwelling.

#### Minerals Issues:

The site is located within a Mineral Consultation Area (MCA) where Policy M2 of the Local Plan states that development will not be permitted if it would sterilise or restrict the extraction of minerals of economic importance which are capable of being worked.

The application site has been worked out, however, and the land immediately to the south, between the application site and the existing working quarry (Upper Lawn Quarry), has been developed for housing.

There is no objection to the proposed development on minerals planning grounds.

Noise:

The overall site of the Rockery Tea Gardens fronts North Road, a busy main road, and a Noise Assessment has been submitted which indicates that the proposed development would be affected by traffic noise and would fall within Noise Exposure Category B, where development is permissible subject, where appropriate, to the imposition of conditions to secure an adequate level of protection against noise.

The Environmental Health Officer has no objections to the application subject to an appropriate condition being imposed.

Other Considerations:

Many objections have been raised concerning the previous application 08/03370/FUL where many residents were under the impression, once this development was constructed, that no further development could, or would be able to, take place within the Rockery Tea Gardens boundary. However, as Members will be aware, now that a further application has been submitted for a further dwelling on this site, it has to be considered on its merits.

Concerns have also been raised regarding issues of land stability. The Council's Building Control Team have confirmed that this site is within an area where land stability is an issue, due to the previous mining activity, but that such concerns can be overcome through engineering solutions to the construction of the dwelling.

Concerns have also been raised that the submitted plans are inaccurate. The concerns have been considered by the Agent who has confirmed that the plans are correct.

Conclusion:

The proposal to erect a further dwelling within the Rockery Tea Gardens site, in addition to those currently under construction permitted under 08/03370/FUL, has been met with significant objection and concern from local residents.

The location of the dwelling with the woodland area, safeguarded by a S106 legal agreement under 08/03370/FUL, and close to the SAC, also resulted in objections from the Arboricultural Officer, Ecologist and Landscape Officer as adequate mitigation wasn't proposed and there were concerns about the impact on the woodland and also the habitat of the bats.

However the proposals were revised to provide off site planting on the adjacent Glen Field and other measures to increase planting within the existing woodland area in order to address these concerns. In addition the dwelling has been revised to reduce window openings and will be fitted with glass that tints at night in order to reduce light spill onto the surrounding area.

Furthermore, due to the close proximity of the SAC, a Test of Likely Significant Effect has been carried out by the Ecologist where she concluded that the net impact on bats including bats of the SAC will be neutral, and potentially enhanced due to the stronger habitat connectivity that will result from the proposed off-site planting.

Therefore the revised scheme has overcome the objections raised by the consultees and is not now considered to have an adverse impact on the habitat of protected species, in particular the bats that are known to use this site.

As has been explained above in some depth the proposed development, and the off site tree planting, is not considered to have a detrimental impact on the residential amenity of both the future occupiers of the development or the existing residents of the neighbouring dwellings.

Furthermore the design of the dwelling is considered to be acceptable and, in conjunction with its location, is not considered to have a detrimental impact on the character and appearance of the surrounding area or this part of the World Heritage Site.

Finally the proposal is not considered to have a harmful impact on highway safety.

## **RECOMMENDATION**

Authorise the Divisional Director, Development to PERMIT subject to condition(s)

## **CONDITIONS**

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

The submission of an acceptable Habitat Conservation Management Plan for the land known as Glen Field including the future long term implementation of the approved plan.

That no felling of trees or development shall commence until the approved new tree and woodland planting is in place.

That the future owners of the approved dwelling sign up to a management company for the future maintenance of the communal road leading to the dwelling.

B: On completion of an acceptable S106 legal agreement, PERMIT subject to the following conditions:

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

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

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

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

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

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

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

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

5 The dwelling(s) shall not be occupied until space has been laid out within the site in accordance with the approved plan(s) for the parking and turning of vehicles, and such area(s) shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development, in accordance with the details of the approved drawings.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

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 windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in any elevation, roof or roof slope at any time unless a further planning permission has been granted.

Reason: To avoid harm to existing habitats and protected species.

7 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. 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, service run locations and movement of people and machinery.

Reason: To ensure that the protected trees to be retained are not adversely affected by the development proposals.

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

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

9 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless otherwise agreed in writing by the Local Planning Authority. A signed certificate of compliance shall be provided by the appointed Arboriculturalist to the Local Planning Authority prior to the occupation of the dwelling.

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

10 The development shall be constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 30dBLAeqT, for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax. Compliance with the levels specified shall be demonstrated with proper provision for ventilation.

Reason: In the interests of the residential amenity of the future occupiers.

11 Notwithstanding the approved plans or submitted documents, no development shall commence until a hard and soft landscape scheme, that is compatible with the Ecological Management Plan, approved under the S106 legal agreement attached to Planning permission ref: 08/03370/FUL, has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include 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 avoid harm to existing habitats and protected species and to ensure the provision of an appropriate landscape setting to the development.

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

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

13 No external lighting shall be erected, attached or otherwise provided within the boundary of the approved dwelling until full details have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with any approved details.

Reason: To avoid harm to existing habitats and protected species.

14 No development shall commence until an Ecological Working Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement should provide details of all necessary wildlife protection working methods; named Ecological Clerk of Works; and provide details of exclusion zones and protective fencing for retained vegetation, to ensure no harm to wildlife during site clearance and construction.

Reason: To avoid harm to existing habitats and protected species.

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwaters and surface waters,
  - o ecological systems,
  - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: In order to ensure 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.

16 Submission of Remediation Scheme - A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the



Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: In order to ensure 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.

17 Implementation of Approved Remediation Scheme - The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: In order to ensure 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.

18 Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, 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 3.

Reason: In order to ensure 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.

19 Long Term Monitoring and Maintenance - A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

Reason: In order to ensure 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.

20 No development shall commence until a fully annotated drawing showing the finished floor, eaves, ridge and flat roof heights of the approved dwelling and in relation to the adjacent dwelling shown as Plot 2 on drawing No 2233/2001 has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the approved details.

Reason: In the interests of clarity.

21 No development shall commence until a technical specification has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the glazing to all the windows to the dwellinghouse hereby permitted will limit any light spill to a minimum and acceptable level. The development shall thereafter be occupied only with the agreed glazing specification in place.

Reason: To safeguard the local ecology and the amenity of nearby residents.

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

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

**PLANS LIST:** 1 This decision relates to drawing nos L331 SK, L331 SK2 Rev B, L331 SK3, 2233/2000 Rev C, 2233/2001, 2233/2002 Rev A, 2233/2003 Rev A, 2233/2004, 2233/2005 Rev B, 2233/2008, 1098-02 A, 1076-10 Rev C

## 2 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.

## 3 Advice Note:

The submitted "Woodland Management Plan" dated 30th Jan 2012 by A to B Landscapes has not been considered acceptable and does not form part of the approved scheme.

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

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

The requirements of the Council's Code of Practice to Control noise from construction sites should be fully complied with during demolition and construction of the new buildings.



Consideration should be given to proofing any roof/flat surfaces against gull's nests.

**4 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](http://www.planningportal.gov.uk).

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

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Bath & North East Somerset Council		
MEETING:	Development Control Committee	AGENDA ITEM NUMBER
MEETING DATE:	3rd September 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.

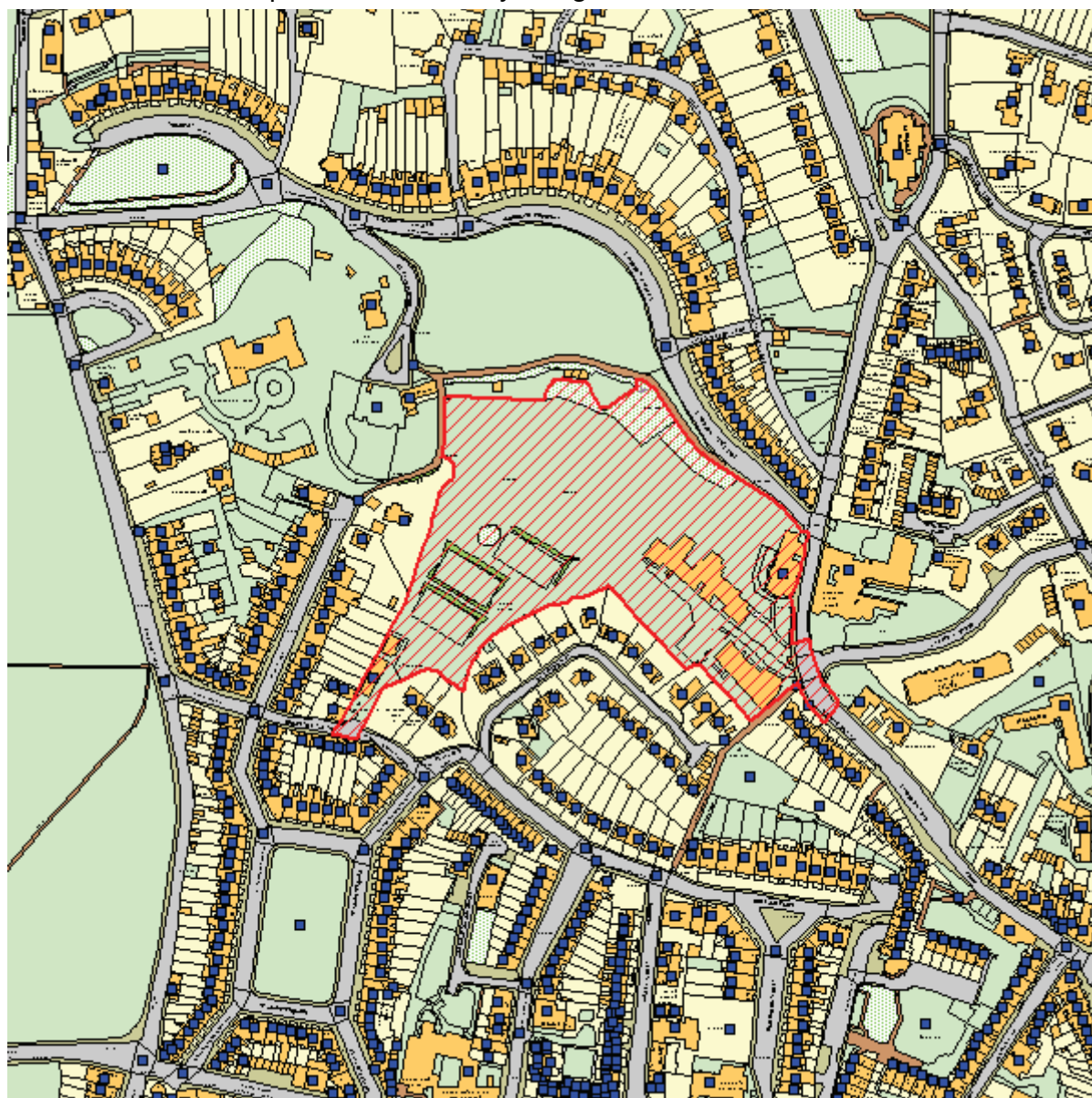
## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	13/04235/FUL 17 September 2014	Hope House Developments LLP Hope House, The Royal High School, Lansdown Road, Lansdown, Bath Residential development for the erection of 58 no. dwellings, including the conversion of Hope House, and associated infrastructure and parking following demolition of existing school buildings.	Lansdown	Sarah James	PERMIT
02	14/02309/REG03 5 September 2014	Bath & North East Somerset Council St Saviours Junior School Brookleaze Place, Avondale Buildings, Larkhall, Bath, Bath And North East Somerset Demolition of existing temporary classrooms and kitchen. Extensions to the existing school building comprising of a new classroom block and new Kitchen to be located off the main hall.	Lambridge	Heather Faulkner	PERMIT
03	13/03562/OUT 29 November 2013	Mr E Bruegger Parcel 3300, Temple Inn Lane, Temple Cloud, Bristol, Development of the site for residential purposes (approximately 70 dwellings), with associated public open space, landscaping and parking. Primary vehicular access from Temple Inn Lane to be determined, (internal access, layout, scale, appearance and landscaping reserved for subsequent approval).	Mendip	Daniel Stone	Delegate to PERMIT
04	14/01261/FUL 13 May 2014	Mrs Zoe Hawes Land Adjacent To Tree Tops, Firgrove Lane, Peasedown St. John, Bath, Erection of straw bale, timber frame, living/work unit. (Retrospective)	Peasedown St John	Andy Pegler	REFUSE

05	14/01495/FUL 23 July 2014	Belgravia Land Ltd Rentokil Tropical Plants Pipehouse Nursery, Pipehouse, Freshford, Bath, Bath And North East Somerset Erection of 10 no. dwellings, including access road, car parking and hardstanding, landscaping and associated works and services following demolition of existing buildings and structures.	Bathavon South	Daniel Stone	Delegate to PERMIT
06	14/00892/OUT 5 June 2014	Woodstone Construction SW LTD Land Opposite Tunley Farm House, Wood Lane, Priston, Bath, Bath And North East Somerset Outline application for the erection of two live/work buildings and re-alignment of the highway.	Bathavon West	Heather Faulkner	REFUSE
07	14/02663/FUL 5 August 2014	Miss Marie Hutton 72 High Street, Twerton, Bath, Bath And North East Somerset, BA2 1DQ Change of use from single dwelling (C3) to house in multiple occupation (C4)	Twerton	Alice Barnes	PERMIT
08	14/01237/FUL 23 July 2014	Mr Alex Dodge Land Between Cyclepath And Roundabout, London Road East, Batheaston, Bath, Bath And North East Somerset Change of use of existing building to residential including external alterations.	Bathavon North	Alice Barnes	PERMIT
09	14/02258/FUL 5 September 2014	Trinity C Of E Academy Trust Trinity C Of E Primary School, Woodborough Lane, Radstock, Bath And North East Somerset, BA3 3DE Erection of detached timber-framed building to provide break-out space on school site	Radstock	Heather Faulkner	PERMIT

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

**Item No:** 01  
**Application No:** 13/04235/FUL  
**Site Location:** Hope House The Royal High School Lansdown Road Lansdown Bath



**Ward:** Lansdown      **Parish:** N/A      **LB Grade:** II  
**Ward Members:** Councillor Patrick Anketell-Jones Councillor Anthony Clarke  
**Application Type:** Full Application  
**Proposal:** Residential development for the erection of 58 no. dwellings, including the conversion of Hope House, and associated infrastructure and parking following demolition of existing school buildings.

<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, Tree Preservation Order, World Heritage Site,
<b>Applicant:</b>	Hope House Developments LLP
<b>Expiry Date:</b>	17th September 2014
<b>Case Officer:</b>	Sarah James

## REPORT

The site is located approximately 1 km (0.4 miles) from the City centre within the Bath urban area. It is located within the Bath conservation area, the World Heritage Site, Bath Hot Springs Protection Area and Forest of Avon. There are various existing buildings on the site including Hope House, which is to be retained and which is Grade II listed. There is a site wide tree protection order in place. The site is within Flood Risk Zone 1 (low risk) from fluvial flooding.

The site itself is 2.5ha site (6.18 acres). Lansdown Road passes along its east boundary, Lansdown Place East and Lansdown Crescent lie to the north boundary, Park Street to the west, Park Street Mews to the south and St James' Park to the south and south east. The Lansdown Road and Lansdown Place East boundaries are walled (1-2m high). Along the boundary with dwellings on St James' Park the boundary is mostly walled, in varying states of repair and condition. The west and north west boundaries are fenced and well vegetated with scrub and trees. Development around the site boundaries is largely residential of mixed character and height.

The site has formerly been in use for the Royal High School which has now relocated leaving the site vacant. Hope House and the associated school buildings lie in the north east of the site, accessed from Lansdown Road. The existing buildings on the site would be demolished with the exception of Hope House which would be converted. The north east of the site is dominated by Grade II listed Hope House (originally built c.1781-2 but substantially rebuilt after WWII) and the modern school buildings. Three hard tennis courts lie towards the south of the site, where there is an existing gated access on to Park Street Mews. Elsewhere the landscape has a parkland character with mown grass and scattered trees. The site is an important green open space on the south-facing ground above the city centre. The land slopes steeply from north-east to south-west sloping down from Lansdown Place East to St James' Park.

The application is for the development of 58 no. new homes and associated works, including landscaping, access, and the conversion of Hope House for residential use. The site has three distinct areas: the upper site, where the majority of new homes would be located which would be in the general vicinity of the existing listed main house which would be converted to residential uses, the retained parkland providing communal open space for the residents; and the lower site which would have a small additional new development.

The scheme has been subject to various design amendments. As currently proposed it comprises on the upper site of a new terrace style street (blocks A, B and C) south of Hope House coming off the main access onto Lansdown Road and located broadly in the area currently occupied by existing school buildings proposed to be demolished. Further new development (blocks D and E) would be located along the northern boundary on



existing hard surfacing to the north of Hope House (i.e. block F). A second separate part of the proposals are located at the south of the site (i.e. block G) at the southern tip of the parkland. These sit over the lower existing tennis courts.

Block A -To the north of the proposed street, below Hope House itself, is Block A, a 2 storey terrace with an additional roof storey. The terrace is split into 6 units with its south facing frontage constructed in ashlar and its north facing rear elevation rendered in stucco with ashlar quoins.

Block B - Across the street is Block B, a stepped terrace containing principally 2 storey houses that are split into 20 apartments (with some roof accommodation in the eastern end). Similar to Block A in appearance it has stepped terracing and detailing constructed largely in ashlar stone.

Block C -This is the more dominant of the development elements comprising 14 units in 3 storey blocks with a basement level with 2 west facing apartments and parking underneath. The front elevations would be south facing and would be ashlar whilst the rear north facing elevations would be ashlar and rubble stone.

Block D - Block D is a small terrace of 4 houses running along the northern boundary of the site. The houses are 2 storey facing toward Lansdown Place East. The ridge height of the terrace does not exceed the height of the boundary wall north of the development and in front of Lansdown Place East. Beneath the block, dug into the hillside, are a further 2 apartments each with a single aspect facing south comprised of four large arched windows. The north elevation is rendered and the two lower apartments are set below rubble stone with glazed arches. The development would have ashlar detailing.

Block E -Block E acts as a link between Block D and Hope House and is positioned in the top corner of the site, taking the place of an existing extension that would be demolished. The block aims to be much more subservient to the main house than the existing structure, with a lower roofline and a glazed link to physically separate it from the house itself. Block E consists of 4 apartments over 2 storeys. The front elevation would be in ashlar and the rear rendered in stucco.

Block F (Hope House) It is proposed that Hope House itself be converted from its current state into a block of 6 residential apartments. The lower ground floor, with a new access introduced between the house and Block E, will feature 2 garden apartments. The ground floor will retain the existing access from Lansdown road, opening into an entrance hall, and introduce a large 3 bed apartment. 2 more apartments are proposed on the first floor and a further 2 bed apartment on the top floor, extending into the unused attic roof space. Stair and lift access is provided to all floors. - All external features of Hope House are to be retained with the only exception being the existing roof: replacing the existing dormers and introducing new dormers to the south-east.

Block G (lower site) the development would consist of 4 attached dwellings of contemporary design and split level. The dwellings would have 'green' roofs.



The following background reports have been submitted with the application :- Planning Statement, Affordable Housing Statement, Open Space Assessment, Regeneration Statement and Planning Obligations Heads of Terms, Design and Access Statement and addendum, Landscape and Visual Appraisal (LVIA) , Tree Survey Report, Ecology Report, Archaeological Assessment, Heritage Report, Transport Statement, Flood Risk Assessment and Drainage Report , Sustainable Construction Checklist , Statement of Community Involvement, Phase 1 habitat Survey.

Relevant history:

DC - 13/04185/LBA - PCO - - Internal and external alterations for the conversion of existing building to provide 6 no. residential apartments and demolition of modern extension.

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Drainage Officer comments made 14th October 2013 - No objections to the proposed development subject to approval from the Environment Agency and written agreement from Wessex Water.

Land Contamination Officer comments made 15th October 2014 - Based on the sensitive use of the proposed development (residential) and the findings of the environmental site assessment report: for further investigation and subsequent remediation works, I recommend that the contaminated land model planning conditions be applied to the application if granted.

Archaeological Officer comments made 21st October 2013 - A desk-based archaeological assessment has been submitted with the application. Whilst large parts of the site may have been disturbed by the previous building and landscaping works, there is still a potential for significant archaeological remains to survive in less disturbed areas. Consequently conditions are recommended.

Highways Officer comments made 28th October 2014 - In terms of the principle of residential development, these are sustainable sites in respect of transport and travel, both being convenient for local facilities (schools, shops, employment etc.) to maximise the potential to travel by alternative modes. A number of issues need further clarification however subject to resolution of these there is no in principle objection raised.

Further comments made 23rd April - further clarifications remain necessary.

Further comments made 15th July 2014 confirm that there is therefore no highway objection to the proposals subject to a S106 agreement.

Public Rights of Way comments made 21st October 2013 - Public Footpaths BC45/2 and BC45/4 run along the perimeter of the proposed development site. No effect must be made to the line and width of the footpaths during or after development.

Wales and West Utilities comments made 28th October 2014 - No objection in principle subject to appropriate protection of their apparatus during construction activities.

Urban Design Officer comments made 4th November 2013- The northern elements are broadly acceptable subject to refinement and detailed design development. The southern element requires demonstration of greater response to context within a contemporary approach to be acceptable. Whilst a bold and contemporary building, is acceptable and proposed, it lacks a demonstrated relationship with wider and immediate landscape context. It is therefore not recommended for approval at this stage.

Additional comments made 30th February 2014 - Key issues outstanding are identified to be :-

North Site - Proportions Block C, Detailing and Materials

South Site - Visual impact of extent of glazing, Roof scape, Integration of landscape and building, Detailing and Materials.

Additional comments made 1st July 2014- This comment will focus on proposals for the lower southern section of the site. The upper section remains largely satisfactory, subject to resolution of detailed issues.

Previous response to the proposed southern building has highlighted the key issues and requests for changes and clarifications. It is accepted that the latest iteration of the scheme has demonstrated positive response to the issues raised by consultees. This is potentially a subtle and interesting contemporary addition to the conservation area and historic parkland landscape. It has progressed to demonstrate by reason of height and massing it is unlikely to impose a harmful impact on amenity, which remains an issue. To clarify its relationship and enable the issue to be considered with clear evidence, additional sections would be of assistance.

Environmental Health Officer comments made 1st November 2014 - an assessment to establish road noise levels is sought and appropriate measures to control against nesting gulls are suggested appropriate.

Housing Officer comments made 1st November 2014 - The applicant is proposing the affordable housing is restricted to the over 55's age group, whilst the market housing is free from all occupancy restrictions. This is of some concern and the scheme can not be supported until the issues are fully resolved.

Comments made 16th January 2014 - Further examination of how the over 55 scheme performs against specific guidance within HAPPI and Lifetime homes is sought. Comments made 10th February 2014 raise similar concerns.

Further comments made 11th July 2014 following negotiations with housing providers and the applicant Housing Services are happy to maintain the 35% affordable housing that has been negotiated during the consideration of this development. The detail of Block B and its immediate environment has been designed to a very high standard that meets the HAPPI principals for housing older people and a significant amount of work has been undertaken between the Applicant, Curo and Housing Services to bring this forward. The application site is delivering above policy requirements in terms of accessibility standards (10% wheel chair and 90% Lifetime Homes) and meets all other housing policy requirements.

Arboriculture Officer comments made 21st November 2014 - All trees within the site are protected by virtue of the Bath Conservation Area designation. Bath & North East Somerset (The Royal High School, Hope House, Lansdown Road, Bath) Tree Preservation Order 2006 also protects selected individuals and groups of trees. The Tree Preservation Order was made following a review of an older order which had been made in 1969. The application submissions include a tree survey, arboriculture impact assessment and preliminary arboriculture method statement. Comments made seek further clarification in respect of tree works.

Updated comments made -6th February 2014 - Further information has been submitted following arboriculture comments made on 21st November 2013 which includes an amended and updated tree report. Some minor revisions to works are suggested and can be conditioned. There is an outstanding concern with regard to works to remove the Yew tree at the site entrance.

Updated comments made 19th May 2015 - With regards to T1 ( Yew ) the applicant has submitted further information regarding the existing retaining walls titled Structural proposals for the construction of the re-aligned entrance retaining wall. The contents indicate that the transport statement includes a re-aligned entrance to satisfy high way requirements. As a result the existing retaining wall would be demolished and rebuilt closer to the Yew. The proposal is for a free standing wall which would require excavations to within 30cm of the trunk which will result in the loss of the tree. The submissions do not indicate that alternative structural proposals have been considered and, if so, why they were ruled out. This information should also be provided.

Further comments made 15th July 2014 - Just to confirm that my last response relates to the replacement of the retaining structure by the Yew. I accept that the current structure is not permanent and requires replacement irrespective of the location of block A. However, I am still waiting for an engineering response to explain/ confirm that no other method is possible other than significant excavations which would result in the loss of the Yew.

Landscape Officer comments made 21st October 2014 - whilst there is no objection in principle more detailed considerations identify a need for further work to be done.

Further comments made 23rd April 2014 require additional landscape amendments and in particular require trees are resolved in accordance with tree officer advice.

Listed Buildings Officer comments made 4th November 2014 - The existing school buildings have no architectural or historic merit and their demolition provides an opportunity to significantly improve this important part of the City Conservation Area and World Heritage Site. The site levels are challenging, but with terracing following the contours, characteristic of this area, they will integrate with this high quality local environment and positively contribute to local distinctiveness. I am therefore supportive in principle to development of this area. Some more detailed design matters however need further consideration.

Further comments made 5th February 2014 -

Upper site - I am encouraged to see that the majority of concerns I raised on the proposed development on the northern element of the site have been successfully addressed.

Lower site - I remain unconvinced that development is appropriate in this location or would improve the appearance and character of this part of the conservation area. The amended architectural treatment continues to appear visually unrelated to historic built pattern and form, has a bulky appearance and results in a stand-alone isolated 'terrace' lacking a satisfactory visual relationship with the surrounding built forms.

Further comments made 9th July 2014 - Southern Site

The amended architectural treatment overcomes my previous concerns. The design of the end elevations lacks visual interest. Further consideration will need to be given to their appearance, and I would suggest including a condition to cover this. I am now therefore minded to accept the proposed development as amended. Potential harm to heritage assets has now been addressed and it accords with NPPF guidance.

Wessex Water comments made 4th November 2013 - The site will be served by separate systems of drainage constructed to current adoptable standards. Discussion will continue if planning is agreed to ensure that on site springs are not compromised.

Education Officer comments made 5th November 2014 -A total contribution sought of £139,039.53 plus land contribution is sought comprising of a sum for school places £136,038.03 plus a pro-rata financial contribution in lieu of providing land on site for primary school places, (sum to be Determined) and Youth provision of £3,001.50

Further comments made 6th February 2014 advise that a new school will be required in order to accommodate the pupils generated by this Hope House development as no existing nearby school can be expanded.

English Heritage comments made 12th February 2014 -advise that "this site lies within the heart of the Bath City Conservation Area and the World Heritage Site (WHS). Bath High School is Grade II listed and the development site itself is closely related to the Lansdown Place and Lansdown Crescent group of Grade I listed buildings. The development site is set within mature landscaped grounds that were once associated with Hope House - more latterly the High School's playing fields and grounds and is consequently well screened by trees. We do not have any issues with the principle of redevelopment of this site but are particularly mindful of the need to ensure that a quality design for the new build is achieved and that there is no adverse impact from this development on the setting to Lansdown Place and Crescent.

Listed Building Consent: We do not wish to raise any issues concerning the demolitions within the Grounds of the school buildings or to the internal and external alterations proposed for the main Grade II building. We welcome the retention and reuse of the principal listed building as the focal point for the new scheme.

Proposed Redevelopment: It is important to assess the scheme to ensure that the development will enhance the character and appearance of this extremely sensitive part of the conservation area and WHS and the settings of the adjoining Grade I listed buildings.

Any adverse impact will require mitigation to offset any harm to the settings of these significant heritage assets.

The site appears to be well screened and due to the topography within this part of the City, long distance views will not generally be impacted on. There will be some views of the roof scape of the new development but from the information supplied it would appear that the majority of materials and roof forms will be of a traditional form that should allow the scheme to merge into the existing roof scape of the City assisted by being set within a strongly landscaped site.

There will be impact on the existing short distance views, particularly from the adjacent Lansdown Road. In the main, these views will be improved by the removal of the poor quality existing school structures and their replacement with more traditional domestic architecture. However, there may be a need to improve the quality of planting to mitigate the immediate views from Lansdown Road itself into the site.

The main area of contention is over the 4 separately located 'terraced' units in the southern quadrant of the site that appear to visually jar with the natural contours of the site. This part of the scheme does not appear to be appropriate in this location or to enhance the appearance and character of this part of the conservation area. This element of the proposal does not appear to have a satisfactory visual relationship with the surrounding built forms, or provide any integration with the other parts of this development. This contrast is reinforced by the contemporary design that these units will have. We would encourage a revaluation of this aspect of the development and favour the wholesale removal of these units or a major redesign.

Further comments made 18th February 2014 - We are generally pleased with the amendments made but our principal concern which related to the 4 units at the bottom end of the site remains unresolved.

Comments made 23rd April have no further observations.

Police Liaison Officer comments made 6th November 2014 - the social housing within this development is likely to require 'Secured by Design' part 2 accreditation. Secured by Design part 2 sets minimum standards for the security of the dwellings which includes doors, windows and lighting.

Parks and Open space officer comments made 6th November 2014 - the following financial contributions will be required in the event that planning permission is granted:

Formal green space provision: Land purchase: £7,162.65, Construction costs: £57,011.80

Annual maintenance: £61,193.63

Natural green space provision: Nil annual maintenance £99,185.00

Allotment provision: Land purchase: £2,004.75 Construction costs: £3,499.20 Annual maintenance: £4,041.90

(NB - For the avoidance of doubt it should be noted that annual maintenance costs relating to the on-site provision in the event that the applicant does not dedicate the onsite provision to the Council after a period of 12 months, and instead maintains the provision themselves, this amount will not be required.)

Further comments made 17th December 2014 - Maintenance costs have been reviewed and it is now clarified they represent total maintenance costs not costs for each of the first 10 years.

Further comments made 17th January 2014 - reduce the level of contributions sought based upon the revised dwelling mix to

Formal green space provision: Land purchase: £6,642.90 Construction costs: £52,874.80  
Annual maintenance: £56,753.18

Natural green space provision: Land purchase: NIL Construction costs: NIL. Annual maintenance: £99,185.00

Allotment Land purchase: £1,900.80, Construction costs: £3,317.76, Annual maintenance: £3,832.32. Enhance existing facilities: NIL

Ecologist comments made 7th November 2014 - Objection Comprehensive ecological survey and assessment has been completed, including bat surveys undertaken in accordance with an agreed methodology. The site is used by bats including Greater and Lesser Horseshoe bats, although no roosts are identified on site, and key flight lines are mapped. The design and landscape approach have been developed with consideration to this issue and incorporate planting and features that aim to enable and encourage continued access to and from the site and use of the site by bats. At present however there is no submitted detail on external lighting proposals and no Lux level contour plans. If this is submitted prior to determination the objection will be overcome.

Additional comments made 26th February 2014 - Lighting analysis has now been submitted with details of existing lux levels and predicted light levels for the proposed development and lighting scheme. The majority of the site including two key bat flight lines in the western parkland area will remain dark and bat activity will not be harmed here. Light levels around the proposed residential areas will change however and in some locations are predicted to be much higher than existing. I accept that these locations are not being relied upon for bat flight lines however any measures that can be put in place to reduce these predicted light levels or times and durations of operation, would be welcome. I am confident however that the proposed lighting is unlikely to be harmful to bat activity overall and the development would not harm ecology subject to conditions.

Economic Development Officer comments made 7th November 2014 - Provision of employment related opportunities during construction is sought.

Waste Services comments made 20th January 2014 - The key requirements for storage and collection of waste and recycling are identified and provision should be made to accommodate these requirements within the development.

### Third Party Representations

Lansdown Crescent Association comment that this seems a very reasonable proposal and likely to be a worthy addition to the area, featuring commendable retention of the glorious parkland. It will probably be visible from the LCA area only in Lansdown Place East. At street level there, fewer buildings will be visible than now. Parking and access are the sole areas of concern.



Bath Preservation Trust - Overall Bath Preservation Trust welcomes these proposals which respect the nature of the site they are to inhabit and gives a renewed use to Hope House. However we have some reservations about the lower block. Additional comments seek more clarity in respect of landscape proposals and impact.

5 letters making comments have been received raising the following points :-

- This appears a large development that will have an impact on traffic and quality of life
- Permits and parking is queried
- The development is overdense
- Concerns and disagreement over loss of trees and the assessment of the loss.
- Concern over the design of the lower houses and tree loss

109 letters of objection have been received on the following grounds:-

Tree loss  
Design inappropriate and harmful (upper and lower site)  
Noise  
Pollution  
Loss of green space  
Wildlife impact  
Effect on natural springs  
Harm to conservation area  
Scale of development and height  
Traffic and parking  
Excavation works  
Impact on residential amenity  
Loss of daylight and sunlight  
Damage to culverts and walls  
Siting of bin store  
Overlooking loss of privacy  
Inappropriate materials

St. James's Park Residents Association object on the basis of loss of trees , the design of the dwellings on the lower site, the mass of buildings on the northern part of the site and the car parking surface.

In response to revised plans : - 30 further representations making objections have been made. Some acknowledge that the plans represent some improvement but remain opposed to the development for reasons as already stated in the report. The following concerns are also raised the middle storey is disproportionately larger in height than the top and ground storeys. The removal of one storey does not actually reduce the building's height by 1/3. There has been an increase in the overall width of the proposed buildings. Only 7 out of the 48 trees proposed to be felled are being saved.

One former objector living in proximity to the development on the lower site has withdrawn their objection in response to the plans as revised.

A representation has also been made by fire rescue services which identifies a need to have a wider site access at the lower end to accord with building regulations requirements.

## **POLICIES/LEGISLATION**

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Core Strategy
- Saved Policies in the B&NES Local Plan (2007)
- Joint Waste Core Strategy

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy

The saved policies of the Bath and North East Somerset Local Plan most relevant to this case are :-

- IMP1 : Contributions
- SC1 : Settlement classification
- D2: General Design and Public Realm considerations
- D4: Townscape considerations
- CF1: change of use of community facilities
- CF3: Contributions from new development to community facilities
- SR3 : Sports and recreation
- ES2 Sustainable design
- ES4 : Water supply
- ES10: Air quality
- ES12: Noise
- ES15: Contaminated land
- HG1: Housing mix
- HG7: Residential density
- HG12 : Conversion of buildings
- NE4: Trees and woodland
- NE9: Locally important wildlife sites
- NE10: Nationally important species and habitats
- NE11: Locally important species and habitats
- NE12: Natural Features
- BH2: Listed buildings and their settings
- BH4 : change of use of a Listed building
- BH6, BH7 and BH8: development within Conservation Areas
- BH12: Archaeology
- BH22 : External Lighting
- T1 : Sustainable travel
- T3: Pedestrian safety
- T5, T6 and T7: Provision for cyclists
- T24: General development control and access policy
- T26: On-site parking and servicing



## WM4 : Waste

Policies from the adopted Core Strategy relevant to the considerations of this application are :-

DW1 : District wide spatial strategy  
B1 : Bath spatial strategy  
B4 : World Heritage Site  
SD1 : Sustainable development  
CP1: Energy efficiency  
CP2 : Sustainable construction  
CP3 : Renewable Energy  
CP6 : High Quality design  
CP7 : Green Infrastructure  
CP9 : Affordable housing  
CP10 : Dwelling mix to meet needs

## NATIONAL PLANNING POLICY FRAMEWORK

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

### Presumption in favour of sustainable development

The Framework introduces a presumption in favour of sustainable development. This is defined as being made up from economic, social and environmental elements. It says that, when taking decisions on applications, this presumption means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, it means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or where specific policies in this Framework indicate development should be restricted.

### Core Planning Principles

Amongst the core planning principles set out in the Framework are that planning should:- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

### Good Design

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

It says that planning decisions should aim to ensure that developments:-

will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit are visually attractive as a result of good architecture and appropriate landscaping

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

The following adopted Planning Documents are also relevant to the consideration of this application:-

Archaeology in Bath and North East Somerset SPG (2004) and Archaeology in Bath SPG (2004)

Bath City-wide Character Appraisal SPD (2005)

Cherishing Outdoor Spaces, A Landscaping Strategy for Bath (1994)

City of Bath World Heritage Site Setting SPD

Planning Obligations SPD (2009)

Streetscape Manual SPD (2005)

Sustainable Construction and Retrofitting SPD

## **OFFICER ASSESSMENT**

### **Principle**

#### **Loss of the existing use**

As the site is currently being used for educational purposes, saved Local Plan Policy CF.1 is relevant to this application. Policy CF1 introduces a number of criteria that must be met by a proposal in order to permit the loss of use of the site for community purpose. It is not necessary to meet all relevant criteria. In this case criteria iii) is relevant to this proposal. This requires 'alternative facilities of equivalent community benefit to be provided'.

The redevelopment of this site is part of a planned improvement and expansion of the Royal High school. The school when resident at Hope House purchased Cranwell House in 2008 and its pupils moved from Hope House to Cranwell House at the start of the 2013 academic term. The re-provided facilities that are now operational are of at least equal benefit and are in fact considered an enhancement of the schools facilities with greater capacity than Hope House. Therefore the redevelopment of this site is compliant with the policy.

Notwithstanding these conclusions it is of note that educational provision in the area is at capacity with no further room for expansion. We therefore know that there is to be a projected shortfall of school places in the near future. and this is discussed further in the report below.

#### **Redevelopment for Housing.**

The site is in the central area of Bath whereby it is appropriate to focus new housing. Notwithstanding that part of the site is parkland (and will remain so) the significant portion of the site that will be redeveloped has existing development on it and can be considered

brownfield. The site is identified within the councils SHLAA as part of its projected housing delivery with a housing target in the region of 50. There is no in principle objection to the redevelopment of the site for housing.

## Education

There is a clear projected shortfall in terms of education provision in the area. Whilst there is no objection in principle to development on this site from the education officer it is the case that this site, along with others in the vicinity, combine to increase the pupil numbers and therefore the need for school facilities. Consistent with other developments that are coming forward the education officer seeks contributions from this developer (and others) based on the adopted Supplementary planning guidance document Obligations. The requirements include a land contribution that would combined with a similar contribution from others combine to provide the facilities as needed. This is an acceptable way forward and the applicant has expressed a willingness to meet the contributions as sought. In the event that this matter was not agreed (which appears unlikely) it would represent a reason for refusal. It is of note that there is cabinet approval to address any shortfall in the funding required to provide necessary school places.

## Affordable Housing

The proposed scheme would deliver 58 units 20 of which would be delivered within Block B to meet affordable housing requirements. This would equate to 34.48% of the total housing provided. The amount of affordable housing has to be considered in light of the Core Strategy now adopted and therefore its policies are afforded full weight. In particular it is of note that whereas 35% was the previous policy requirement for affordable housing on this site, for certain areas of the central area of Bath, including this site, the provision would be expected to reach 40%. In this case however there are relevant factors to take into account. All units are 1 bedroom properties and the scheme represents a bespoke provision for the over 55s. There is an acknowledged shortage of this housing and the scheme has been delivered fully in accordance with, taking account of, and following the advice, of both the Councils Housing officer and in association with a local Housing provider. The quality of accommodation and standards applied are more stringent than general needs affordable housing. In summary and as confirmed by the Housing Officers most recent comments (i.e. post adoption of the core strategy) "the application site is delivering above policy requirements in terms of accessibility standards (10% wheel chair and 90% Lifetime Homes) and meets all other housing policy requirements and is supported as submitted". Due to the very tailored nature of this provision which results in an over 55s scheme that sits within a single housing block any increased provision of 1 or 2 units would be problematic in terms of management and distribution within the site and may affect the existing supported and tailored approach. Taking account of the overall package of affordable housing benefits and the extensive negotiations that have led to this position the affordable housing as proposed is acceptable.

## Access and highways.

The site is in a sustainable location with good access to all facilities and services within the town centre. The nearest bus stop to the development site (providing access to northbound services) is located on the western side of Lansdown Road directly adjacent to the site and approximately 50m from the existing site access. The nearest railway

station to the development site is Bath Spa, approximately a 20 minute walk to the south. Queries were raised relating to the emergency access arrangements at the lower end of the site. The latest information submitted demonstrates through a tracking submission that a fire appliance and refuse vehicle will be able to access and turn within the site. This would be further considered through building regulations requirements. There is no objection in principle to the development from a highway perspective subject to contributions as identified.

## Historic Buildings, Conservation Area and Design

### Historic context

The local heritage assets include the conservation area and World Heritage Site, together with a high proportion of listed buildings and other buildings of local interest as identified and recognised in the submitted 'Planning Heritage' document which has informed the design process. The development overall must preserve or enhance the character and appearance of this extremely sensitive part of the conservation area and the World Heritage Site and the settings of the adjoining listed buildings and other local heritage assets.

### Listed Building

The principle building on site is Hope House which is a 4 storey Grade 2 listed Regency mansion dating from 1790. The building was subject to considerable change when it was converted to a school in the 1900's. Virtually the whole of the interior of the building was lost through bomb damage, and the original staircase and other significant architectural features are either replaced or relocated. The interior now has an 'institutional' character. The original plan form is unknown and what remained has been obliterated. Internally the proposed new room divisions are sensitively located and respect the existing (and original) openings.

The poorly designed C20 extension on the north side of the listed building will be replaced by a new building lower in height with a subservient link structure allowing exposure of the original side wall of Hope House and views of it. The important building will once again appear as 'stand-alone' as originally designed.

Overall there is certainty that the proposals will result in significant improvements to the appearance of the building and reinstatement of character. This improvement will also lead to enhanced views of the house in the conservation area. The conversion of the listed building to residential uses is considered an appropriate and beneficial re-use of that building which would not be harmful

### Demolitions

There are 2 other significant buildings on the site The Anderson Building and the Gloucester Building both of which are recent 1960s construction. These existing school buildings have no architectural or historic merit and their demolition provides an opportunity to significantly improve this important part of the City Conservation Area and World Heritage Site.

## New development

The principle of new development on the site is acceptable. It is considered appropriate to direct that largely within the area currently occupied by built form or other ancillary development. Any new development must when viewed overall preserve or enhance the Conservation area as a statutory test. Set out within saved local plan policy BH6.

## Upper Site (Lansdown Road area)

### Layout

The site levels across the site are challenging, but the new development has taken the form of terracing in streets following the contours, characteristic of this area. The new 'street' respects the topography and grain/pattern of existing historic development. This approach will enable the development to integrate within this high quality local environment.

The position of Block E (at the northern side of the existing listed building reflects the historic location of the former billiards room and link structure at Hope House. In the context of this historic precedent for development on this part of the site this is acceptable. The ridge of these properties will be no higher than the wall on Lansdown Place East to avoid blocking the now established views across the City south to the valley slopes beyond.

### Significant views

Existing long distance views of and across the World Heritage Site from the south are not considered to be harmed by the development as it will harmonise with and complement the existing grain of historic development on the northern valley slopes. The roof-scape, including the chimney stacks adding variety and visual interest, the natural slate material of the roofs and Bath ashlar stone walling all reinforce this empathy with local character in such views. There will be more impact on the existing medium to short distance views, particularly from Lansdown Road and Somerset Place East in the conservation area. Those from Somerset Place East are not considered to be harmed due to the steep nature of the site which significantly reduces the impact of the development. Existing views of the mediocre design school buildings will be improved by their removal and replacement with the attractively designed roof-scape of the new development. Immediate views on Lansdown Road itself and into the site will benefit from enhanced built enclosure which positively contributes to views in the local conservation area townscape.

### Architecture and elevation treatment

The deliberate classical approach to the architecture of the scheme is considered acceptable in this historic context. The Palladian formula of podium, first floor Piano Nobile and attic storey unifies the Georgian style of housing in the City, and this is evident in the proposed elevation treatment of the development. This is compounded by a regular rhythm of openings and use of appropriate architectural detail including string bands and canopies with console brackets, all contributing to local distinctiveness.

The deep plan forms of the blocks reflect local historic character but roofs are single span, unlike the double mansard pitches which are perhaps more characteristic of the city. However this is considered acceptable as a modern interpretation of historic types. The stepped form of the terraces is welcomed, together with the use of details such as the dividing roof parapets and tall ashlar chimney stacks. There is also recognition of varying terrace design - some grand, some artisan - adding variety and visual interest to the scheme.

## Southern Site

Following initial unacceptable submissions an amended architectural treatment was sought which has improved the design of the building. The building is now set further down in the important landscape with the interior stepping down the hillside respecting topography and rear gardens now merging more successfully with the landscape. In addition there is now a substantial area of green roof. Consequently the visual and physical presence of buildings at the lower end of the site has been minimised and the impact on the heritage assets is significantly reduced. The much simplified contemporary form of architecture does take some references from Bath's distinct architectural character. It will satisfactorily terminate views looking north into the site from Park Street Mews, and be of subservient appearance in the important views looking south over the open space and towards the city centre. On balance the introduction of the new buildings within this location is acceptable.

## Design and historic impact conclusion

This is a significant development being introduced within a sensitive area. The development of the site is assessed against its current status. The removal of the significant 1960s buildings will bring an improvement and the replacement buildings are very much more appropriate. On balance taken as a whole the development is considered to preserve the character and appearance of the conservation area and will bring positive benefits to the listed building and will not harm the World Heritage site.

## Trees and Landscape

All trees within the site are protected by virtue of the Bath Conservation Area designation. Bath and North East Somerset (The Royal High School, Hope House, Lansdown Road, Bath) Tree Preservation Order 2006 also protects selected individuals and groups of trees. The Tree Preservation Order was made following a review of an older order which had been made in 1969. The application has included an arboriculture assessment. There is significant concern clearly identified by residents with regard to tree losses. However these losses have been considered as a comprehensive package. All trees have been assessed based upon their condition and amenity and the losses are considered acceptable in the context of this information combined with the package of enhancement planting. There are 2 tree losses in particular that raise notable issues. The first relates to the loss of a significant Poplar tree that currently sits between the existing school block to the south and the residential properties in St James Park. Residents would like to see this retained however the tree officer having considered this possibility has advised that there would be no justification to retain this tree and a tree preservation order would not be placed on it on account of its condition and previous work carried out to it. Whilst the tree makes a contribution now it would not be practical to retain the tree with the development



and a longer term view of the site is being taken. Some tree loss in the immediate to short term is accepted to obtain longer site wide benefits for planting overall including tree replacements where appropriate. A second tree of note is the yew tree at the front end of the site. This is a significant specimen and is currently in good condition. However it is causing damage to an existing retaining wall. It is accepted that on safety grounds that wall irrespective of the proposed development would require work to render it safe. The structural works required make the retention of the tree unlikely to be feasible (however that option is not ruled out) In the event that the tree is lost to accommodate the works it will be necessary to replace a tree on the site and that could be a replacement Yew.

## Ecology

The sites ecological potential has been investigated comprehensively. A number of species are present on the site including badgers and various bats (including protected species). However the development has been confirmed not be harmful to these. The very significant proportion of new development will take place on previously developed areas and large areas of the parkland will be maintained. Whilst some trees will be lost there will also be new planting. The key consideration and potential impact is considered to be on bats and flight lines and particular along the southern boundaries. However the planting buffer will be sufficient to address this and with mitigation and conditions to control lighting the scheme would not warrant refusal on ecological grounds.

## Residential amenity

### The Upper site

The significant portion of the proposed development is located on the upper slopes near to the existing Hope House i.e. 54 of the 58 units. Particularly sensitive relationships are with regard to proposed residential development to the south of Lansdown Crescent and to the north of St James Park.

Development south of Lansdown Crescent would be relatively well hidden being set down behind an existing very substantial wall, roofs being set down behind that wall. It is considered that the development would have little or no impact on existing residents to the north on Lansdown Crescent.

To the south of the site St James Park backs out onto the existing site. There is an existing substantial former teaching block located along the southern boundary that would be demolished. Block B would be located principally over the same footprint as that demolished building. Block B would however extend further west than the existing building but would also be set slightly back. The new development would be in excess of 25 metres from the rear of existing dwellings which are located facing onto St James Park with rear gardens abutting the site. The existing dwellings would be set at a significantly lower level than those proposed. This would have a positive effect in taking sight lines from the new development generally above the roof tops of those properties. As the new dwellings would be located north of existing it would not create any overshadowing of the existing gardens. An existing Poplar tree currently acts as a clear buffer between the existing site and its former school buildings and the existing dwellings. This Poplar tree is proposed for removal and this is of great concern to residents. However this tree is accepted for removal by the Councils tree officer as part of an overall package that would

see landscaping improvements in the longer term including in the area of the Poplar tree. It is accepted that in the short term residents would experience a different and more exposed environment than exists. However the proposals are for residential uses and the distances and relationships between existing and proposed development are not unusual and are well within the parameters generally found acceptable. The effect of landscaping as it establishes will go some way toward improving the relationship in the medium term. On balance the proposed development has an acceptable relationship with properties along James Street Park to the south.

Concern is raised by residents in respect of Block C also which extends development further west into the parkland than development currently exists. This Block however is effectively set a further street back than Block B from residents to the south and taking account of distances between existing and proposed development this is considered an acceptable relationship.

Consideration has also been made of external activities. In particular there would be additional car movements accommodated in and along the street that have the potential to cause noise and disturbance to residents to the south. However the scheme has been designed to minimise that impact. Taking account of the location and design of streets and parking and the other mitigations such as boundary planting it is considered that in this centralised City environment the vehicles movements and parking within the site as proposed would not be harmful.

The lower site.

The development at the lower end of the site is not intensive comprising of just 4 new properties. Access to these dwellings would be via a separate entrance from Park Street Mews. The vehicle movements associated with these properties would not be harmful so as to warrant refusal. The proposed development has a relatively close relationship with adjacent properties at the lower end of James Street Park on the east side. Initial plans generated a concern with regard to this relationship leading to a need to revisit the scheme design. The revisions have reduced the overall height of the proposals by a storey and reduced the massing of the building setting it more sympathetically into its landscape setting. A large concern was with the roofscape of the building when seen from a birds eye view as may be experienced by residents who sit close to but higher than the development site. The development has benefitted from the addition of a green roof and improved landscaping. The development on balance now has an acceptable relationship with properties around the site. There would be no significant noise, overlooking or overshadowing that might be unacceptable and the development would sit acceptably in this location so as not to harm residential amenity.

## Noise

A noise assessment of the site has been requested by the Environmental Health Officer however the new development would be located in an urban environment and in the main is enclosed by other residential development. It is not necessary in this case to seek a noise assessment and controls over appropriate sound construction can be suitably addressed by building control measures.

## Contamination



Investigative reports have been provided and there are no particular concerns that can not be adequately addressed by condition.

#### Other matters

It is of note that Japanese knotweed is present on the site and a condition to remove and eradicate this is proposed for this purpose.

The site plan has been adjusted slightly to ensure consistency with the title information. However as this results in a reduction in the site overall of very minor proportions this does not cause prejudice.

#### Conclusion

This is a high quality redevelopment of an existing developed site and for the reasons as set out in the report above it is considered to be acceptable and in accordance with the relevant planning policies that apply.

### **RECOMMENDATION**

PERMIT with condition(s)

### **CONDITIONS**

A) Authorise the Planning and Environmental Law Manager to either enter into a Section 106 Agreement to secure the following :-

- i) highway works as shown on drawing PHL/102A and a financial contribution towards highway improvements to the pedestrian crossing and variable messaging.
- ii) Affordable Housing locations and to a specification as agreed with the Housing Officer
- iii) Parks contributions as identified within the main report
- iv) Education contributions on the basis of a sum towards land and other provisions agreed in accordance with the councils SPD Obligations.
- v) Lifelong learning contribution in accordance with the SPD

B) On completion of the Section 106 Agreement Authorise the Group Manager, Development Management to PERMIT, subject to the following conditions or other conditions that may be determined as appropriate:

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

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

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

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

3 No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains.

4 No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

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

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

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

6 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.

7 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.

8 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared 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.

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 receptor

10 No development shall take place until full details of an Ecological and Landscape Management and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include specifications for long term wildlife-friendly habitat management including details of management prescriptions, personnel, funding mechanisms and future monitoring and remediation as applicable. All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: for the long term safeguarding of wildlife habitat at the site and retention of habitat for protected species including bats

11 Prior to the commencement of construction, final details of proposed lighting shall be submitted to the LPA for approval in writing. The scheme shall demonstrate using lux level contour plans where applicable, avoidance of light spill onto trees and vegetation that form flight lines for bats, and shall include details of post-construction measurement and monitoring of light levels, reporting of this to the LPA, and proposed remedial measures (replacement of or adjustment to lights if necessary) if light spill onto tree lines exceeds levels that would enable their use by bats.

Reason: to avoid harm to bat activity and other wildlife

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, traffic management and any need for cranes for construction.

Reason: To ensure the safe operation of the highway.

13 Notwithstanding any landscaping details submitted with the application the commencement of development of the new buildings hereby approved shall not begin until a hard and soft landscape scheme has been 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 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.

14 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

15 The commencement of development of the new buildings hereby approved shall not begin until samples of the materials to be used in the construction of the external surfaces, including roofs, gates, railings, and boundary walls, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

16 No works or deliveries required to implement this development shall take place outside the hours of 0800 to 1800 each day Monday to Friday and 0900 to 1300 on Saturday. No works or deliveries shall take place on Sundays or Bank Holidays.

Reason: To safeguard the amenity of nearby occupiers.

17 Prior to the commencement of development at the site details of a Construction Dust Management Plan for all works of construction and demolition shall be submitted to and approved in writing by the Local Planning Authority. The Construction Dust Management Plan shall comply with the guidance for London as set out in The Control of Dust and Emissions from Construction and Demolition: Best Practice Guidance, published in 2006. The details so approved shall be fully complied with during the construction of the development.

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

18 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the LPA. The scheme shall subsequently be implemented in accordance with the

approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

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

19 No development shall take place until a plan showing existing and proposed ground levels across the site and details of slab levels for the dwellings has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development

20 Prior to the commencement of development a scheme for the management of Japanese knotweed shall be submitted and approved in writing by the Local Planning authority. Development shall take place in accordance with the approved scheme.

Reason : In the interest of protection of the environment

21 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.

22 No development shall commence until a Landscape Management Plan, detailing how the communal areas or other open or landscaped areas will be maintained in the future, has been submitted to and approved in writing by the Local Planning Authority. The agreed Landscape Management Plan shall thereafter be fully implemented.

Reason In the interest of the appearance of the development

23 The development hereby approved shall not be occupied until works for the disposal of sewage have been provided on site to serve the development in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason : In the interests of the amenity of residents

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



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

25 Prior to the commencement of any form of site works or clearance the Local Planning Authority shall be given not less than two weeks notice in writing of these works to ensure that appropriate measures of landscape protection required under condition 24 have been implemented in accordance with the approved plans or conditions.

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

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

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

27 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.

28 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 or boundary fences or walls 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 or boundary structures requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area.

29 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no solar PV or solar thermal shall be installed on the dwelling house(s) or other building(s) hereby approved unless a further planning permission has been granted by the Local Planning Authority.

Reason : In the interests of the appearance of the building(s) and the character of the area.

30 The gradient of the access shall not at any point be steeper than 1 in 12.5 for a distance of 10 metres from its junction with the public highway.

Reason: In the interests of highway safety.

31 The proposed access roads, including footpaths and turning spaces, 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

32 The garaging 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

33 Before the dwellings are first occupied, new resident's welcome packs shall be issued to purchasers which should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., together with complimentary bus tickets for each household to encourage residents to try public transport. The packs shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

34 Prior to the commencement of development the applicant shall submit further evaluation of structural options for the re-instatement of the entrance wall adjacent to the Yew tree with a view to establishing the optimum method of reconstruction so as to allow retention of the yew tree. In the event that retention of this tree is agreed in writing by the Local Planning Authority as impractical to achieve, a replacement tree of a size, species and in a location agreed in writing with the Local Planning Authority shall be planted and maintained for a minimum period of 5 years.

Reason : In the interest of visual amenity.

35 The development shall not commence on site until details of measures to control roof top nesting (by gulls) have been submitted to and approved in writing by the Local Planning Authority. No occupation of any part of the development shall take place until the approved measures have been installed on that part of the development.

Reason: In the interests of amenity.

36 Prior to the commencement of development details of the sedum roof including but not limited to a planting specification to include numbers, density, size, species of plants, a timetable for the planting to take place and proposals for its long term maintenance shall be submitted to and approved in writing by the local planning authority. Planting shall take place fully in accordance with the approved details.



Reason : In the interest of the appearance of the development.

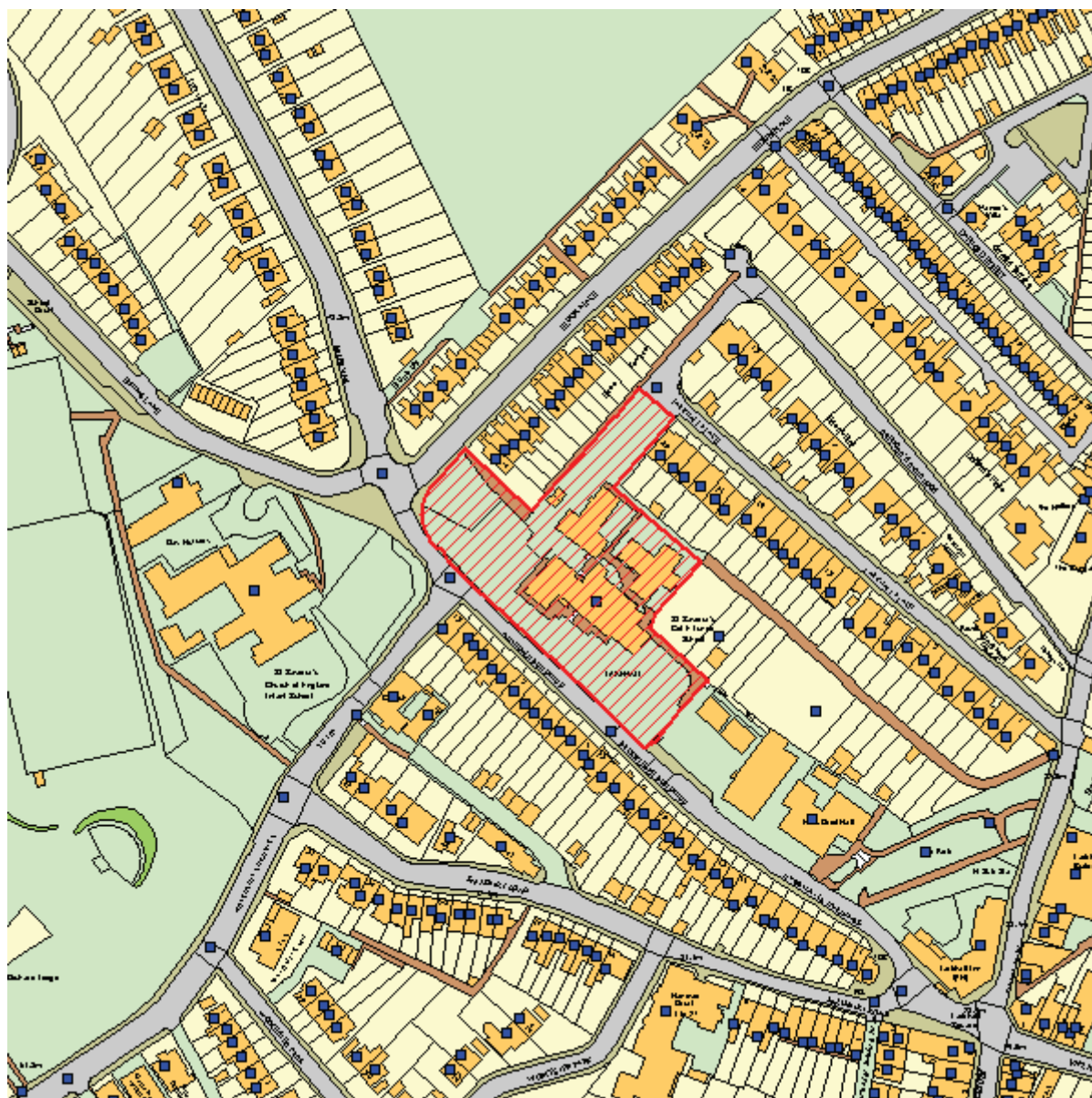
**PLANS LIST:** Site Location Plan 0158/72826, 0005 PHL - 101-C, 0005-PHL - 103-B , 1500 R01e Tree Quality Survey - drawings - (1500/P01c, Po2e, Po3c, Po7c, Po8b)1866 - PE- 32 rev C, 1866 - PE- 33 rev B, 1866 - PE- 34, 1866 - PE- 36 rev D, 1866 - PP- 31 rev C, 1866 - PP- 32 rev E 1866 - PP- 33 rev E , 1866 - PP- 34 rev C, 1866 - PP- 35 rev A , 1866 - PP- 36 rev A, 1866 - PP- 37 rev A, 1866 - PP- 38 rev B, GA Roof Plan rev D, AN1083:100 Landscape Masterplan Whole Site Rev D, AN1083:101 Landscape North Rev G, AN1083:102 Landscape South - Rev B , AN1083:103 Landscape and Existing Rev E, AN1083:105 Landscape Section - Rev B, AN1083:106 Landscape Section CC, 0005-PHL-101C, M313/9100 P8, 67000 M313/9101 P8, 71000 M313/9102 P8, 74000 M313/9103 P8, M313/9105 P8, M313/9106 P8, M313/9107 P8, M313/9111 P8, M313/9112 P8, M313/9120 P8, M313/9121 P8, AN.1083.102 , M313/9113 P2, M313/9133 P1, 1866 PE 31, 1866 PE 35, 1866 PE37, 1866 PE 38, 1866 PP 39, 1866 PP40, WSP-1642-GA-630-ST-201 Existing Lighting - Lux Measurement Site Survey, WSP-1642-GA-630-ST-202 , GF1A, FF1A, SF1A, TF1A, ELEV1, ELEV 2, ELEV 3, 17A, 15A, 3160-1, 3160-2, 3160-3, DP-31, DP-32, PS-31, PD-31, PD-32A, PD-33, PD-34, PD-35

#### DECISION TAKING STATEMENT

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

Informative - Residents of the development shall not be eligible to apply for residential parking permits

**Item No:** 02  
**Application No:** 14/02309/REG03  
**Site Location:** St Saviours Junior School Brookleaze Place Avondale Buildings Larkhall Bath Bath And North East Somerset



**Ward:** Lambridge      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor B Chalker      Councillor Dave Laming  
**Application Type:** Regulation 3 Application  
**Proposal:** Demolition of existing temporary classrooms and kitchen. Extensions to the existing school building comprising of a new classroom block and new Kitchen to be located off the main hall.  
**Constraints:** Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Primary School Purpose, World Heritage Site,  
**Applicant:** Bath & North East Somerset Council  
**Expiry Date:** 5th September 2014

## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE**

Councillor Dave Laming 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 due to the level of local interest.

### **DESCRIPTION OF SITE AND APPLICATION**

St Saviours is a two form entry junior school located in Larkhall. Existing buildings on the site consist of a Victorian constructed classroom block to the east and a more modern classroom admin and hall block located centrally. To the north of the site sits an outdated kitchen/dining hall alongside an outdated temporary classroom block currently providing teaching accommodation. There is currently access to the school from Eldon Place, Larkhall Place and Brookleaze Buildings.

The site falls within the World Heritage Site and is within the city's conservation area.

The proposal is to erect a new 5 classroom extension to the existing main block of the school and an extension to the rear of the hall to provide a new kitchen and store. The works will also involve the removal of a toilet block, an existing dated building containing three classrooms and another which contains the kitchen and dining hall. Following the removal of the existing classrooms and the construction of the new block a new soft and a new hard landscaped play area will be created to the north of the site. The works will include a new pedestrian access from Eldon Place. The application will also result in the removal of a number of trees from the site to accommodate the new buildings.

During the construction works temporary classrooms are required and two classrooms are proposed to the north of the site on an existing area of hardstanding. At the time of writing the temporary classrooms have already been positioned on site.

The school is currently a two form entry school with a current capacity of 240 places. However, for the next academic year there is a 'bulge' of an additional class of children coming up from the infant school resulting in an increase in the current school capacity. From September 2014 for 4 academic years the increase in admissions will be 90 for one year only, the normal admission is 60 per year.

A previous application was submitted in 2013 for extensions to the school. At this time concerns were raised in respect of the design of the extension and its location. The application was withdrawn and further consultation took place with local residents as well as the planning department. This current application was then submitted showing a revised scheme.

During the application process changes have been made to the proposed building which include changes to the detailing of the roof and removal and alteration of windows to the north east and north west elevations.

## PLANNING HISTORY

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

97/00396/REG03 - PERMIT - 17 November 1998 - Erection of permanent classroom extension

99/00311/REG13 - CONSENT - 3 August 1999 - Demolition of outbuilding in dangerous condition and resurfacing/making good playground

99/00860/REG03 - PERMIT - 13 December 1999 - Erection of boundary wall and gate, after demolition of outbuilding

09/03291/REG03 - PERMIT - 29 October 2009 - Erection of extension to school to provide additional office accommodation

13/03908/REG03 - WITHDRAWN - 25 November 2013 - Erection of new 5 class room extension following demolition of existing school buildings

13/03909/REG13 - WITHDRAWN - 25 November 2013 - Demolition of existing school buildings

## 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.

## URBAN DESIGN

No objections. Comments made in respect of the windows. The design is acceptable and does not harm the wider character of the conservation area and trees help to soften views, Slate roof is acceptable further details are required of the roof as well as samples. Organization of the external space has not benefited from options testing in parallel with decisions on building location. As a result the prime frontage of the school is car parking and play/education space is more discrete on the north side of the building and relatively unused "hard landscape" remains accessed from Larkhall Place. However, this may be a missed opportunity, but probably does not constitute harm to warrant refusal. Shrubs and trees will not screen out noise, so consideration should be given to fencing behind planting along the northern boundary.

## CONSERVATION

No objection to the relocated position of the building and its impact on the Conservation Area. Further details requested of windows and eaves.

## HIGHWAYS

No objections subject to conditions.

## ARCHAEOLOGY

There are no known archaeological sites or monuments in the immediate vicinity that are likely to be affected by the proposed development. No further archaeological investigation or conditions will be required.

## ENVIRONMENTAL PROTECTION

No objection subject to conditions in respect of burning materials on site and compliance with Codes of practice in respect of dust and noise.

## ARBORICULTURE

Initial objection to the scheme concerns that trees marked as to be retained are at risk. There is no objection to the loss of these trees. Further information was required. Concerns remain however conditions are recommended if consent is to be granted in respect of tree protection measures.

## ECOLOGY

No objection subject to conditions.

## CONTAMINATED LAND

No objections subject to conditions in respect of a Land Quality Risk Assessment

## FLOOD RISK MANAGEMENT AND DRAINAGE

No objection subject to conditions

## LANDSCAPE

No objection subject to conditions.

## SPORT ENGLAND

No objection.

## THIRD PARTIES/NEIGHBOURS

There have been five comments received making general comments on the application. Eleven comments have been received from around 6 different properties. 69 letters have been received in support of the application. The comments made have been summarised below:

### Impact on Neighbouring Properties

The building will have a dominant impact on neighbouring properties resulting in overlooking, loss of privacy, overshadowing, noise and disturbance.

- Development should take place where the old classrooms are to minimise impact
- Concerns regarding lighting in the evening shining into neighbouring properties.
- The most imposing part of the building is on the highest part of the site being oppressive to the properties on Eden Terrace.

#### Trees and Wildlife

- Concerns regarding loss of trees
- impact on wildlife
- additional landscaping and trees should be proposed

#### Design of Building

- New building should use Bath Stone
- Timber should be aged before being used
- Dark colour windows should be used
- Style of building not in keeping with surrounding properties

#### Construction works

- Concerns about disruption

#### Highways and Parking

- Extra staff will result in additional parking problems, particularly on Eldon Place
- Consideration should be given to staff parking at St. Marks School

#### Support

- School is in desperate need of improved accommodation
- The 'bulge' year group needs to be accommodated
- The design is sympathetic to the local area
- A better environment will enhance learning
- The removal of the old classrooms is a positive
- The proposals will create a much needed flat recreation/sports space which the school is lacking
- The proposed solution impacts fewer of the nearby properties

#### Other comments

- Pleased that the previous scheme was amended
- Consideration should be given to moving the two storey section away from nearby houses
- A single storey only option could be produced.
- Temporary classrooms must only be temporary
- Concern regarding use of Larkhall Place for construction vehicles as it is unadopted.

#### **POLICIES/LEGISLATION**

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Core Strategy
- Saved Policies in the B&NES Local Plan (2007)\*
- Joint Waste Core Strategy

The following policies should be considered:

B1 Bath Spatial Strategy

B4 The World Heritage Site and its Setting

CP2 Sustainable Construction



CP3 Renewable Energy  
CP5 Flood Risk Management  
CP6 - Environmental Quality  
CP7 Green Infrastructure

DW1 - District Wide Spatial Strategy

Saved policies from the Bath and North East Somerset Local Plan - 2007

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  
ES.15: Contaminated land  
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  
BH.7: Demolition in Conservation Areas  
BH.22: External lighting  
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

National Planning Policy Framework - March 2012

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**

### **PRINCIPLE OF DEVELOPMENT**

The proposed school building is a community facility which is 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 main part of the proposed building is situated on an area of grassed open space and therefore results in the loss of recreational open space. However, the proposals include the addition of new hard and soft landscaped areas following the removal of the existing older buildings. 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) of saved policy SR.1A within the Local Plan. There is also no objection to the proposals from Sport England.

## HIGHWAYS SAFETY AND SUSTAINABILITY

The proposed extension to the school results in effectively one additional class being added to the existing school numbers. The application has been submitted with a School Travel Plan which demonstrates that a large majority of the children walk to and from school. There are parents who will drive their children to school and there are opportunities to park near the school without causing a hazard. The road arrangements near the top pedestrian access are not ideal, however, a crossing patrol is present and this helps children and parents to safely cross the road.

The Highways Team is confident that the temporary increase in school student numbers would not result in a significant detrimental impact on the local highway, however, it is recommended that any potential impacts are continued to be managed through an updated version of the Travel Plan (the submitted version is dated June 2013). The contents of the existing Travel Plan are considered to be acceptable, but the document needs to be updated to reflect the changing school.

The additional class would result in additional staff however there is considered to be sufficient parking on site and in the surrounding area for any cars to be safely accommodated.

Access to the site is constrained, and contractors will need to carefully consider how the building works can be undertaken without having a significant impact on students, other road users and neighbouring properties. A Construction Management Plan will need to be submitted well in advance of construction activities in order that the approach can be agreed.

## CHARACTER AND APPEARANCE

The school is situated within the conservation area and World Heritage Site. The majority of the school itself is of relatively modern construction which does little to enhance the surrounding area. The school is generally surrounded by terrace properties. To the west of the school the character of the area changes with the properties becoming more modern and the other local schools being prominent features.

The original proposals for the extensions to the school focused the building work to the south east end of the school site. The extension was larger and appeared significantly more dominant. The revised proposals while situated close to the road junctions the scale of the building is reduced.



The proposals result in a two storey building creating a focal point at the top end of the school site. Although the extension would be two stories it will be slightly dug into the ground to reduce its impact. The scale of the proposed building is considered to be appropriate and it is not out of scale with the other buildings in the local area.

The extension would be set well back from the Eldon Place entrance to the school and would be further away from the road than Eden Terrace. Whilst this elevation visible from Eldon Place is relatively wide it would not appear overly dominant. In respect of views from Avondale Buildings/Worcester Buildings the extension would be at a higher level than the road. The plans show that the trees along the boundary to the site are set to be retained which will help to soften and screen the building. The Arboricultural Officer has raised concerns that it may be difficult to retain these trees, if this is the case then replacement planting would be required. In any event the design of the building is considered to be suitable and it would not be unacceptable from a design perspective if it were not screened by planting.

Concerns have been raised that the building is not in keeping with the local area. It would not be appropriate for the school to present itself in a similar way to the surrounding houses. As a public building it is appropriate that the school building has its own character and remains distinct from its surroundings. The proposed overall design would enhance the school site and update what at present is a poor quality building.

Following the comments made by the Urban Design and Conservation Officers amendments were made to the roof form of the building to add a parapet detail.

The extension to the rear for the new kitchen is relatively hidden from public view and does not have wider visual impact.

The removal of the existing dated buildings will enhance the appearance of the area.

The materials proposed for the new extension will be important given the location of the school in a sensitive area. The proposed materials are predominately render and timber cladding. The use of Bath Stone was recommended at the pre-application stage however due to cost reasons this was not an option for the school. Whilst the use of Bath Stone would have been preferable on balance the use of render given the existing materials in use at the school and the adjacent schools it was not considered significantly harmful to justify the applications refusal. Samples of the render and timber will be necessary prior to their use. The roof tile originally proposed was a fibre cement tile and concerns were raised in respect of this. The plans now state the tiles will be 'slate appearance'. Details of the materials will be conditioned to ensure that they complement the conservation area.

The landscaping around the new building and for the new play spaces will be important to ensure that a high quality environment is produced and that where possible landscaping can be used to screen and soften the new buildings and the boundaries to the site. Detailed landscaping plans will be secured by condition.

Overall the proposed building works are considered to preserve the appearance of the surrounding conservation area and have no significant impact on the World Heritage Site.

## RESIDENTIAL AMENITY

The school site is very difficult to develop and extend give the proximity of residential properties and the limited availability of space around the buildings.

The location of the extension has been carefully considered so that as few properties are affected as possible. The application was submitted with an options appraisal detailing how the other locations for the extension were considered.

The main impact of the proposals will be on the adjacent properties to the north of the site on Eden Terrace with no.1 being the most affected. The proposed building is set into the ground slightly which will help to reduce the impact. However, there will be an impact on the rear garden of the property and the extension will have a more dominant presence than the existing situation. However where this impact is most severe will be at the end of the garden where the building is closest, it is further away from the house itself. Whilst there will be some overbearing impact and potential for overshadowing the harm caused is limited and is not considered to outweigh the benefits of the proposals when all matters are considered.

Concerns were expressed in respect of overlooking towards Eden Terrace. The number of windows on the north east elevation have been reduced. Only three small windows are proposed on the closest part of the building to Eden Terrace. These are shown as coloured glass and can be conditioned to be obscurely glazed to prevent overlooking. On the north west elevation the arrangement of the windows has been amended and the closest window to Eden Terrace is proposed to be obscurely glazed. Overall the impact on Eden Terrace in respect of overlooking has been reduced through the changes to the proposals and the impact through overlooking is considered to be acceptable. In terms of the overlooking of other properties the distances involved are considered to be sufficient to prevent any harmful overlooking.

Objections have also been received from properties on Eldon Place. There is a reasonable degree of separation between these properties and the proposed extension and it is not considered that there would be any serious harm caused. While the outlook from these properties will be altered this is not reason to reject the application.

Other properties to be affected are those on Avondale Buildings. It is only the top section of this terrace which would be affected and the two storey element is located further away from most of the houses. There would be some overlooking between the school and these buildings but not to a harmful degree.

The proposed kitchen extension will have minimal impact as it is further away from neighbouring properties. A condition will be attached in respect of the details of the extract equipment.

The removal of the buildings to the rear of the site will have a beneficial impact on the properties on Larkhall Place. However, the introduction of play areas will introduce noise to an area of the site where this is currently more limited. Given that the properties are in very close proximity to the school some disruption from noise is inevitable. However, a

condition will be attached to ensure that there is suitable fencing to the boundary of the site.

Concern have been raised by local residents in respect of the lighting to be used on the site. Given the use of the building lighting from within the building is likely to be more limited in the evenings. A condition will be attached for details of external lighting to be approved prior to use.

Overall 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 school site contains a number of trees which are of aesthetic value to the area. The proposals previously submitted were considered to have a significantly great impact on the trees within the site which is one of the reasons for the reconsideration of the proposals.

The plans submitted show that several trees will be removed from the site to accommodate the new classroom block. The proposed plans show that the trees around the perimeter of the site will be retained. The Arboricultural Officer has raised concerns that it may be difficult to retain the trees closest to the new building and that trees 700, 695 and 710 may not remain visual assets following the construction works. It is considered that at best they will require pruning to allow construction and be managed by regular crown reductions to contain their size in view of their proximity to the new building and windows. There are concerns that allowance of space to accommodate for all construction operations has not been explored in sufficient detail.

The Arboricultural officer has recommended that a more strategic approach could be to remove these trees and incorporate premium tree replacement planting within the landscaping of the site.

Further details of the tree protection is also considered to be necessary.

Due to the constraints on the school site it would be difficult to construct an extension without there being some impact on the trees within the site. The construction works plan to retain as many trees as possible on site. Although there are concerns about some of the trees on the site being retained a suitable landscaping condition can be used to ensure that if the trees become seriously damaged that they will be replaced.

A condition will also be attached in respect of tree protection measures to ensure that as far as possible the retained trees are well protected during construction.

## ECOLOGY

An ecological and bat survey and assessment have been submitted. The buildings affected by this proposal are assessed as having negligible potential for roosting bats, and no further bat survey is considered to be required for this proposal. The site however does

lie within flight range of the Bath & Bradford on Avon Bats SAC, and lies within an area of known high bat activity. In the absence of any activity surveys at this site, a precautionary approach must therefore still be taken with regard to possible use of the site by bats, especially flight activity. It is also noted by the Ecologist that the Victorian building that lies outside the red line but within the site at the far south eastern end, is assessed as having some bat roost potential. As no emergence surveys have been carried out it is possible that bats may use this building, as well as boundary vegetation as flight lines.

The proposal must therefore demonstrate:

Retention of vegetation that could be used by bats as flight lines or for foraging, by retention or replacement planting of boundary vegetation and tree lines (especially noting the concerns raised by the Arboricultural officer about further potential tree losses), any new external lighting must be wildlife-friendly and directed away from adjacent buildings with any roost potential and adjacent vegetation, to avoid light spill onto these areas. The ecological survey also makes a range of recommendations for retention and incorporation of wildlife and habitat features into the scheme, which should be implemented.

The above requirements can be secured by condition, using the standing landscape condition. It is recommended that the input of the applicant's ecologist is obtained when producing the soft landscape scheme and designing ecological measures into it.

## SUSTAINABILITY

The applicant's design and access statement states that consideration has been given to sustainability to try to design a scheme which incorporates natural lighting and ventilation. The window design and placement is also considered to avoid heat loss.

Cross-laminated timber (CLT) will be used for the structural frame and in many cases the internal finish of the building. The use of the CLT as the primary construction material will reduce the amount of materials needed and therefore reduce on site waste generation. CLT is made of renewable material and enables decreased waste due to its pre-fabricated construction method that enables precision for panel construction.

## TEMPORARY CLASSROOMS

As a part of the proposals two temporary classrooms are required to accommodate the 'bulge' year which start school in September 2014. These classrooms are now in place on the site with the enabling works being undertaken.

The visual impact of the temporary classrooms on the wider area is more limited due to their location within the site. In any event their temporary nature means that no long term harm would result.

The temporary classrooms are to the north east west of the site located on an area of hard standing adjacent to the rear gardens of Eden Terrace. Whilst there will be some inevitable impact on these properties this is not considered sufficiently harmful to warrant their refusal due to their temporary nature.

A condition will be attached to ensure that the classrooms are removed following the completion of the building works.

## **OTHER MATTERS**

Consultation comments have been received from the Flood Risk Drainage Team and Land Contamination Team. The appropriate conditions will be attached in response to these comments. Further details in respect of drainage and contamination have been submitted with the application however at the time of writing confirmation of the acceptability of these details has not been confirmed. If the details are acceptable conditions in respect of these matters may be amended.

## **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.

The proposal does not harm the character or appearance of the surrounding conservation area or the World Heritage Site and does not cause serious harm to the amenities of adjoining occupiers. There are no significant ecological impacts and the proposal includes replacement planting to compensate for the trees lost.

It is considered that the benefits of providing these additional school places outweigh the residual impacts of the development 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 Desk Study, Site Walkover and Preliminary Land Quality Risk Assessment  
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 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 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.

3 Excluding the installation of the proposed temporary classrooms 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.

Reason: To ensure the safe operation of the highway.

4 Development shall not commence until a Landscape and Ecological Protection Plan providing details of all necessary measures to avoid harm to wildlife has been submitted to and approved in writing by the local planning authority. The scheme shall include details, as necessary, of provision of tool box talks; timing of works to avoid harm to nesting birds; a plan showing exclusion zones and fencing specification around retained habitats; and pre-commencement checks or ecological watching brief as applicable. The development shall be carried out only in accordance with the approved Scheme or any amendment to the Scheme as approved in writing by the Local Planning Authority.

Reason: to avoid harm to wildlife during construction including protected species and retained habitats.

5 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 appointed Arboriculturalist and the 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, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals

6 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. A signed certificate of compliance shall be provided by the appointed Arboriculturalist to the Local Planning Authority on completion.

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



7 Within two months of the commencement of the development 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 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. The scheme shall also include details of all recommended ecological mitigation and enhancement measures as set out in the Ecological Appraisal including wildlife-friendly lighting; numbers, locations and specifications for bat and bird boxes and other wildlife features; provision of connective habitat, and details and specification for native planting.

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

8 The relevant part of the development shall not 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.

9 Prior to the installation of windows and doors large scale detailed drawings (including window reveal detailing) shall be submitted to and approved in writing by the Local Planning Authority. Works must then be completed in accordance with these details.

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

10 Further information to be provided in respect of all boundary treatments, in particular around the new play areas and where the new entrance will be.

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

#### 11 Reporting of Unexpected Contamination

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 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 Prior to the occupation of the development an updated 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.

13 All work of making good of boundary walls shall be finished to match the adjacent wall in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

14 The temporary classrooms approved as part of this consent must be removed from site within 2 months of the occupation of the proposed extension.

Reason: In the interests of the appearance of the area and neighbouring amenity.

15 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.

16 The proposed first floor windows in the north west elevation of the proposed extension, shown as three coloured windows annotation 10 and the window annotated as 14 on drawing 130992 P(0)14 J shall be non-opening and glazed with obscure glass prior to the occupation of the building and permanently retained as such.

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

17 No external lighting shall be erected without prior approval from the Local Planning Authority.

Reason: To ensure the amenity of neighbouring properties is protected.

18 Prior to the use of the kitchen extension hereby approved details of any extract/ventilation system shall be submitted and approved by the Local Planning Authority and then implemented in accordance with the details so approved. The system shall thereafter be retained in accordance with the approved details.

Reason: To ensure that the extract/ventilation system is appropriate for the character of the building and/or to safeguard the amenities of local occupiers.

19 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:** Received 20th May 2014

E055B3/AL/102 Existing Blocks 004, 005, 006 and 007  
E055B3/AL/103 Existing Elevations and Sections  
130992 P(0)08 Existing Site Plan  
130992 P(0)19 rev A Decant Plan and Elevation  
130992 P(0)20 rev A Decant Site Plan  
130992 P(0)21 rev A Decant Site Section  
939 d005 Drainage Details  
Preliminary Ecological Appraisal (August 2013)  
School Travel Plan (June 2013)  
Arboricultural Report

Received 29th July 2014  
Initial Bat Assessment (July 2014)

Received 6th August 2014  
130992 P(0)11 rev O Proposed Plans  
130992 P(0)12 rev I Indicative Street Scene  
130992 P(0)13 rev I Proposed Site Plan  
130992 P(0)14 rev J Proposed Elevations  
130992 P(0)15 rev H Proposed GA Sections  
130992 P(0)22 rev D Roof Plan

D001 D Proposed Drainage Plan

Received 11th August 2014  
Ground investigation and geoenvironmental interpretative report (June 2014)

**2 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.

**3 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](http://www.planningportal.gov.uk).

#### 4 Construction Advice

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

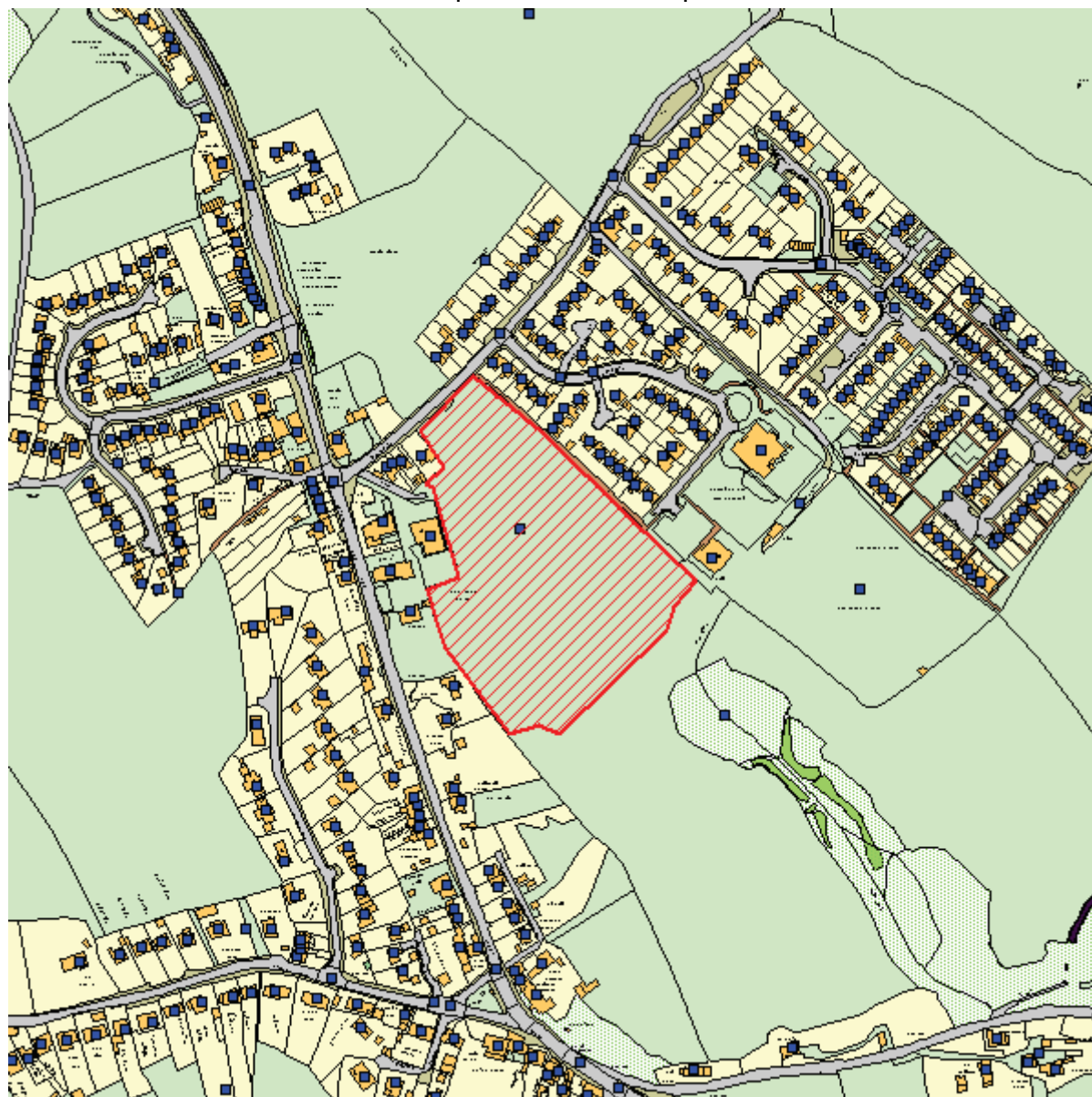
The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

- The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings.

Furthermore due to increasing issues and concerns with the gull population in Bath I would advise that that consideration is given to proofing any roof/flat surfaces against gulls nests

5 Written confirmation from Wessex Water will be required to ensure that they are satisfied that that the additional discharge into their network is acceptable All discharge rates and connection points will need to be agreed with Wessex Water.

**Item No:** 03  
**Application No:** 13/03562/OUT  
**Site Location:** Parcel 3300 Temple Inn Lane Temple Cloud Bristol



<b>Ward:</b> Mendip	<b>Parish:</b> Cameley	<b>LB Grade:</b> N/A
<b>Ward Members:</b>	Councillor T Warren	
<b>Application Type:</b>	Outline Application	
<b>Proposal:</b>	Development of the site for residential purposes (approximately 70 dwellings), with associated public open space, landscaping and parking. Primary vehicular access from Temple Inn Lane to be determined, (internal access, layout, scale, appearance and landscaping reserved for subsequent approval).	
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenfield site, Public Right of Way, Tree Preservation Order,	

<b>Applicant:</b>	Mr E Bruegger
<b>Expiry Date:</b>	29th November 2013
<b>Case Officer:</b>	Daniel Stone

## REPORT

The application received a committee resolution to approve on 12th March 2014, since when negotiations have been under way in respect of the legal agreement. However, on 12th July 2014 the Bath and North East Somerset Core Strategy was adopted and as the decision has not yet been issued the proposal must be reassessed in light of the policies within the Core Strategy. The purpose of this report is to update the assessment of the proposal giving full weight to the policies within the Core Strategy and particularly noting that the Council is now able to demonstrate a 5-year housing land supply.

The main area in which the Adopted Core Strategy policies affect the committee resolution relate to the principle of development, and the provision of affordable housing. Technical areas, which are not affected by the Adoption of the Core Strategy will not be re-assessed. The previous committee report of 12th March 2014 is attached unchanged at annex 1 for reference.

## SITE CONTEXT

The application site consists of a 2.5 hectare agricultural field to the south of Temple Inn Lane, sitting centrally between the main body of the village and the Meadway and Goldney Way housing estate, to the East of the A37 which bisects the village. The site would be accessed off Temple Inn Lane, which in turn has a junction onto the A37.

The site is located outside the Housing Development Boundary, which closely follows the existing built footprint of the main village to the west and of the Meadway estate to the east. In terms of other designations, the site falls within Flood Zone 1.

## PROPOSALS

Outline planning permission is sought for the erection of approximately 70 dwellings with associated public open space. Access would be obtained from Temple Inn Lane, which in turn has a junction onto the A37 which passes through Temple Cloud.

The application seeks consent for the means of access, but the Appearance, Layout, Landscaping and Scale of development proposed are reserved matters. Issues connected with planning obligations do need to be considered at this stage.

## RELEVANT PLANNING HISTORY:

16905 - Outline application for 123 houses, Land north of Temple Inn Lane and east of A37. Refused and Dismissed at Appeal, 14.09.95

13/04456/FUL - Mixed use development comprising a 10 bed letting rooms building, 9 residential dwellings, and renovation of the existing public house - Temple Inn, Main Road, Temple Cloud - Resolution to approved subject to Planning Obligation. 12.03.14

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS CONSULTATION**

The consultation responses and responses to the public are as set out in the committee report dated 12th March 2014 attached at Annex 1. Since this date a further 7 objection letters have been received raising, in summary, the following issues:

With the adoption of the Core Strategy the application should be rejected  
Air pollution from traffic congestion  
Traffic Congestion  
Proposed width restriction on Harts Lane wo;; worsen traffic conditions on Temple Inn Lane  
Landscape Harm  
Impact on infrastructure provision in Temple Cloud: school provision, doctors surgeries.

In the previous consideration of the application internal and external consultees raised no technical objections to the development going ahead, and the application was recommended for approval subject to conditions and subject to the completion of a planning obligation securing affordable housing and other obligations.

### **ADDITIONAL COMMENTS FROM HIGHWAYS DEVELOPMENT CONTROL -**

The imposition of the weight restriction on Hart's Lane is being implemented to reinforce the height restriction that is already in place (due to the presence of a low bridge which limits the vehicle size on this section of road), and to reinforce that the designated HGV route to the nearby industrial estate is via Temple Inn Lane. As it is helping to enforce existing HGV route arrangements, it is not expected that there would be a significant change in vehicle movements on the local road network. It will help to deter the occasional HGV driver who attempts to use Hart's Lane by error. This being the case, our response to the planning application, including the potential impacts on Temple Inn Lane, does not change.

## **POLICIES/LEGISLATION POLICIES**

Saved Policies of the Bath and North East Somerset Local Plan Including Minerals and Waste policies Adopted 2007

- D.2 - General design and public realm considerations
- D.4 - Townscape Considerations
- BH.6 - Development affecting Conservation Areas
- BH.8 Improvement work in Conservation Areas
- BH.12 Important archaeological remains
- SC.1 Settlement classification
- HG.4 Residential development in the urban areas and R.1 settlements
- HG.7 Minimum residential density
- HG.9 Affordable housing on rural exceptions sites

- T.1 Overarching access policy
- T.3 Promotion of walking and use of public transport
- T.6 Cycling Strategy: cycle parking
- 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
- NE.10 Nationally important species and habitats
- NE.11 Locally important species & habitats
- NE.12 Natural features: retention, new provision and management
- NE.13 - Water Source Protection Area
- IMP.1 Planning obligations

Bath and North East Somerset Core Strategy , adopted July 2014

- DW1 District Wide Spatial Strategy
- RA1 - Development in the Villages meeting the listed criteria
- RA2 - Development in Villages outside the Green Belt not meeting Policy RA1 Criteria
- CP2 - Sustainable Construction
- CP6 Environmental Quality
- 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
- National Planning Policy Framework

## **OFFICER ASSESSMENT**

KEY ISSUES:

PRINCIPLE OF RESIDENTIAL DEVELOPMENT

ADOPTION OF CORE STRATEGY

Saved Local Plan Policies SC.1 and HG.4 define Temple Cloud as an R1 village, where residential development within the housing development boundary will be permitted if it is appropriate to the scale of the settlement in terms of the availability of facilities and employment opportunities and accessibility to public transport.

Adopted Core Strategy policy RA1 states:

"At the villages located outside the Green Belt or excluded from the Green Belt, proposals for residential development of a scale, character and appearance appropriate to the village and its setting will be acceptable within the housing development boundary provided the proposal is in accordance with the spatial strategy for the District set out under Policy DW1 and the village has:



a: at least 3 of the following key facilities within the village: post office, school, community meeting place and convenience shop, and

b: at least a daily Monday-Saturday public transport service to main centres,

At the villages outside the Green Belt which meet these criteria, development sites will also be identified in the Placemaking Plan and the housing development boundary will be reviewed accordingly to enable delivery during the Plan period of the 1,120 dwellings identified on the Key Diagram. Residential development on sites outside the Green Belt adjoining the housing development boundary at these villages will be acceptable if identified in an adopted Neighbourhood Plan."

In the previous assessment of the application, only limited weight was given to these policies, in that at the time the Council was unable to demonstrate a 5-year housing land supply. This invoked a presumption in favour of sustainable development and required that the application be assessed against the National Planning Policy Framework.

The Core Strategy Inspector has confirmed that the Council does have a 5-year housing land supply, and on this basis the Core Strategy was formally adopted on 10th July 2014. Consequently the Core Strategy policies can now be given full weight in planning decisions.

In terms of the criteria set out above in draft Policy RA1, Temple Cloud has reasonable access to community facilities, with a primary school, church, petrol station and convenience store, plus a village hall and a frequent bus service to Bath and Bristol in southwards to Midsomer Norton, Wells and Clutton. The majority of these facilities are within easy walking distance of the site. Whilst the village is relatively accessible in terms of public transport provision, the village is not well provided for in terms of employment provision. Additionally, for a village of its size, the shop within the petrol station is limited in size.

Whilst there are concerns about access to nearby sources of employment, for a rural location the site has all the facilities discussed in policy RA1, is within walking distance of the school and is readily accessible by public transport, albeit with no direct access to Bath by bus at present.

Objectors have referred to the amount of windfall development which has taken place in Temple Cloud, including the recent scheme for 10 dwellings at Temple Inn (13/04456/FUL), which taken together with this proposed application would exceed the 50 dwellings referred to in policy RA1.

The policy is clear that within the development boundary proposals for residential development will be acceptable where of a scale, character and appearance appropriate to the village and its setting. The policy commits to reviewing the Housing Development Boundaries of RA1 villages to allow around a further 50 dwellings to come forward, over and above that allowed within the existing Housing Development Boundary. Therefore the additional housing growth of "around 50 dwellings" is additional to housing developments that will occur within the Housing Development Boundary, and the figure of 50 dwellings

should not be interpreted as a cap on the overall extent of housing development in Temple Cloud.

The Placemaking plan is not anticipated to be adopted until 2016, and the 1,120 dwellings to be accommodated at RA1 villages are an essential component of the Council's 5-year housing land supply. Therefore it would be unreasonable to refuse the application as being premature to the Placemaking plan.

Nevertheless the application for 70 dwellings would exceed the scale of additional development allocated for Temple Cloud (of around 50 dwellings), therefore it is necessary to consider whether by exceeding the housing target for Bishop Sutton the application would undermine the Core Strategy and the degree of harm derived from the additional 20 dwellings. In the section below is an assessment of the importance of the proposed development in delivering the Council's 5-year housing supply and an assessment of the harm of the "additional" 20 dwellings, over and above a reduced scheme of 50 dwellings.

## 5-YEAR HOUSING LAND SUPPLY

In relation to the Core Strategy, the applicants have pointed out that the Council's demonstration of its 5-year housing land supply, which was crucial to the Core Strategy Inspector finding the plan sound, treated the site as if it had been consented. They assert that the site is an integral component of the Council's 5-year housing land supply and that were the Council to refuse permission, the Council's 5-year housing land supply would be undermined.

Reviewing the documentation, the Council submitted a summary of the predicted housing completion rates in the district (the housing delivery trajectory) to the Core Strategy Inspector in March 2014, covering the years 2011 - 2029. This was part of the documentation submitted to demonstrate that the Council could demonstrate a five-year housing land supply, and would be on course to deliver the timely completion of housing at this rate on the ground.

The housing trajectory does treat the application as a commitment, i.e. as if it already had planning permission and assumes that approximately half the housing would be completed by 2015-2016 with the remaining housing being finished in 2016-2017.

The housing land requirement requires that the Council delivers a 5-year housing supply, plus a 20% buffer.

The trajectory shows that by 2015 / 2016 and 2016 / 2017, when the development is predicted to be built out, the Council's land supply will comfortably exceed the 5-year housing land supply requirement. The actual supply buffer (beyond the 5-year supply) for Market Housing would be 79% in 2014 - 15 and 97% in 2015 - 16. The supply buffer (beyond the 5-year supply) for Affordable Housing would be 33% in 2014 - 15 and 38% in 2015 - 16.

Were the application to be refused, it would make no appreciable difference to the Council's Housing Land Supply, which would still comfortably exceed the 5-year plus the requirement for an additional 20% in 2015 - 2017. Therefore, officer's view is that whilst



the proposal was treated as a commitment in the evidence submitted to the Planning Inspector to demonstrate a 5-year supply, the supply would not be significantly undermined if the application were to be refused.

Equally however, given that the 70 dwellings were treated as a commitment in the Council's Housing Land Supply, the fact that the application exceeds the growth rate envisaged for Temple Cloud would not in this case undermine the Core Strategy.

It should also be borne in mind that the Housing Trajectory is a projection of future housing supply, based on the assumption that sites come forward as predicted. Should significant sites fail to deliver as predicted, sites such as the application site could become more important in demonstrating a 5-year supply.

Additionally The National Planning Policy Framework and subsequent appeal decisions have made it very clear that the 5-year housing supply should not be interpreted as a "cap" or maximum limit to development. It is necessary therefore to consider what harm would be caused by allowing the development to go ahead, versus allowing a development of 50 dwellings to go ahead.

#### LANDSCAPE AND VISUAL IMPACT, DESIGN & IMPACT ON RESIDENTIAL AMENITY

The site was assessed as part of the Strategic Housing Land Availability Assessment, which provided commentary on the likely landscape impact arising from the development of the site.

This commented that the development would have a low impact on landscape character and a low visual impact from the wider countryside in that it is visually enclosed by development and the landform. There would be a moderate effect from surrounding houses due to the loss of the semi-rural aspect and a moderate effect from public footpaths which are already running along the developed boundary. In respect of this application officers backed up this assessment. The proposed development would have a locally significant impact, due to the loss of the semi-rural outlook for surrounding dwellings and also the significant change to the setting of public footpaths passing through the site. The wider impacts would however be relatively limited, in that the fields are significantly influenced and contained by the existing residential areas to the east and west.

Given the layout of the site, surrounded on three sides by housing, a development of 50 dwellings would be likely to simply extend less far into the field than the application currently proposed. This would lessen the visual impact of the development on footpath users crossing the field.

It would also lessen the impact of the development on the outlook of existing dwellings on the perimeter of the site. The indicative plan suggests that if the development were to be reduced in scale by 20 dwellings the housing would extend roughly as far as the furthest dwelling along the north-east boundary (32 Meadway), but would not extend as far as the community centre, as is currently proposed. The indicative layout suggests that the south-western portion of the site would be developed as allotments and public open space, which would have the effect of largely limiting the adverse impacts of the development on the adjoining dwellings to the south-west.

As a result, the overall landscape impact of the scheme currently proposed for 70 dwellings is likely to be only marginally greater than the landscape impact of a reduced scheme for 50 dwellings. As a result of the layout of the site the impact of a 50 dwelling scheme would be likely to have substantially the same effect on the amenity of surrounding residents as the currently proposed scheme of 70 dwellings.

Adopted Core Strategy policy CP6 (Environmental Quality) requires that all major residential schemes to be assessed using the Building for Life design assessment tool. In this case the application is in outline and although a layout has been submitted, this is only indicative of what might be developed. Consequently it is not possible to assess the application against Building for Life at present, however as and when the reserved matters application is submitted, this will be part of the assessment process.

## TRANSPORT IMPACT

A 28% reduction in the number of houses, from 70 as currently proposed to 50 (to be policy compliant) would lessen traffic generation and the demands placed on the junction of Temple Inn Lane and the A36, however the proposals as submitted were considered to be acceptable as proposed, provided that contributions to fund off-site highway safety measures on the A36. The Adoption of the Core Strategy does not change this assessment.

## AFFORDABLE HOUSING

With the adoption of the Core Strategy the approach to affordable housing has changed. Instead of requiring affordable housing at a flat rate of 35% across the district, Core strategy policy CP9 seeks Affordable Housing at a rate of 40% in and around Bath and at a lower percentage of 30% in the Somer Valley and the western part of the district. In this case, Temple Cloud lies in the 30% zone, and therefore it is suggested that the Legal Agreement is revised to require 30% affordable housing rather than 35%.

## PROVISION OF FOOTPATH LINK

The committee report of 12 March 2014 recommended that a legal agreement be signed to secure

"The provision of a direct public footpath link to Cameley Church of England Primary School (diverting Public Footpath CL 1/3) and contributions of £8,000 to fund any associated admin costs and construction costs, any unused funds to be returned to the developer."

Subsequently the Council's Public Rights of Way Team have advised that the administrative costs of this process may be higher. They have also clarified that the developers will need to divert Public Right of Way CL 1/3 in order for the development to go ahead and that the above contribution is only intended to cover the link between the north-eastern corner of the site and the edge of the public highway in Meadway. The developer will need to pay separately to divert public footpath CL 1/3.

Consequently item 4 of the directions for the completion of the legal agreement is to be amended to read:

"4. The provision of a direct public footpath link from the north east corner of the site to Cameley Church of England Primary School and contributions of £20,000 to fund any associated admin costs and construction costs, any unused funds to be returned to the developer."

## **CONCLUSIONS**

With its adoption, the Core Strategy and the policies within it can be given full weight as material considerations.

Policy RA1 commits to allowing residential development of an appropriate scale within the Housing Development Boundaries and to review the Housing Development Boundaries to provide additional development of around 50 dwellings in RA1 villages.

The application, for 70 dwellings, exceeds this scale of growth, but it is not considered that the "additional" 20 dwellings would give rise to unacceptable impacts, either in terms of the landscape impact of the proposals, transport considerations or their impact on residential amenity.

In its discussions with the Core Strategy Inspector, the Council represented the application as a committed element of its 5-year housing land supply; however analysis of the figures reveals that if the site were not developed, it would make no appreciable difference to the Council's 5-year supply.

However, given the language of the Core Strategy wording, which commits to review the Housing Development Boundary in Temple Cloud to allow "around" a further 50 dwellings to be built, the pro-development stance of National Planning guidance and the lack of demonstrable harm from the "additional" 20 dwellings, it is not considered that the refusal of the application could be justified or defended at appeal. Therefore the application is again recommended for approval, subject to the completion of the legal agreement.

## **RECOMMENDATION**

Authorise the Divisional Director, Development to PERMIT subject to condition(s)

## **CONDITIONS**

A. Authorise the Planning and Environmental Law Manager to enter into a Section 106 Agreement to secure:

Transport and Accessibility

1. £75,000 towards the cost of speed restraint measures and safety schemes (including vehicle activated signs) on the A37 which will help improve the operation of the Temple Inn Lane junction;

2. £10,000 to fund the rationalisation of signage on the junction of Temple Inn Lane with the A37; or part thereof should planning application 13/04456/FUL be approved.
3. £50,000 towards the enhancement of public transport to serve the proposed development;
4. The provision of a direct public footpath link from the north east corner of the site to Cameley Church of England Primary School and contributions of £20,000 to fund any associated admin costs and construction costs, any unused funds to be returned to the developer.
5. The provision in perpetuity of a pedestrian link between the south-west corner of the site and footpath CL1/4 to provide a continuous and convenient legal route towards the southern edge of the village for residents of this part of the development. This link shall be available for public use at all times; and
6. The implementation of the site access works shown in drawing 12001/200 the works to be completed prior to the first occupation of the development.

#### Affordable Housing

7. The provision, on site, of 35% Affordable Housing the housing mix to be agreed in writing with Bath and North East Somerset Council

#### Open Space and Recreational Facilities

8. Contributions to fund the provision of formal open space and allotments off-site to serve the population, and fund the maintenance of any open space provided within the development, the amount of the contribution to be calculated prior to reserved matters consent being granted in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009, or any equivalent subsequently adopted Document. The agreed contributions shall be paid prior to the occupation of the development.
9. Details of the arrangements for the on-site maintenance of public open space, local food production area and existing/proposed trees, hedgerows and landscaping.

#### Education

10. Contributions to fund the need for primary school places and Youth Services provision places arising from the development, the amount of the contribution to be calculated prior to reserved matters consent being granted and calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009, or any equivalent subsequently adopted Document. The agreed contributions shall be provided prior to the commencement of development.

## Community Facilities

11. Contribution of £80,000 towards the upgrading of Village Hall facilities (extensions and resurfacing of car park)

## Protection of northern Hedgerow

12. The applicant and subsequent house owners backing onto the north-eastern hedge boundary shall commit:

a. To not cut back the hedgerow on the north-eastern boundary of the site beyond the line of the post and wire fence forming the boundary of the Property and not to reduce the height of such hedgerow below [ x ] nor the width of it below [ x ].

b. To maintain the hedgerow [shown [ ] on the Plan] in so far as it forms the boundary of the Property and carry out such pruning or cutting as may be necessary (subject always to the covenants in clause [ ] above) and where within a period of five years from the date of the development being completed such hedgerow dies, is removed, becomes seriously damaged or diseased to replace the same within 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.

These commitments are to be written into covenants to be placed on each of the plots abutting the hedgerows.

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

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

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

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

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

3 The development hereby permitted shall be carried out only in accordance with the recommendations of the approved Ecological Survey dated August 2013 and the

approved note entitled Protection of Hedgerow on North Eastern Boundary dated 26 November 2013.

For the avoidance of doubt, prior to the commencement of development a plan shall be submitted plotting the alignment of the hit and miss fence in relation to the hedgerow and northern site boundary. The fence shall be erection in accordance with this plan prior to the occupation prior to the first occupation of the development, and shall thereafter be retained.

Reason: to avoid harm to wildlife and the retained northern boundary hedgerow

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

- (i) Findings of all necessary update surveys including update survey for badgers
- (ii) Outstanding details of all necessary ecological mitigation including exclusion zones for the protection of retained habitats and fencing specifications for exclusion zones
- (iii) Details of all proposed external lighting including lux level contour plans demonstrating retention of dark corridors for wildlife and light spill of zero lux onto wildlife habitat and no greater than 1 lux on adjacent vegetation
- (iv) Specifications and planting schedule for all proposed habitat creation and specifications for long term wildlife-friendly management of all retained and created habitat areas
- (v) Additional information as applicable for all other ecological measures and details to be shown on plans and drawings as applicable

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

Reason: to avoid harm to wildlife and protected species including bats and for long term retention and management of ecological value and habitats at the site

5 No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains.

6 No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of



archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

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

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

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

8 Details of the on-going maintenance of the underground rainwater storage tanks, including the body responsible for maintenance and a maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority prior to construction. Therefore maintenance shall be carried out in accordance with the agreed details.

Reason: To ensure satisfactory maintenance arrangements are made in the interests of flood risk and highway safety.

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

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

10 Prior to the commencement of development a local employment and training scheme identifying measures to recruit local people during the construction process, together with an associated skills and training programme, shall be submitted to and approved in writing by the LPA. The approved scheme shall then be implemented and maintained unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of ensuring the development benefits local employment provision.

11 Prior to the commencement of works to form a breach in the northeastern hedgerow to form a pedestrian link to Meadway, details shall be submitted to and approved by the



Local Planning Authority of the natural hedgerow arch or similar structure to be constructed over the breach. The hedgerow arch shall be completed prior to the occupation of the development and thereafter maintained in line with the hedgerow mitigation report submitted to the Council on 29th October 2013.

Reason: To provide a convenient link to the school whilst maintaining the continuity of this habitat, to facilitate continued use by bats, birds and mammals.

12 The proposed estate roads, footways, footpaths, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing 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.

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

13 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

14 No part of the development hereby permitted shall not 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.

15 Before the dwellings are first occupied, new resident's welcome packs shall be issued to purchasers which should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., together with complimentary bus tickets for each household member to encourage residents to try public transport. The content of such packs shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

16 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.

17 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.

Reason: To ensure the safe operation of the highway.

18 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

- Drawing 01 Nov 2013 TEMPLE CLOUD HEDGE MITIGATION
- Drawing 131031 3200 REV C Illustrative Masterplan
- 130816 1001 A SITE LOCATION PLAN
- PROTECTION OF HEDGEROW ON NORTH EASTERN - 26 Nov 2013
- 04 Nov 2013 TEMPLE CLOUD HEDGE MITIGATION
- SUPPLEMENT TO ECOLOGICAL REPORT - NORTH-EASTERN HEDGEROW - 28TH OCTOBER 2013
- STATEMENT OF COMMUNITY INVOLVEMENT
- ARCHAEOLOGICAL DESK BASED ASSESSMENT
- TRANSPORT STATEMENT
- AFFORDABLE HOUSING DELIVERY STATEMENT
- LANDSCAPE AND VISUAL IMPACT ASSESSMENT
- ECOLOGICAL SURVEY
- EXISTING LAYOUT - A37 / TEMPLE INN LANE LAYOUT- DRAWING 12001/300 REV
- PROPOSED SITE ACCESS - DRAWING 12001/200 REV A
- PROPOSED ILLUSTRATIVE SITE SECTIONS - DRAWING 13130/2100
- FLOOD RISK ASSESSMENT
- PLANNING STATEMENT
- ARBORICULTURAL CONSTRAINTS REPORT

## 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](http://www.planningportal.gov.uk).

## 3 Diversion of Footpath

Further consents will be necessary to divert footpath CL 1/3 which passes through the site.

## 4 Surface Water Drainage

The surface water drainage scheme for the proposed development must meet the following criteria:

1. Any outflow from the site must be limited to 10l/s as agreed with Wessex Water or the Qbar Greenfield rate whichever is less, as per the agreed Flood Risk Assessment.
2. The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.
4. The adoption and maintenance of the drainage system must be addressed and clearly stated.

We would expect to see the following details when discharging condition 9:

A clearly labelled drainage layout plan showing the pipe networks and any attenuation ponds, soakaways and drainage storage tanks with volumes marked on. This plan should show any pipe node numbers referred to in the drainage calculations and the numbers invert and cover levels of manholes.

A manhole schedule. Model runs to demonstrate that the critical storm duration is being used. Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 critical duration storm event. If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with the National Planning Policy Framework.

## 5 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 has worked proactively and positively with the applicants by determining the application as submitted, whilst resolving outstanding issues through planning conditions and Planning Obligations.

## Appendix 1:

### **REPORT**

This application was deferred from the committee meeting held on 12th February in order for a site visit to take place. At the request of Councillor Tim Warren with the agreement of the Chair, the application is to be considered by committee as the application represents a major development which would affect the whole village.

### **SITE CONTEXT**

The application site consists of a 2.5 hectare agricultural field to the south of

Temple Inn Lane, sitting centrally between the main body of the village and the Meadway and Goldney Way housing estate, to the East of the A37 which bisects the village. The site would be accessed off Temple Inn Lane, which in turn has a junction onto the A37. To the north the site fronts onto Temple Inn Lane. To the east and west, the site backs onto existing residential development. To the south is open countryside and a copse of woodland. From details submitted by residents the field has been in arable agricultural use for many years, and the land is recorded on the Council's GIS system as being Grade 3 agricultural land, meaning the land is of good to moderate quality in terms of its agricultural production potential. Public footpath CL 1/3 crosses the site from north-west to south-east. An additional public footpath crosses the field (from east to west) to the south of the proposed development before passing along the eastern boundary of the site with the Meadway housing estate. Aside from the public footpaths the field as a whole appears to be well used by dog walkers, albeit on an informal basis. The site is located outside the Housing Development Boundary, which closely follows the existing built footprint of the main village to the west and of the Meadway estate to the east. In terms of other designations, the site falls within Flood Zone 1. Officers note that a planning application is also being considered for the renovation of the existing Temple Inn pub, erection of 9 dwellings and a building comprising 10 letting rooms. This would include vehicular accesses onto Temple Inn Lane and onto the A37.

## PROPOSALS

Outline planning permission is sought for the erection of approximately 70 dwellings with associated public open space. Access would be obtained from Temple Inn Lane, which in turn has a junction onto the A37 which passes through Temple Cloud. The application seeks consent for the means of access, but the Appearance, Layout, Landscaping and Scale of development proposed are reserved matters. This means that the Council is considering the principle of 70 dwellings being erected on the site, and issues connected with the proposed access arrangements, but all other issues to be considered by means of a subsequent planning application for the "reserved matters". Issues connected with planning obligations do however need to be considered at this stage.

## EIA SCREENING

As the proposal relates to a site that exceeds the 0.5ha threshold under the second column of Schedule 2 of the EIA Regulations 2011 an EIA screening opinion is required. In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations, 2001, an EIA screening was carried out and the applicant was formally notified of the decision. The EIA screening opinion concluded that the proposed development fell well below the threshold of 1000 dwellings and at 1.15 ha is under the threshold of 5ha and that the significance of the impact of the development would be localised. Based on an assessment of the relevant regulations and guidance it was considered that the proposed development is not classified as EIA Development and a Scoping Opinion would not therefore be required.

## RELEVANT PLANNING HISTORY:

16905 - Outline application for 123 houses, Land north of Temple Inn Lane and east of A37. Refused and Dismissed at Appeal, 14.09.95  
13/04456/FUL - Mixed use development comprising a 10 bed letting rooms building, 9 residential dwellings, and renovation of the existing public house -

Temple Inn, Main Road, Temple Cloud – Pending

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

**PLANNING POLICY** - No objection in principle The proposed greenfield development of approximately 70 dwellings is outside of the Temple Cloud housing development boundary and lies within the open countryside and within the Forest of Avon. Therefore the provisions within the National Planning Policy Framework and the presumption in favour of sustainable development are applicable.

**HIGHWAYS DEVELOPMENT CONTROL** - No objections subject to conditions and subject to a planning obligation securing off-site highway improvements. The adequacy (in terms of road safety and capacity) of the A37 / Temple Inn Lane junction to cater for the additional traffic associated with the potential development has been considered in detail, and options for improvements have been reviewed. Although the applicant originally promoted a signalised junction improvement, this was not deemed to be appropriate due to the potential adverse impact on traffic travelling along the A37 and the close proximity of the existing pedestrian crossing. Following this decision, the sightlines available at the existing junction and also the traffic speeds of vehicles travelling along the A37 were examined. This exercise has demonstrated that the available sight lines at the junction "stop line" are adequate for motorists joining the A37. This is, however, dependent on motorists obeying the "stop line" order and the 30mph speed limit that applies on the A37 at this location. To ensure that speeds on the A37 are maintained at or below the 30mph speed limit, a contribution of £75,000 is sought to fund speed reactive signs and the installation of a speed camera on the A37 in the vicinity of the A37 / Temple Inn Lane junction. This funding would need to be secured as part of any Section 106 agreement. There is a significant amount of "street clutter" immediately adjacent to the junction and steps will need to be taken to ensure that the signing is rationalised. This will provide clearer sight lines and reduce potential distraction. Historically, it is also known that vehicles parked on the footway at this location. A contribution of £10,000 is sought to resolve this issue. Again, this funding would need to be secured as part of any Section 106 agreement. It is noted that a single personal injury accident has recently occurred in the vicinity of the A37 / Temple Inn Lane junction, however, this single incident does not indicate that there is an established road safety problem and it is not possible for the highway authority to object on these grounds in this instance. I note that a requirement for a footpath link from the site to connect with the existing footpath PROW CL1/4 was previously discussed, and this is a requirement of any permission. This requirement to provide a footpath connection should be secured as part of the Section 106 agreement. The Councils Highways Team clarified in response to a query from the Parish Council that government guidance restricted the emplacement of fixed speed cameras to locations where there was evidence of accidents and additionally withdrew funding for the camera Safety Partnership in 2010/11, and consequently there is no mechanism currently in place for operating fixed road safety cameras. There is no evidence of a significant speed related accident issue on the A37 in Temple Cloud which would be needed to justify a new fixed camera in this area. Indeed the accident casualty record in Temple Cloud is comparatively low.



## COLLISION INVESTIGATION UNIT - AVON AND SOMERSET

CONSTABULARY - Raised concerns regarding highway safety.

The main A37 through the village used to be safeguarded by a Gatso speed camera; in line with recent policy changes this is no longer operational. I have been told by residents that the speed along the A37 has noticeably increased since the camera removal, thus making the emergence from Temple Inn Lane more difficult. On the northern side of Temple Inn lane there is the Temple Inn, this is situated very close to the main carriageway and does obstruct the view to the north of approaching vehicles. The view south is obscured further by an abundance of street furniture and a large stone wall of an adjoining premises. The road drops down over a brow and then continues downhill and the road also narrows at this point. The A37 is already a busy route with a significant proportion of the vehicles using the road being large goods vehicles. Temple Inn Lane leads to Cameley Primary School. There is a collection point for secondary school age children on the main A37 just north of Paulmont Rise which is close to the junction of Temple Inn Lane. I have attended and viewed the traffic using this road junction at various times of the day and have found that traffic emerging from Temple Inn Lane has great difficulty in identifying gaps and merging with traffic on the main road. Large Goods Vehicles turning into Temple Inn Lane do so using the entire width of the road to the detriment of others approaching the junction with the main road. From my observations and concerns raised by residents I believe that any increase in volume and size of vehicles using this junction would greatly increase the risks to pedestrians and other road users. Vehicles supplying any buildings sites from this junction would greatly increase the risk to pedestrians and other road users with the potential to create a collision hotspot. If the planning application was to succeed then remedial works to improve the junction of Temple Inn Lane and the main A37 should be considered. A safety audit should be carried out with a view to making recommendations about the junction before any planning application is approved. I understand that there have been concerns previously identified by planning officers on a separate application.

## EDUCATION

No objection to the proposed housing development subject to the contributions of £84,324.45 being secured as follows:

- £71,718.15 - to fund 5.52 Primary age pupil places
- £12,606.30 to fund 9.45 Youth Services provision places

The calculation given above is based on the indicative layout. The exact contribution would differ according to the housing mix put forward at reserved matters stage.

## HOUSING - No objections in principle.

The outline application proposed 35% affordable housing in accordance with policy. Concerns were raised about the proposed housing mix and lack of 4 bed affordable dwellings. The housing mix should serve the housing needs of the district, not just of the host parish.

## PARKS TEAM

No objection subject to the inclusion of a formula within the Section 106 legal agreement to secure contributions to formal green space and allotment

provision, depending on the housing mix and numbers and amount of on-site open space provision proposed through any subsequent reserved matters application.

#### LANDSCAPE ARCHITECT - (Advice at pre-application stage)

I agree with the general findings of the outline Landscape and Visual Impact Assessment in terms of the attributes of and effects on the local landscape. I do not think that there would be any significant landscape (physical or character) or visual impacts. I would not object to the overall principle of development on this site. Sensitive design, in respect of those few important aspects of the site, is the key to a successful development. In that respect, the PROW, the Oak tree, perimeter hedges and the south-eastern boundary appear to me to be the main elements and I do not think the submitted layout has dealt with these appropriately. I would prefer to see perimeter hedging excluded from private gardens where possible. Ongoing Management of these hedges is very important and needs to be unified and not left to individual owners. The SE boundary is a fictional line and the development seems to end abruptly and with no real and appropriate edge or buffer to the countryside beyond. It would appear to me to be more sensible to properly incorporate the Oak tree, which is the only main feature, within the site as a focal point and have the open space provision acting as the buffer and setting for the tree.

HIGHWAYS DRAINAGE - No objection subject to conditions.

ARCHAEOLOGY - No objection subject to conditions.

During construction of the neighbouring Tiledown housing estate a Roman stone coffin burial was discovered (B&NES Historic Environment Record: MBN1103), indicating that this is a possible area Roman-British activity/occupation.

#### PUBLIC RIGHTS OF WAY TEAM

Public footpaths CL1/3 and CL1/17 run across and along the proposed site (please see the attached plan). It is noted on the Transport Assessment that the developer acknowledges the public rights of way. In order for the development to go ahead as shown in the plans, these two footpaths must be legally diverted. Public Rights of Way will object if the definitive line and widths of the paths are affected by the development without a diversion order

ECOLOGY - No objection subject to conditions.  
Further to my advice of 21st Nov additional clarification has been submitted to confirm the minimum width that shall be provided for the retained hedgerow. Whilst this solution would still not provide the optimal ecological solution at this site I consider on balance it is potentially acceptable, subject to the submitted details being implemented, and I do not object to the proposal. The submitted details of hedgerow protection dated 26th November and all the recommendations of the ecological survey report should be implemented and I would recommend this is secured by condition.

ARBORICULTURE - No objection

I refer to previous arboricultural comments made on 15th October 2013. I withdraw my objection on the basis that the comments related to the



Illustrative Masterplan whereas this application is for access with all other matters reserved. The Masterplan has since been revised (drawing 13130/3200 C) to address comments made concerning the trees and hedging along the north eastern boundary. The proposal is to place fencing along the rear boundaries between the gardens and hedge. The location of one of the garages remains close to the boundary and consideration should be given to moving this to the west. The applicant should revisit the relationship between the dwellings and gardens in the proximity of T7 of the tree survey. Any future applications should also demonstrate that the positioning of the first plot has adequately taken into account the above and below ground constraints for T2. A full application would need to include a plan accurately positioning the existing trees to be retained and incorporating the tree numbers as used within the tree survey. An arboricultural impact assessment will also be required.

ECONOMIC REGENERATION - No objection subject to a targeted recruitment and training target and a financial contribution of £10,000 being secured through the Section 106 agreement.

#### COAL AUTHORITY - NO OBJECTION

The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

#### ENVIRONMENT AGENCY - no objection subject to conditions CONSULTATION

Consultation letters were sent out to 143 adjoining properties, a notification appeared in the local paper and a site notice was displayed. To date 113 objections have been received, 5 letters of support and 4 letters with general observations. Additionally a petition was received objecting to the proposed development from 347 signatories, and 75 additional standard letters of objection. An additional petition was received against the development from 49 signatories. In summary, the objections raised, the following issues:

##### Traffic Congestion / Highway Safety

- The development will cause further traffic congestion on the A37, which is already heavily trafficked, with daily queues on Temple Inn Lane to get onto the A37, and tailbacks caused by the traffic lights at White Cross / Hallatrow and Farrington Gurney.
- Large vehicles cannot pass on the A37 to the south of Temple Inn Lane as it is - if two lorries meet in the queue for the traffic lights the road will be gridlocked.
- The traffic through Temple Cloud is not speed checked and the speed limit signs do nothing to slow traffic speeds.
- The A37 is a dangerous road for pedestrians, with the wing mirrors of lorries and coaches coming perilously close to the heads of pedestrians
- The additional traffic lights would complicate children's walking routes to school and routes to the secondary school pick-up on the A37.
- The traffic camera suggested by the Highways officer would slow the traffic down to 30mph it will not have any effect on the junction with its limited

visibility, especially northbound, as detailed in correspondence received from Avon and Somerset Police.

- It is not possible to put in traffic calming measures i.e. speed humps / road narrowing along this section of Temple Inn Lane due to it being a recognised HGV route.
- Two vehicle activated speed signs will have no impact on the speed of traffic as can be seen in other locations where such signs have been installed
- The application refers to a convenient route to the school to the rear of the telephone exchange. This would require children to cross Temple Inn Lane / A37 in a very unsafe position, with no traffic light and is not a safe route to school.
- The nearby country lanes cannot cope with existing traffic volumes and will be used as a rat run.
- The assessment should take into account traffic from the new developments at the Old Glass factory, the new housing at Tiledown and the old Goldney House development.
- Object to loss of parking in Temple Inn Lane.
- A bypass is needed to take traffic (and HGV's) away from the Village centre, and to make this development safe.
- In 2000, planning permission was refused for a housing application on highway safety grounds.
- The traffic queues on the A37 will exacerbate air pollution.
- How would agricultural vehicles access the remaining field south of the proposed development? Would agricultural vehicles be expected to drive through the new "estate" to gain access to the remainder of the current field?

Safety of Temple Inn Lane Junction and road

- There is no right hand turn filter lane into Temple Inn Lane.
- Temple Inn Lane is too narrow - HGV's have to take up the full road width to exit onto the A37 and often mount the pavement.
- There are frequent near misses on the Temple Inn Lane Junction. The problem has been made worse since the speed camera and the pedestrian control officer have been withdrawn.
- Since 2000 the amount of commercial vehicles and HGVs using Temple Inn Lane to access the Trident Works and other businesses has increased significantly.
- The local company 'Oakus' has recently moved their business to Trident Works, Marsh lane business Park and already causing problems getting out from Temple Inn Lane onto the main A37.

Principle of Development

- There is no need for 70 homes - Temple Cloud is doing well on fulfilling its requirements for the Core Strategy (which requires 50 dwellings to be built over the period to 2029), and now needs to provide just 8 more homes to meet this requirement, which could be fulfilled by the 9 dwellings proposed at the Temple Inn pub site.
- Taking into account this application, the Temple Inn Pub development, and other recent approvals, the total of new dwellings in Temple Cloud would be circa 115 dwellings, far in excess of the Core Strategy requirements.
- The proposals are out of scale and proportion with what is a small village, increasing total village dwellings by 14% in one hit.
- Temple Cloud has had large scale development recently with 24

"Affordable Homes" developed in Goldney Way with no extra amenities given to the village,

- The proposals are unsustainable, will increase the need to travel and generate additional greenhouse gases
- The proposals will bring no employment to the village
- Object to these speculative developments, taking advantage of the loophole created by the lack of an Adopted Core Strategy.
- There is no direct bus route to Bath. The bus service to Bristol is overcrowded in peak hours.
- Despite this particular application only referring to 70 houses the remainder of the field has been identified as a candidate for further development for an additional 170 homes.

#### Affordable Housing

- The village already has 91 affordable dwellings, more affordable housing than any other village in the surrounding area

#### Infrastructure

- The development will overload the services in the village: the school (which is near capacity) and doctors surgery. The village shop is small, with limited and expensive stock.
- The contributions offered to provide school spaces under-estimate the likely impact. BANES also needs to take into account the impact of the Maynard Terrace development in Clutton. When Clutton Primary school is oversubscribed these children will most likely attend Cameley primary school.
- A £50,000 contribution to public transport is insufficient to provide long term support to public transport where there is at present no direct link between Temple Cloud and Clutton with Bath.

#### Urban Design considerations + Visual Impact

- Impact on the rural character of the village
- Loss of view and outlook over the undeveloped fields
- Development is too dense and would be too close to neighbouring properties in Meadway and Ashmead.
- This land forms the transition zone between building and open countryside - the proposals should not extend so far into the field
- The development of the fields will harm the rural character of the village
- Indicative layout/ form - Should outline consent be granted, at reserved matters stage, the layout and form of development should be devised to generate greater opportunities for natural/ passive surveillance of the village hall car park and open space beyond.

#### Residential Amenity

- Object to traffic lights outside my house, with a constant queue of traffic causing noise and fumes
- Overlooking, overbearing effects on 3 Temple Inn Lane and 7 Ashmead.

- Concerned about the impact of roots affecting our foundations, 3 Temple Inn Lane.

#### Loss of Agricultural Land

- Object to loss of agricultural land which is needed for crop growing and is well used. The land is in long-term arable use for a variety of crop production including wheat, barley, maize and oil seed rape and Natural

England record the land as being grade 2 land (very good quality agricultural land).

- The development is a direct contravention of the NPPF (paragraph 112), which advises that local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

#### Trees and Ecology

- Object to the effect on local wildlife, including deer, badgers and slowworms.
- How would the hedge on the northern boundary be maintained if planning were to be approved as the proposed back gardens of the new houses are backing straight on to it?
- The Arboricultural report is inaccurate.

#### Planning Obligations

- Open Space provision - 2 areas have been provided within the site, including formal and informal provision. Opportunities should be explored to secure S106 contributions for the formalised children's play area (sited to the rear of the school). The existing facilities are of a very poor quality. Given the quantum of additional housing within this proposal and the proximity between the application site and the play area, it is likely that there would be a significant demand from the new housing which would require direct mitigation.

- Education Contributions - £68,859 (on the basis that additional space for approximately 6 pupils needs to be found). This does appear a low contribution for a major development of 70 residential units. Has the assumption that there is additional capacity within the school been fully explored with Education?

- Employment/ skills initiatives - Whilst not an employment use, can opportunities be explored for local labour initiatives given the quantum of residential development proposed?

- The entrance to Temple Inn Lane from the A37 is cluttered with highways signage, which would be exacerbated with additional traffic light control systems. Have discussions been explored to secure benefits to the setting of this proposal and the historic buildings at the entrance to Temple Inn Lane.

- Open Space provision - 2 areas have been provided within the site, including formal and informal provision. Opportunities should be explored to secure S106 contributions for the formalised children's play area (sited to the rear of the school). The existing facilities are of a very poor quality. Given the quantum of additional housing within this proposal and the proximity between the application site and the play area, it is likely that there would be a significant demand from the new housing which would require direct mitigation.

#### Other

- The field has had coal mining activities occur beneath it and is unstable. Two nearby dwellings have already suffered from subsidence.

- Impact on the setting of the Mendips Area of Outstanding Natural Beauty

- Will the building work go to local contractors?

- The site floods, and the development will increase flood risk elsewhere.

- Teenagers in the village have nothing to do. The proposals make no provision for teenagers.

The letters of support can be summarised as follows:

- Temple Cloud easily has the capacity to accommodate 70 new properties
- I support this development provided houses aren't crammed in, there is sympathetic landscaping and land is provided for allotments for villagers.
- The school needs more children to go back up to 5 classes as it was a couple of years ago.
- Additional homes will improve the village, supporting local business.
- I do not believe that improved traffic control system will cause grid lock as we have similar traffic control to the south of the village

#### CLUTTON PARISH COUNCIL - Object

Clutton Parish Council considered the above proposed development in Temple Cloud at its last meeting, and instructed me to express its concern at the considerable increases in traffic likely to arise from this development, if permitted, both on the A37 - which is as you will know already VERY busy and frequently congested at exactly the junction where most of this increased traffic is likely to join it - and on the Marsh Lane route into and through Clutton to which, as you may know, my Council has repeatedly asked B&NES to give very serious thought before permitting any development which is likely to increase traffic on it.

#### CAMELEY PARISH COUNCIL - Object

There are concerns over the additional traffic that would be generated by this proposed development using Temple Inn Lane which is already a designated H.G.V. route. The additional traffic will cause problems for pedestrians especially children.

- There are concerns over the proposed traffic light controlled junction where Temple Inn

Lane meets the A37. At the moment the road south of the junction is too narrow for lorries to pass in places. The proposed Traffic lights would be likely to cause more traffic jams and cause consequent pollution to houses lining the A37 and to pedestrians using the pavement.

- The additional 70 houses is in excess of the figure suggested for Greenfield sites in the emerging Core Strategy
- The Parish Council has concerns that existing village amenities such as the school and the doctors surgery will not be able to cope with the additional numbers of people.

HIGH LITTLETON PARISH COUNCIL raised concerns about the lack of infrastructure, in particular access via Hart's Lane.

#### CLLR THOMAS HEMMINGS - Object

Councilor Hemmings raised concerns about the sustainability of the site, about a housing development of this scale in a settlement with few facilities and little employment and about the impact of the development on road safety and congestion. The Temple Inn Lane / A37 junction is flawed, as is the A37 south of it (due to HGV's being unable to pass each other), but currently just about copes due to the sensibilities of drivers. Should light control be introduced, drivers will be forced into scenarios which will result in gridlock.

The Core Strategy states that rural villages must accommodate 50 new homes during its lifespan.

Temple Cloud has already accommodated 35, and should be allowed to fulfil the remainder of its quota by growing at a slow rate, as villages always have done, without destroying its dynamic forever.

Councillor Hemmings full comments are available on the Council's website.

## **POLICIES/LEGISLATION**

### **POLICIES**

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

- D.2 - General design and public realm considerations
- D.4 - Townscape Considerations
- BH.6 - Development affecting Conservation Areas
- BH.8 Improvement work in Conservation Areas
- BH.12 Important archaeological remains
- HG.4 Residential development in the urban areas and R.1 settlements
- HG.7 Minimum residential density
- HG.9 Affordable housing on rural exceptions sites
- T.1 Overarching access policy
- T.3 Promotion of walking and use of public transport
- T.6 Cycling Strategy: cycle parking
- 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
- NE.10 Nationally important species and habitats
- NE.11 Locally important species & habitats
- NE.12 Natural features: retention, new provision and management
- NE.13 - Water Source Protection Area
- IMP.1 Planning obligations

Bath and North East, Somerset, Bristol, North Somerset, South Gloucestershire Joint

Replacement Structure Plan (Adopted September 2002)

- Policy 1 - Sustainable Development
- Policy 17 - Landscape Character
- Policy 54 - Car Parking

Bath and North East Somerset Draft Core Strategy

- DW1 District Wide Spatial Strategy
- RA1 - Development in the Villages meeting the listed criteria
- RA2 - Development in Villages outside the Green Belt not meeting Policy

RA1 Criteria

- CP2 - Sustainable Construction
- CP6 Environmental Quality
- 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

- National Planning Policy Framework

## **OFFICER ASSESSMENT**

### **KEY ISSUES:**

#### **A. IS THE PRINCIPLE OF RESIDENTIAL DEVELOPMENT**

#### **ACCEPTABLE ON THIS SITE?**

##### **Policy Context**

Local Plan Policies SC.1 and HG.4 define Temple Cloud as an R1 village, where residential development within the housing development boundary will be permitted if it is appropriate to the scale of the settlement in terms of the availability of facilities and employment opportunities and accessibility to public transport.

Policy RA1 of the Draft Core Strategy advises that within or adjoining the housing development boundary proposals for residential development will be acceptable where they are of a scale, character and appropriate to the scale of the settlement, provided that the proposal is in accordance with the spatial strategy for the District set out under policy DW1 and the village has:

- a) at least 3 of the following key facilities within the village: post office, school, community meeting place and convenience shop, and
- b) at least a daily Monday-Saturday public transport service to main centres.

Draft Core Strategy policy RA1 advises that such settlements will receive approximately 50 dwellings over the Plan period.

In terms of the criteria set out above in draft Policy RA1, Temple Cloud has reasonable access to community facilities, with a primary school, church, petrol station and convenience store, plus a village hall and a frequent bus service to Bath and Bristol in southwards to Midsomer Norton, Wells and Clutton. The majority of these facilities are within easy walking distance of the site. Whilst the village is relatively accessible in terms of public transport provision, the village is not well provided for in terms of employment provision. Additionally, for a village of its size, the shop within the petrol station is limited in size.

The site lies outside the existing Housing Development Boundary. Ordinarily therefore, the proposals would be recommended for refusal as being contrary to the above policies.

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

For the purposes of this application the Council therefore accepts that it is unable to demonstrate a 5 year supply of deliverable housing land as required by NPPF, para 47. In addition 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, the assumption being that such applications should be approved "unless the adverse impacts of development significantly and demonstrably outweigh the benefits". This is the key test which must be applied in determining whether the application should be approved or refused.

Whilst there are concerns about access to nearby sources of employment, for a rural location the site has all the facilities discussed in policy RA1, is within walking distance of the school and is readily accessible by public transport, albeit with no direct access to Bath by bus. Officers therefore conclude that the fact that the site falls outside the housing development boundary is not sufficient to justify the refusal of the application, and unless there are specific, demonstrable impacts which substantially outweigh the benefits of the additional housing delivered, in principle the application could not be resisted on planning policy grounds.

#### **B. IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN TERMS OF TRANSPORT AND HIGHWAY SAFETY CONSIDERATIONS?**

##### **Highway Safety**

The overwhelming majority of objections to the application have raised concerns about highway safety conditions on the A37 and on the Temple Inn Lane junction and also the safety of pedestrians walking along the A37, and officers consider these to be the most significant issues in the determination of the application.

The NPPF advises (para 32.) that decisions should take account of whether the opportunities for sustainable transport modes have been taken up, to reduce the need for major transport infrastructure.. and whether safe and suitable access to the site can be achieved for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

In this case the application originally the application proposed off-site highway works consisting of the installation of a fully signalised junction where Temple Inn Lane joins the A37, with traffic lights provided on all junction arms and with the traffic lights at the pedestrian crossing integrated into this system. Residents and the Council's Highways team raised concerns that whilst this might resolve the immediate safety problems in respect of the Temple Inn Lane junction, it would give rise to unacceptable delays traffic using A37. Highways Officers have instead suggested that contributions are provided to fund the installation of a Vehicular Activated Signs, a keep clear yellow box around the Temple Inn Lane junction and other road safety measures. The Vehicular Activated Sign is a blinking red sign which activates if motorists exceed the speed limit, thereby reducing average traffic speeds and increasing the time in which motorists can exit Temple Inn Lane onto the A37. Additional traffic calming measures consist of the installation of a raised table on Temple Inn Lane at the new junction into the site from Temple Inn Lane. Contributions of £10,000 are also sought to rationalise the signage immediately to the south of the Temple Inn Lane junction, which at the moment blocks visibility to the south. The same contribution is sought on application 13/04456/FUL (for 10 dwellings at Temple Inn). The planning obligation would be written so that if both developments were to go ahead, each would pay half of the costs.

Given the number of objections from residents, and volume of traffic utilising the A37, Highways officers have considered the application in depth and have visited the site to survey average speeds on the A37 and to measure the visibility splays. This confirmed that the average speed at the junction was below 30 miles per hour (27.8 mph) and that at this speed the visibility splays are adequate.

They confirm that in combination the measures offered will resolve the highway safety concerns set out above and lessen traffic speeds and that overall the proposals are acceptable in highway safety terms.

#### Accessibility

As detailed in the highways comments, the site offers the potential for convenient access to the adjoining primary school which is located in the adjoining Meadway development, and the public footpaths that cross the site will offer good access to this, both for residents of the development and existing residents, and the illustrative plan shows public footpath CL1/3 being diverted to allow direct access through to the school. However, there is 3rd party land between the application site and the school, and the footpath needs to be diverted, and compensation paid to the 3rd party owner to ensure that a legal and convenient route can be provided. The public rights of way team advise that including the costs for the legal order, the 3rd party compensation and the costs of the physical work, contributions of £13,000 should be provided, with any unused funds returned to the developer.

From a similar perspective, the development relates poorly to the route of public footpath CL1/4 which crosses the field from south-west to north-east to the south of the residential development. Whilst this offers good access for existing residents from the village walking to the school or village hall, the layout shown doesn't respond well to the desire line of residents of the development wishing to use this footpath to walk towards the southern end of the village, in that the formal, legal route of the public right of way goes across the field from the eastern edge of the proposed development, with no short cut from the south-western corner.

Should the application be approved, it is recommended that an additional clause be written into the Section 106 agreement to require a pedestrian link to be provided in perpetuity linking from the south-western corner of the development to public footpath CL1/4. As footpath CL1/4 is not hard surfaced there would be no reason for the link path to be hard surfaced.

Contributions of £50,000 are also offered to improve public transport. These funds would be used to extend Somer bus route 169 (which has been funded to run from Clutton to Bath and would run 6 services per day) to instead begin its route at Temple Cloud. These funds will subsidise the expansion of this service for 4 years.

Subject to the required obligations being entered into, the proposals are considered to be acceptable in highway safety and accessibility terms.

#### C. IS THE LOSS OF AGRICULTURAL LAND ACCEPTABLE?

The NPPF advises (paragraph 112) that Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Whilst the applicants describe the agricultural fields as underused, residents

have submitted numerous photos showing the fields in arable production and report the fields as being consistently used for arable crop production. On the basis of the details received, the fields look to have been well used for agricultural production.

The council's records show the land being Grade 3 agricultural land (of good to moderate quality) whilst objectors comment that Natural England record the land as being grade 2 land (very good quality). It is not clear which record is correct.

Whilst the proposed development would result in the loss of agricultural land of moderate to very good quality, given the presumption in favour of sustainable development, officers do not consider that this adverse impact would demonstrably or substantially outweigh the benefits of the additional housing delivered.

#### **D. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF THEIR LANDSCAPE IMPACTS, TREE IMPACTS, DESIGN AND RELATIONSHIP WITH ADJOINING RESIDENTIAL AREAS?**

##### **Landscape Impact**

The site was assessed as part of the Strategic Housing Land Availability Assessment, which provided commentary on the likely landscape impact arising from the development of the site.

This commented that the impact of the development on landscape character would be low given the current influence of development around much of the area. The development would have a low visual impact from the wider countryside in that it is visually enclosed by development and the landform. There would be a moderate effect from surrounding houses due to the loss of the semi-rural aspect and a moderate effect from public footpaths which are already running along the developed boundary. The development could be successfully mitigated by allowing sufficient room in the development for large growing specimen trees as features and provision of a native hedgerow along the boundary with the countryside which should not be incorporated into garden boundaries.

In respect of this specific application Planning and Landscape officers would back up this assessment. The proposed development would have a locally significant impact, due to the loss of the semi-rural outlook for surrounding dwellings and also the significant change to the setting of public footpaths passing through the site. The wider impacts would however be relatively limited, in that the fields are significantly influenced and contained by the existing residential areas to the east and west.

Landscape Officers commented at pre-application stage that the housing development ended arbitrarily and logically should have included the oak tree in the centre of the field, which is the main landscape feature. Planning officers agree, and also consider that the development could have a better relationship with the public footpath CL1/4 which would be a logical southeastern boundary to the development. However this is not considered to be supportable as a reason for the refusal of the application. If approved the planning obligation package would include a commitment to provide a pedestrian link between the south-west corner of the site and footpath CL1/4 which would resolve this concern.

Given the need to find additional housing land, and presumption in favour of sustainable development, officers do not consider that the application could

sustainably be refused on the grounds of its landscape and visual impacts.

#### Design, Layout and Tree Impacts

The application is in outline and therefore the layout plan is an illustration of how the development could look, but is not submitted for formal consideration.

Officers consider that there is sufficient space within the site for a development of 70 dwellings to be designed without resulting in unacceptable harm to adjoining residents through overshadowing or overlooking effects. Further design work is needed to resolve the layout, and in particular to ensure that the public rights of way that pass through the site influence the design of the roads and spaces through which they would pass, however these issues can also be discussed and resolved at reserved matters stage, at which point the detailed design of the individual buildings and spaces will also be considered. Issues such as overlooking and overshadowing would also be addressed at this time.

The proposals take measures to protect the hedgerow on the northern boundary of the site, which is of ecological importance, and which would be retained within a buffer zone beyond residents gardens, with a hit and miss fence constructed inside the line of the hedgerow. This would enable residents to cut back the hedge to the line of the hit and miss fence, but would leave it unaffected beyond this boundary.

It is not considered that there are any design issues that would justify this outline application being refused, or that are not capable of being addressed through amendments to the layout and design of the scheme at reserved matters stage.

#### E. ARE THE PROPOSALS ACCEPTABLE IN TERMS OF THE DELIVERY OF PLANNING OBLIGATIONS?

The development would provide all of the planning obligations required of it, as set out in the Supplementary Planning Document entitled Planning Obligations, providing affordable housing, contributions to enhance educational provision and recreational provision to meet the needs of the increased population and transport enhancements.

The contributions towards education and public open space will depend on the housing mix and extent of public open space to be provided within the site, but neither of these variables are fixed at present. Therefore, whilst officers in these departments have indicated the scale of contributions that would be justified on the basis of the indicative details submitted, the planning agreement will provide security that contributions will be provided to mitigate these impacts, with the exact amount of the contribution being agreed at reserved matters stage according to the housing mix and exact number of dwellings.

A £10,000 contribution has been requested by the Council's Economic Regeneration team to fund a training and work experience initiative during construction works. Whilst undoubtedly beneficial, adopted planning policy lends no support to requiring such a contribution, and therefore this cannot be made a requirement of the planning obligation, however the applicants have agreed to accept a condition requiring a local employment and training scheme to be put forward during the construction of the development. This would achieve some of the same objectives, albeit without requiring a financial contribution on the part of the developer.

Residents have requested that contributions be set aside towards the repair of

the play equipment located to the back of Cameley School which would be more intensively used as a result of the development going ahead. The latest information is that this playground has been repaired and is now in full working order, and therefore no funds are necessary to bring it back into working order, however officers are currently seeking clarification from the Parks department as to whether contribution should be required to upgrade this facility, which is well related to the application site.

Whilst the development offers to deliver affordable housing at a rate of 35% the Council's housing department has raised concerns about the overall housing mix and type of some of the affordable housing proposed (which would not meet local needs), and that affordable housing would be grouped together rather than pepper-potted across the development as is council policy. The applicant has confirmed that they would be willing to include a clause in the legal relating to affordable housing, requiring that eligible individuals have a connection to the Council area.

As is noted in the application however, the application is in outline, and therefore these matters will be considered in due course as part of the reserved matters application, and can also be controlled through the Section 106 Planning Agreement.

#### **CONCLUSIONS**

As stated earlier in the report, due to the policy situation in BANES, the application is to be considered against national guidance set out in the National Planning Policy Framework, with a presumption that the local authority should grant permission unless there are any adverse impacts in doing so that would significantly or demonstrably outweigh the benefits of the scheme. This is the key policy test against which the proposals must be considered.

Whilst outside the housing development boundary, the site is relatively accessible, with the primary school, village hall, shop and bus stop within 400 metres. The site is however not well served in terms of provision of employment within walking or cycling distance of the site.

The Council's Highways department advise that the proposals are acceptable in terms of highway safety.

The development would provide housing which would help to meet the shortfall within the district, would incorporate affordable housing and would provide the appropriate contributions to off-set the impact of the development, both in terms of the capacity of the school, pedestrian and public transport infrastructure and public open space.

Whilst there are significant public objections to the scheme, and officers consider that the development would cause some landscape harm and harm through the loss of moderate to good agricultural land this degree of harm would not substantially and demonstrably outweigh the benefits of the development, which in the main would consist of providing additional housing to meet the shortage in the district.

#### **RECOMMENDATION**

A. Authorise the Planning and Environmental Law Manager to enter into a Section 106 Agreement to secure:

Transport and Accessibility

1. £75,000 towards the cost of speed restraint measures and safety



schemes (including vehicle activated signs) on the A37 which will help improve the operation of the Temple Inn Lane junction;

2. £10,000 to fund the rationalisation of signage on the junction of Temple Inn Lane with the A37; or part thereof should planning application 13/04456/FUL be approved.

3. £50,000 towards the enhancement of public transport to serve the proposed development;

4. The provision of a direct public footpath link to Cameley Church of England Primary School (diverting Public Footpath CL 1/3) and contributions of £8,000 to fund any associated admin costs and construction costs, any unused funds to be returned to the developer.

5. The provision in perpetuity of a pedestrian link between the south-west corner of the site and footpath CL1/4 to provide a continuous and convenient legal route towards the southern edge of the village for residents of this part of the development. This link shall be available for public use at all times; and

6. The implementation of the site access works shown in drawing 12001/200 the works to be completed prior to the first occupation of the development.

#### Affordable Housing

7. The provision, on site, of 35% Affordable Housing the housing mix to be agreed in writing with Bath and North East Somerset Council

#### Open Space and Recreational Facilities

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

9. Details of the arrangements for the on-site maintenance of public open space, local food production area and existing/proposed trees, hedgerows and landscaping.

#### Education

10. Contributions to fund the need for primary school places and Youth Services provision places arising from the development, the amount of the contribution to be calculated prior to reserved matters consent being granted and calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009, or any equivalent subsequently adopted Document. The agreed contributions shall be provided prior to the commencement of development.

#### Community Facilities

11. Contribution of £80,000 towards the upgrading of Village Hall facilities (extensions and resurfacing of car park)

#### Protection of northern Hedgerow

12. The applicant and subsequent house owners backing onto the northeastern hedge boundary shall commit:

a. To not cut back the hedgerow on the north-eastern boundary of the site beyond the line of the post and wire fence forming the boundary of the Property and not to reduce the height of such hedgerow below [ x ] nor the width of it below [ x ].

b. To maintain the hedgerow [shown [ ] on the Plan] in so far as it forms the boundary of the Property and carry out such pruning or cutting as may be necessary (subject always to the covenants in clause [ ] above) and where within a period of five years from the date of the development being completed such hedgerow dies, is removed, becomes seriously damaged or diseased to replace the same within 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.

These commitments are to be written into covenants to be placed on each of the plots abutting the hedgerows.

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 she may determine):

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

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

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

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

3 The development hereby permitted shall be carried out only in accordance with the recommendations of the approved Ecological Survey dated August 2013 and the approved note entitled Protection of Hedgerow on North Eastern Boundary dated 26 November 2013.

For the avoidance of doubt, prior to the commencement of development a plan shall be submitted plotting the alignment of the hit and miss fence in relation to the hedgerow and northern site boundary. The fence shall be erected in accordance with this plan prior to the occupation prior to the first occupation of the development, and shall thereafter be retained.

Reason: to avoid harm to wildlife and the retained northern boundary hedgerow

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

(i) Findings of all necessary update surveys including update survey for badgers

(ii) Outstanding details of all necessary ecological mitigation including exclusion zones for the protection of retained habitats and fencing specifications for exclusion zones

(iii) Details of all proposed external lighting including lux level contour plans demonstrating retention of dark corridors for wildlife and light spill of zero lux



onto wildlife habitat and no greater than 1 lux on adjacent vegetation

(iv) Specifications and planting schedule for all proposed habitat creation and specifications for long term wildlife-friendly management of all retained and created habitat areas

(v) Additional information as applicable for all other ecological measures and details to be shown on plans and drawings as applicable

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

Reason: to avoid harm to wildlife and protected species including bats and for long term retention and management of ecological value and habitats at the site

5 No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains.

6 No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

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

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

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

8 Details of the on-going maintenance of the underground rainwater storage tanks, including the body responsible for maintenance and a maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority prior to construction. Therefore maintenance shall be carried out in

accordance with the agreed details.

Reason: To ensure satisfactory maintenance arrangements are made in the interests of flood risk and highway safety.

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

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

10 Prior to the commencement of development a local employment and training scheme identifying measures to recruit local people during the construction process, together with an associated skills and training programme, shall be submitted to and approved in writing by the LPA. The approved scheme shall then be implemented and maintained unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of ensuring the development benefits local employment provision.

11 Prior to the commencement of works to form a breach in the northeastern hedgerow to form a pedestrian link to Meadway, details shall be submitted to and approved by the Local Planning Authority of the natural hedgerow arch or similar structure to be constructed over the breach. The hedgerow arch shall be completed prior to the occupation of the development and thereafter maintained in line with the hedgerow mitigation report submitted to the Council on 29th October 2013.

Reason: To provide a convenient link to the school whilst maintaining the continuity of this habitat, to facilitate continued use by bats, birds and mammals.

12 The proposed estate roads, footways, footpaths, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing 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.

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

13 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

14 No part of the development hereby permitted shall not 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.

15 Before the dwellings are first occupied, new resident's welcome packs shall be issued to purchasers which should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., together with complimentary bus tickets for each household member to encourage residents to try public transport. The content of such packs shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

16 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.

17 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.

Reason: To ensure the safe operation of the highway.

18 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

- Drawing 01 Nov 2013 TEMPLE CLOUD HEDGE MITIGATION
- Drawing 131031 3200 REV C Illustrative Masterplan
- 130816 1001 A SITE LOCATION PLAN
- PROTECTION OF HEDGEROW ON NORTH EASTERN - 26 Nov 2013
- 04 Nov 2013 TEMPLE CLOUD HEDGE MITIGATION
- SUPPLEMENT TO ECOLOGICAL REPORT - NORTH-EASTERN HEDGEROW - 28TH OCTOBER 2013
- STATEMENT OF COMMUNITY INVOLVEMENT
- ARCHAEOLOGICAL DESK BASED ASSESSMENT
- TRANSPORT STATEMENT
- AFFORDABLE HOUSING DELIVERY STATEMENT
- LANDSCAPE AND VISUAL IMPACT ASSESSMENT
- ECOLOGICAL SURVEY
- EXISTING LAYOUT - A37 / TEMPLE INN LANE LAYOUT- DRAWING 12001/300 REV O
- PROPOSED SITE ACCESS - DRAWING 12001/200 REV O
- PROPOSED ILLUSTRATIVE SITE SECTIONS - DRAWING 13130/2100
- FLOOD RISK ASSESSMENT
- PLANNING STATEMENT
- ARBORICULTURAL CONSTRAINTS REPORT

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](http://www.planningportal.gov.uk).

### 3 Diversion of Footpath

Further consents will be necessary to divert footpath CL 1/3 which passes through the site.

### 4 Surface Water Drainage

The surface water drainage scheme for the proposed development must meet the following criteria:

1. Any outflow from the site must be limited to 10l/s as agreed with Wessex Water or the Qbar Greenfield rate whichever is less, as per the agreed Flood Risk Assessment.
2. The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.
4. The adoption and maintenance of the drainage system must be addressed and clearly stated.

We would expect to see the following details when discharging condition 9:

- o A clearly labelled drainage layout plan showing the pipe networks and any attenuation ponds, soakaways and drainage storage tanks with volumes marked on. This plan should show any pipe node numbers referred to in the drainage

calculations and the numbers invert and cover levels of manholes.

- o A manhole schedule.

- o Model runs to demonstrate that the critical storm duration is being used.

- o Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 critical duration storm event. If overland flooding occurs, a plan should also be submitted detailing the location of overland

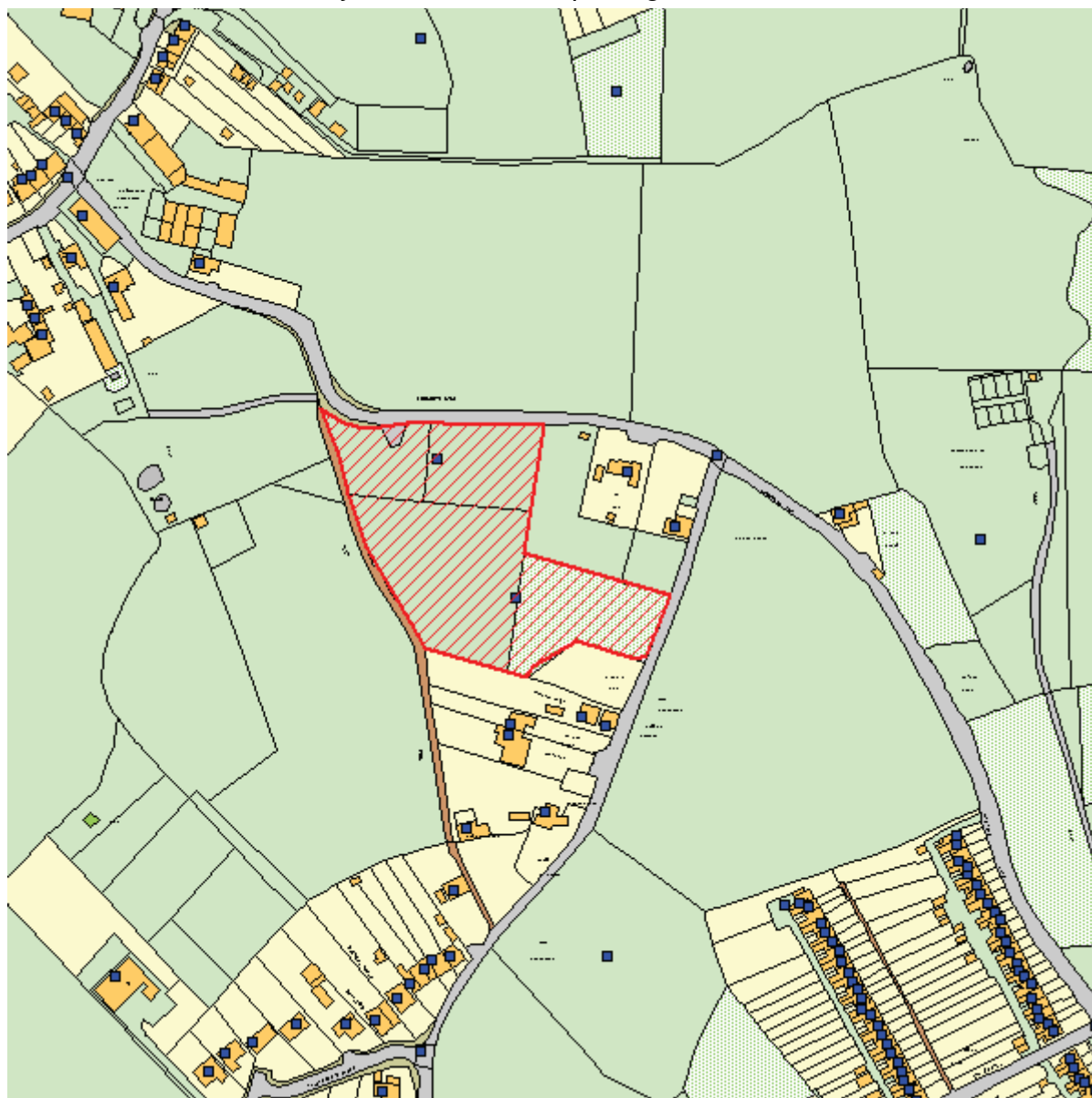
flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with the National Planning Policy Framework.

### 5 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 has worked proactively and positively with the

applicants by determining the application as submitted, whilst resolving outstanding issues through planning conditions and Planning Obligations

**Item No:** 04  
**Application No:** 14/01261/FUL  
**Site Location:** Land Adjacent To Tree Tops Firgrove Lane Peasedown St. John Bath



**Ward:** Peasedown St John

**Parish:** Peasedown St John

**LB**

**Grade:** N/A

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

**Application Type:** Full Application

**Proposal:** Erection of straw bale, timber frame, living/work unit. (Retrospective)



<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt,
<b>Applicant:</b>	Mrs Zoe Hawes
<b>Expiry Date:</b>	13th May 2014
<b>Case Officer:</b>	Andy Pegler

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE

Cllr. Hartley has requested that this application be considered by Committee. The Chairman has agreed to this request, for the reason that this retrospective application is complicated.

### THE SITE:

The site lies to the south of Firgrove Lane, within the largely-undeveloped area between Peasedown St. John and Carlingcott. Measuring some 2.4 acres (1 hectare), the land - described by the applicant as an agricultural smallholding - rises from the lane towards the south. It is divided into four main areas - a building/parking/utility area is adjacent to the entrance; a garden area (including 3no. polytunnels) occupies the lower slope; and, on the upper slope, are areas of meadow and orchard.

A public footpath runs from Firgrove Lane, along the western boundary of the site. The land on the opposite side of the lane is within the Green Belt.

### THE APPLICATION:

The application is retrospective, and seeks the retention of a live/work unit which has recently been constructed, and is currently occupied by the applicant and her family.

Measuring some 11 metres by 6.5 metres, the building is timber-framed and timber-clad, with an internal infill of straw. A covered veranda, some 2 metres deep, extends along the frontage of the building. The roof is finished in profiled metal sheeting, and incorporates a dormer roof extension, and roof lights. The submitted drawings do not describe a rear extension of the building, which has recently been added and is intended to provide a shower facility.

Internally, approx. one quarter of the ground floor is used as a produce preparation area, the remainder being in primarily residential use. Two separate loft areas, accessed by ladders, provide sleeping facilities.

Beyond the building - and not indicated on the submitted drawings - are a toilet cubicle and a shepherds hut, the latter used to provide guest accommodation.

The submitted supporting statement describes, inter alia, the background and intentions of the applicant; and seeks to demonstrate the functional and financial need for a dwelling.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

**HIGHWAYS:** Raise concern at the unsustainable location of the development; and at the sub-standard nature of the access.

### PARISH COUNCIL:

Support the application, on the basis that it will have a minimal impact on the community; that there will be minimal vehicle movements; and that the building is not easily visible.

### THIRD PARTIES:

Some 64 representations of support have been received, citing the contribution of the applicant to the health and educational well-being of the local community, and beyond; the

low impact of the building; the admirable lifestyle/endeavours of the applicant; and the approach to sustainable agriculture and diversity. There has been 1 letter of objection, and 1 which suggests that any permission should be restricted to only the current applicant. 4 representations support the current undertaking, but suggest that any planning permission should be temporary and/or personal to the applicant. 1 representation points out that the development is outside of the designated Housing Development Boundary, and represents encroachment. It is further pointed out that the applicant was previously able to manage the land from a property in Carlingcott.

## **POLICIES/LEGISLATION**

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- o Core Strategy
- o Saved Policies in the B&NES Local Plan (2007)
- o Joint Waste Core Strategy

The following policy of the Core Strategy is relevant to the determination of this application:

Policy SV1 seeks, inter alia, to protect and enhance the distinctive character of the area, including its landscape, built and historic environments.

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application:

Policy ET.5: employment development in the countryside;

Policy HG.10: housing development outside of settlements;

Policy NE.1: landscape character; and

Policy T.24: appropriate highway development control criteria.

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development, i.e. in accordance with the Development Plan, having regard to economic, social and environmental considerations.

## **OFFICER ASSESSMENT**

### **PRINCIPLE OF DEVELOPMENT:**

The site lies beyond the designated Housing Development Boundary of Peasedown St. John. Saved Policy HG.10 seeks to resist dwellings in such locations, unless it can first be demonstrated that there is an essential need. The presumption against development is carried forward in the NPPF, which requires that relevant functional and financial tests are applied.

Mindful of the above requirements, an independent agricultural appraisal has been commissioned by the Council. The subsequent report has thoroughly considered all information submitted by the appellant, including that which relates to crop production and animal husbandry, and has concluded that the tests are not passed. The numbers of animals are insufficient to both make a significant contribution to the business and to create a significant degree of essential care to establish a clear existing functional - an essential - need for a worker to live on site. Furthermore, the extent and nature of the



labour demand - even during unsociable hours - does not create a need for the worker to live on site.

Regard has been had to the regular public walks organised by the applicant; and to instances of theft and vandalism. In an assessment of functional need these are however a secondary planning matter which, together with the personal circumstances of the applicant, do not outweigh the principal considerations.

With regard to the requirement for a financial justification, if this business is established, then it does not generate sufficient income to support a farm worker. If it is a fledgling business, then the application for a permanent dwelling is premature.

Until recently, the applicant and her family resided at a property only 250 metres from the site; the intention apparently was to re-locate to an adjacent property, which then became unavailable. It is clearly considered that nearby properties can adequately serve the requirements of this enterprise.

It has not been adequately demonstrated that there is sufficient labour relating to a commercial rural enterprise to pass this test; nor has it been adequately demonstrated that an alternative dwelling within the nearby settlements could not satisfy any generated need.

Were a need to be demonstrated, the size of the dwelling would appear to be commensurate with the needs of a farm worker. However, it is not yet clear that the dwelling is commensurate with the needs of the enterprise or this holding of less than one hectare.

The applicant's husband works full time as a graphic designer, is the primary income generator and is not a dependent of the applicant.

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#### ACCESS:

Access to the site is via a narrow rural lane with no footways or street lighting, and which would not generally be considered suitable to serve new residential development. The location of the site is considered to be remote from local services and access to public transport, with the lack of footways and lighting leading to such facilities deterring anyone who would wish to walk or cycle. Whilst there can clearly be some reduction in travel needs with workers being resident on-site, a residential unit will, in itself, generate additional trips associated with school runs, shopping, leisure trips etc.

Visibility on exiting the site, to both the left and right, falls significantly short of the required standard. Whilst some mitigation measures could be undertaken, these would likely be to the detriment of the prevailing landscape character.

#### LANDSCAPE CHARACTER:

The surrounding area - between the villages of Peasedown St. John and Camerton - is largely undeveloped, the land on the opposite side of the lane comprising Green Belt. The open field pattern, and the narrow lanes defined by tight hedgerows, are features of the area.

The introduction of a residential unit, together with the associated structures, parking and other residential paraphernalia has had, and would continue to have, a detrimental impact upon the prevailing/pre-existing landscape character. The partial screening afforded by the boundary hedgerows would vary in effectiveness throughout the year.

#### NATURE OF THE ENTERPRISE:

The growing of the various crops and the keeping of livestock, in themselves, raise no concerns; and the practice of the applicant appears to be well supported, both locally and further afield. It should be noted however that the practice operated during the period

when the applicant resided off-site, and was expected by the applicant to continue to do so following re-location to another property, also off-site. The erection of a dwelling on-site has not been demonstrated to be essential to the on-going enterprise.

#### **PERSONAL CIRCUMSTANCES:**

The supporting statement submitted by the applicant draws attention, inter alia, to the nature of the family unit which includes two adopted daughters, and to the benefits of close involvement with activities on the land. The applicant suggests, further, that as the main full-time carer for her daughters it is not possible to separate domestic and work duties. However, whilst such matters weigh in favour of the development, they do not outweigh the identified harm.

#### **CONCLUSION:**

The development is in an unsustainable location beyond any designated development boundary. No essential need has been demonstrated to justify an exception to the presumption against such development.

The development generates additional traffic, via a sub-standard access, onto a sub-standard road network, to the detriment of the interests of highway safety.

The introduction of a residential unit, together with the associated structures, parking and other residential paraphernalia has had, and would likely continue to have, a detrimental impact upon the area's prevailing/pre-existing landscape character.

The benefits of the applicant's practice; her contribution to the local community; and the personal circumstances of her family weigh in favour of the development, although do not outweigh the identified harm.

#### **RECOMMENDATION**

**REFUSE**

#### **REASON(S) FOR REFUSAL**

1 The development is sited in an unsustainable location, beyond any designated development boundary. No essential need has been demonstrated to justify an exception to the presumption against such development. The development is therefore contrary to saved Policy HG.10 of the Bath & North East Somerset Local Plan 2007; and Policy SV1(1) of the Core Strategy 2014.

2 The development generates additional traffic, via a sub-standard access, onto a sub-standard road network, to the detriment of the interests of highway safety. The development is therefore contrary to saved Policies T.1 and T.24 of the Bath & North East Somerset Local Plan 2007.

3 The introduction of a residential unit, together with the associated structures, parking and other residential paraphernalia has had, and would likely continue to have, a detrimental impact upon the area's prevailing/pre-existing landscape character. The development is therefore contrary to saved Policy NE.1 of the Bath \_ North East Somerset Local Plan 2007; and Policy SV1(1) of the Core Strategy 2014.

**PLANS LIST:** Location plan; floor plans; elevations and section (all un-numbered) dated 18th March 2014.

**DECISION TAKING STATEMENT:**

In determining this application the Local Planning Authority is mindful of 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. This application is however retrospective and there has been no opportunity for pre-application dialogue. The applicant has been afforded the opportunity to respond to expressed concerns; and the application was brought before Committee for a decision at the earliest opportunity. The proposal was considered unacceptable for the reasons given.

**Item No:** 05  
**Application No:** 14/01495/FUL  
**Site Location:** Rentokil Tropical Plants Pipehouse Nursery Pipehouse Freshford  
Bath Bath And North East Somerset



**Ward:** Bathavon South      **Parish:** Freshford      **LB Grade:** N/A  
**Ward Members:** Councillor Neil Butters  
**Application Type:** Full Application  
**Proposal:** Erection of 10 no. dwellings, including access road, car parking and hardstanding, landscaping and associated works and services following demolition of existing buildings and structures.  
**Constraints:** Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, Mineral Consultation, MOD Safeguarded Areas,  
**Applicant:** Belgravia Land Ltd  
**Expiry Date:** 23rd July 2014

## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE**

The application is a significant development for a small hamlet. The Chair of the Committee has agreed that this application should be considered by Committee.

### **SITE CONTEXT**

The application site consists of a set of vacant commercial buildings located on on Pipehouse Lane in Freshford. The site was formerly a plant nursery which was then occupied by a storage and distribution use and so the site contains a number of buildings, including a large warehouse, a derelict greenhouse and areas of hardstanding. The site itself is dominated by some significant Lombardy Poplars along the eastern boundary, which are visually significant in the landscape setting of the site and do contain wider views to the A36, and are visible when approaching the site from the lane.

Pipehouse consists of a linear hamlet of rural cottages strung along the lane, associated with, but separated from the main village of Freshford by the A36. The site lies within the Green Belt and also within the Cotswolds Area of Outstanding Natural Beauty (AONB). Pipehouse Lane itself is a rural unclassified road which is accessed directly from the A36. It is narrow dead-end road and does not have street lights or pavements. On-street parking is also very limited on Pipehouse Lane and turning facilities are also limited, with larger vehicles either turning in the junction to the application site or in an informal turning head at the end of the road.

There are no facilities in Pipehouse Lane itself, but bus services run along the A36 approximately 300 metres from the site. Freshford village has a primary school, two churches, a pub, doctors surgery, shop / cafe and train station. The site is 1.2 km from the school, 900 m from the shop / café / community hall and 1.8 km from the railway station. A 20-30 minute service runs from Freshford to Bath.

Pipehouse lane and the properties within it have a very rural, tranquil character. At present the site has the appearance of a derelict industrial site within an urban area, and so detracts from the intimate rural character of Pipehouse Lane.

### **PROPOSALS**

Planning permission is sought for the demolition of the existing buildings and re-development of the site to form 10 dwellings. The properties are proposed to be arranged as a terrace of two-storey cottages along the site frontage, in line with the adjoining cottages. These are proposed to be the affordable houses. The remaining larger detached houses would be arranged around informal courtyards stretching back into the site which would be shared by pedestrians and cars. The layout is designed so as to allow refuse vehicles to turn in the space between plots 6, 7 and 5 and the road would be adopted as far as this point. The proposed junction onto Pipehouse Lane, whilst significantly tighter than the existing bellmouth, which is designed to allow large lorries to access the site, is nevertheless wider than necessary for the level of use required, in order

to allow informal turning by large vehicles accessing the other properties in Pipehouse Lane.

At the Council's request, amended plans were submitted showing the following changes:

- Hedgerow on front boundary omitted in favour of stone wall. Area between stone wall and carriageway / driveway to be seeded with wild flower margin
- Visitor Parking bay created on site frontage
- Plot 5 repositioned to the north away from the canopy of adjacent trees
- Plot 8 repositioned 2 metres to the north to give greater separation to Scots Pine
- Front gardens added to plots 8, 9 & 10.
- Layout and design of plot 7 changes. Location of garage revised
- Open pergola created to house car parking serving plots 1 - 4
- Incorporation of 1 metre wide tree maintenance strip alongside eastern boundary, to allow maintenance / retention of trees.
- Addition of porches to plots 1-4

#### RELEVANT PLANNING HISTORY:

12/05346/CLEU - Use of the principal warehouse building, greenhouse and other buildings within Use Class B8 - approved 21.01.13

13/02871/PREAPP - Proposed erection of 11 dwellings

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS CONSULTATION**

HIGHWAYS DEVELOPMENT CONTROL -recommend refusal as an unsustainable form of development.

Because of the existing site use, there would be no overall increase in the number of traffic movements that could potentially be generated by the site. There is also likely to be a significant reduction in the number of HGV movements that could potentially be generated by the site. Because of this potential reduction, the highway authority is not in a position to object to the standard of vehicular access via Pipehouse Lane or the visibility splays provided at the site access. It is also noted that Pipehouse Lane is lightly trafficked and in the vicinity of the site access, the lane is a slow speed environment.

From a sustainability perspective, the site is located in a relatively isolated position. There are bus stops provided at the junction of the A36(T) Warminster Road and Pipehouse Lane, however, no dedicated pedestrian facilities are provided to link the site to the stops, and users would need to cross the A36(T) Warminster Road to access the southbound stop. The bus frequency operates at a two hourly period, and this frequency means that bus travel will not always be convenient. It is considered that the facilities, including the rail station, provided in Freshford village are beyond easy walking distance and no dedicated pedestrian facilities are provided to or from the site. Street lighting is not provided on any of the local roads, and therefore walking at times of reduced light would not be an option for many of the prospective residents.

The level of car parking promoted for the development is considered to be appropriate. Given the isolated and unsustainable location of the proposals, the response of the highway authority is one of OBJECTION for the following reason:

"The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Policy T.1 of the Bath & North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007, Policy 1 of the Bath and North East Somerset, Bristol, North Somerset and South Gloucestershire Joint Replacement Structure Plan, and the National Planning Policy Framework, which seek to facilitate the use of sustainable modes of transport."

#### FURTHER HIGHWAY COMMENTS - 5th June

On behalf of local residents, IMA Transport Planning (IMA) has produced a statement which reviews the potential transport impacts of the proposed development. In response, the applicant has commissioned Key Transport Consultants Ltd (KTC) to review the issues and comments made. This additional highways response considers the issues raised within both documents.

In general, the IMA statement identifies many of the issues that were raised in the initial highway response, and in particular the sustainability concerns relating to the site's location.

The IMA statement also provides detailed analysis of the potential impact of increased traffic on Pipehouse Lane and the site access. Whilst I agree that a significant increase in the number of traffic movements could have an impact on the operation of Pipehouse Lane, I have been informed that the existing site does have a valid B8 use. This being the case, the existing site could potentially generate similar traffic levels as compared to the proposed use, and a higher number of larger vehicles could be routed to and from the site. This is also presented in the KTC statement, and I do not disagree with the traffic numbers as presented. Accordingly, the highway authority is not in a position to object to the proposed development on traffic impact grounds.

The potential impact of the development traffic on the operation of the A36 trunk road, which is not a route managed by B&NES Highways, is something that may need to be considered by the Highways Agency.

Given the issues noted in this additional response, my original objection to the scheme on sustainability grounds remains. For clarification, should permission be granted, the highway authority request that due to the size of the site / number of properties and the need to ensure that adequate servicing can be achieved, at least part of the site highway should be constructed to adoptable standards. It may be possible for the rear of the site could remain private, however, a turning facility for refuse vehicles would need to be provided within the adoptable area.

#### FURTHER HIGHWAY COMMENTS 21.07.14

The submitted drawing, reference 0493-001B, demonstrates that a refuse vehicle can turn within the site between Plots 5 and 7. Although the potential area for highway adoption needs to be agreed, this additional information helps to demonstrate that the vehicle can



turn within the highway that could potentially be put forward for adoption. The drawing also shows a location for a refuse collection point and this is located a convenient distance from the turning area.

#### HIGHWAYS AGENCY - NO OBJECTION

Whilst the Agency does not consider the development to represent a location where the need to travel will be minimised and the use of sustainable transport modes maximised, the traffic generation from 10 dwellings is likely to be modest, comparable and probably less than that generated by the lawful use. The accident profile of the A36 (T) and Pipehouse Lane does not indicate any current or manifesting problems with turning at this location, and given the comparable or possibly reduced generation from the proposal and the associated gain via the reduction of larger vehicles, the proposal is unlikely to alter the current situation.

#### PUBLIC RIGHTS OF WAY TEAM - No Objection

Confirmed that the Council could bring about the creation of a public right of way parallel to Pipehouse Lane, through the adjoining 3rd party land. Contributions of £19,000 would be required to cover the administrative costs of the Order, the physical costs of laying the right of way and ongoing maintenance costs for the first three years. The applicant would also have to undertake to pay any compensation which becomes payable to the landowner as a result of the coming into effect of a creation order.

#### URBAN DESIGN - No Objections

Context - The site has been recognised as brownfield land in the AONB and the principle of development accepted. The site represents an anomaly in the linear structure of development in Pipehouse Lane, intruding into the open countryside on a ridge that is visible from distance. The quality and protection of boundary landscape is of particular significance. This is addressed in comments from the landscape architect.

Amount - The proposed amount of development is above Freshord draft NDP figures. However, the proposed amount does not cause harm to the character of the area or neighbours. It is noted pre-application engagement resulted in amendments to address concerns about neighbour amenity.

Height and Massing - This is considered acceptable.

Layout - The layout is a significant improvement upon the original pre-application proposal. The concept of courtyard development is considered appropriate. The extent of development into the site is considered justified. The decision to place the important tree-lined eastern boundary within the rear gardens of proposed properties protects their roots from access-way construction. However, it places them within private owner guardianship, which may risk incremental loss over time and loss of essential screening. This may be addressed if a maintenance strip is created with garden boundaries set back. Boundary landscape would become part of the management of communal areas.

The developed areas shall be considered in two zones.

Southern Entrance Courtyard - In principle the layout is logical and acceptable. It may be more effective to front units 6 and 7 directly onto the hard surface or contain them behind a stone boundary wall. There is a clash of farmyard and suburban detailing here.

The garden boundary treatment addressing the parking must be stone wall (I am not clear if this is the case).

I am concerned that the treatment of the principle access route is a material that is both robust and visually connects with Pipehouse Lane. This could be as simple as a tarmac surface with a potential setted threshold at each end. The gravel treatment is more suited to the courtyards within.

North Courtyard - The basic distribution of development is appropriate.

Appearance - The house designs are based upon a contextual analysis and have an opportunity to have their own identity within the enclosed site. They are therefore considered acceptable subject to detailing of materials.

Materials - Materials are broadly stated on the application form. In principle these are acceptable.

However, materials will be critical to the successful integration of this anomalous development site into the townscape. These should be addressed through condition and should include surface materials.

ADDITIONAL URBAN DESIGN COMMENTS - No objection subject to conditions.

The revised layout has interpreted the points we made at the recent meeting to a satisfactory degree.

The front courtyard has been amended to enclose parking within a pergola and alter the appearance of units to remove symmetry. A detail, there seems to be a strange roof arrangement to the southern unit. Also chimneys on these and other units would respond to context better. I note that there are chimneys, but these could be placed in more visible locations to this end.

Boundary treatment to all properties is a key detail. Plot 6 retains a grass boundary running to the side (adj bin store). I am not convinced this will be successful, but will defer to landscape comments.

ARBORICULTURE - No Objections to amended plans, subject to conditions

A revised Site Layout (drawing 1402/PL/04 Rev F) has been provided which includes a maintenance strip along the eastern boundary. The revision also alters the footprint position and shape of plot 5 which improves the relationship between offsite trees T4 and T5 and onsite tree 743.

The relationship of plot 5 with the offsite tree T3 is still not clear as this tree is still not located on the drawings. Based on a comparison between the Tree Constraints Plan and revised site layout the trunk will be opposite the south western most corner so will require cutting back to the boundary to accommodate the building and scaffolding. The revised

layout would have been better informed if this tree had been plotted. This remains an issue but is not sufficient to object to the proposal.

PARKS - No objections subject to contributions of £17,769.96 being provided towards the enhancement of existing Formal green space provision and the provision and construction of Allotments.

PLANNING POLICY - No Objection subject to conditions

- o Freshford & Limpley Stoke have a joint Neighbourhood Plan which is currently in draft and therefore can be afforded limited weight.
  - o The draft neighbourhood Plan notes the site as a brownfield site (draft policy NP.2), and as such in principle re-development for a limited amount of new housing is supported.
  - o Only two brownfield sites are identified across both parishes in the Neighbourhood Plan. Aside from these sites is very limited potential land supply for new housing across the parishes. This site therefore has a role in providing a limited amount of new housing in line with the Draft Neighbourhood Plan.
  - o The Draft Neighbourhood Plan supports the provision of affordable housing on this site.
  - o The local need for 6-8 affordable houses across the Parishes is identified in the Draft Neighbourhood Plan, based on a 2011 local housing needs survey ( see p12 para 4.04 and draft policy NP.1 & NP.2). This scheme would provide 4 affordable homes. This should be afforded limited weight and weighed in favour of the development.
  - o The need for 1 and 2 bedroom affordable homes is also noted (4.08) again something which this scheme contributes towards.
  - o The local need for affordable housing and the very limited supply of potential sites in the parishes should be weighed against the sustainability of this specific location.
  - o The draft Neighbourhood Plan clearly demonstrates the sustainability of Freshford & Limpley Stoke as parishes, with an excellent range of local services and facilities and good public transport provision which is accessible on foot from the site (bus to Bath and Freshford village centre and 15-20 minute walk to Freshford train station). Subject to potential road safety concerns there are clear alternatives to car use.
- Design issues

There are a number of other issues which should be noted which relate specifically to this scheme, in favour of the development:

- o Adequate car parking is provided on site which will protect against parking pressure in the adjoining area (p10 para 3.3);
  - o The changes to the scheme since pre-application stage have been positive and the current scheme much better reflects sites rural character and settlement pattern.
- The following issues warrant further consideration, and should also be afforded limited weight, there may be a need for a planning condition in relation to the following areas:

- o The dwellings should maintain a rural, not suburban character (draft Neighbourhood Plan p10 para 3.3) and elements of detailing could be adjusted to better reflect this e.g. porches, fenestration, building line (frontage to the road within the site could be brought forwards- plots 4 & 5).
- o The development should be developed to meet Code for Sustainable Homes level 5 (draft Neighbourhood Plan p10 para 3.3). However, this is not a requirement and due to the orientation of the buildings it is unlikely that Code 5 could be reached for this scheme,

as solar PV combined with fabric enhancements would be the most cost effective way to meet this requirement. As a minimum the scheme should specifically better address elements from the code e.g. recycling storage, dedicated cycle storage, designing in potential future PV installation.

- o The absence of street lighting and maintenance of dark skies should be secured both as the site is located within the AONB and as an important element of the rural character of the parish. Street lighting should not be introduced as part of highways works.

- o Rural character which would support the roads within the development not being adopted, to maintain a rural rather than suburban character (draft Neighbourhood Plan p10 para 3.3).

- o Some of the trees earmarked for removal appear to have the potential to be retained within in scheme - particularly at the west and rear of plot 5.

- o The Parishes are currently seeking to improve the safety of residents crossing the A36 and are seeking for the Highways Agency to provide pedestrian refuges and to consider speed limits (p24 para 7.24). Subject to comments from the Highways Agency and Transport comments a developer contribution could be sought to help to secure this.

- o The proposal is seen to be an enhancement in terms of visual amenity as this is an existing warehouse/storage site, which despite being well screened/contained does not contribute to the qualities of the AONB. In particular the view of the site from Pipehouse lane is considered to be an improvement.

- o The importance of dry stone walls is an important AONB and local characteristic and should be incorporated at the frontage to the site.

- o It is noted that the design approach in the DAS has informed the two distinct parts of the site - the farmyard/courtyard at the north and the linear development at the south. This east-west access is considered appropriate in terms of character; however, there are missed opportunities in terms of orientation and layout of internal spaces to make use of solar gain and natural light. Furthermore, garden spaces are often then north facing which can be problematic.

- o The alternative access on the eastern side could be utilised to address these issues, but would not be likely to be secured with the retention of the Poplars. The built form at the northern part of the site is also less successful.

- o The principles outlined in the adopted Sustainable Construction & Retrofitting SPD apply, in particular:

- o Hard standing should be permeable and free-draining

- o Solar orientation should be considered so that roofs are solar ready and natural light and passive ventilation utilised

- o Basic sun-tracking should be utilised to allow this to be properly considered

LANDSCAPE OFFICER - No Objection

EDUCATION - No objection subject to contributions of £34,029.88 being secured to provide primary age places and youth provision.

HOUSING SERVICES - NO OBJECTIONS, SUBJECT TO THE AFFORDABLE HOUSING BEING SECURED IN THE LEGAL AGREEMENT.

Freshford Parish council has been keen to see the delivery of affordable housing for local people for many years and has made this a priority in its Neighbourhood Plan. This site has previously been under consideration as an affordable housing site. Recognising this

local aspiration for affordable housing, the applicant is proposing an above policy requirement for affordable homes which is supported by Housing Services.

The proposed mix of affordable homes reflects the requirements of the local community and is as requested by Housing Services. Whilst not a rural exception site, the allocation of these homes through the Council's Homeseach policy will prioritise local people in housing need.

The applicant has given significant consideration to the design and standards of the proposed affordable homes, basing them on the design specification of a national rural housing association. The applicant is aware of the requirement to meet lifetime homes standard for the units.

Whilst not ideal, it is acknowledged that design constraints restrict the opportunity for in curtilage parking.

ENVIRONMENTAL PROTECTION - No Objection subject to conditions.

ARCHAEOLOGY - No Objection - no conditions required.

FLOOD RISK MANAGEMENT AND DRAINAGE - no Objection subject to conditions.

CONTAMINATED LAND OFFICER - No Objections subject to conditions

AVON AND SOMERSET CONSTABULARY - No objection subject to conditions.

- o All the highways and car parking areas must be provided with street lighting that complies with BS5489:2013.

- o The submitted statements and drawings indicate a stone wall and hedging boundary to the east and west of the development but no height for this boundary is indicated. These boundaries should be a minimum of 1.8m high in order to prevent access the the rear gardens of the properties.

- o The wall forming the boundary of the garden of Plot 7 should be a minimum of 2m high as it has no natural surveillance and is exposed. This wall is also susceptible to graffiti and should be painted with an anti-graffiti coating over its full height.

- o The wall forming the curved entrance to the site also forms the rear boundary to Plot 5. This wall should be a minimum of 2m high.

- o Some of the car parking is provided under car ports. These should be provided with low energy PIR lighting in order to prevent crime and increase the occupants perception of safety.

- o There is no indication as to the boundary of Plot 10. This boundary should be protected

ECOLOGY - no objection subject to conditions

## **POLICIES/LEGISLATION**

### **POLICIES**

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

- D.2 - General design and public realm considerations
- D.4 - Townscape Considerations
- BH.6 - Development affecting Conservation Areas
- BH.8 Improvement work in Conservation Areas
- HG.7 Minimum residential density
- T.1 Overarching access policy
- T.3 Promotion of walking and use of public transport
- T.6 Cycling Strategy: cycle parking
- 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
- NE.10 Nationally important species and habitats
- NE.11 Locally important species & habitats
- NE.12 Natural features: retention, new provision and management
- NE.13 - Water Source Protection Area
- IMP.1 Planning obligations

#### Bath and North East Somerset Draft Core Strategy

- DW1 District Wide Spatial Strategy
- RA1 - Development in the Villages meeting the listed criteria
- RA2 - Development in Villages outside the Green Belt not meeting Policy RA1 Criteria
- CP2 - Sustainable Construction
- CP6 Environmental Quality
- CP9 - Affordable Housing
- CP10 - Housing Mix
- CP13 - Infrastructure Provision
- Planning Obligations Supplementary Planning Document - Adopted July 2009
- National Planning Policy Framework
- Freshford Neighbourhood Plan.

### **OFFICER ASSESSMENT**

#### **A. PRINCIPLE OF DEVELOPMENT**

##### Green Belt Considerations

National and local planning policy seeks to retain the openness of the Green Belt by restricting inappropriate development, however the NPPF allows for "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), 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 consists of previously developed land. With the exception of the terrace of houses along the site frontage (plots 1 - 4) and plot 5, the dwellings would be



within the footprint of the existing buildings, and of considerably less bulk and height than the existing warehouse building. The application details a significant reduction in the built volume from 9930 cubic metres to 6756. The DAS also highlights that the development is a 32% reduction in built form and a 48% reduction in built site coverage.

Considering the impact of the development against the 5 purposes of Green Belt Designation, the following comments can be made:

- o Purpose 1: At this location the Green Belt does not contribute significantly to restricting the sprawl of large built up areas (i.e. Bath), particularly as the site is an existing developed site
- o Purpose 2: At this location and scale of development the Green Belt does not contribute significantly to the purpose of preventing neighbouring towns from merging into one another
- o Purpose 3: to assist in safeguarding the countryside from encroachment - This purpose is not compromised, as this is a brownfield site with existing bulky warehouse/storage buildings and that the proposals would not extend the building line and curtilage into the Green Belt
- o Purpose 4: At this location the Green Belt does not contribute significantly to the setting and historic character of historic towns
- o Purpose 5: to assist in urban regeneration, by encouraging the recycling of derelict and other urban land - This purpose is not compromised as this is a previously developed site.

In conclusion, it is not considered that the proposed development would have a greater impact on the openness of the Green Belt and the purpose of including land within it. Therefore the proposals are considered to be acceptable in terms of Green Belt considerations.

Given the compliance of the proposed development with Green Belt policy, it would not be reasonable to restrict development to the southern portion of the site.

## SUSTAINABILITY

Concerns have been raised about the sustainability of this location and the accessibility of the site to services. Whilst bus services are accessible within easy walking distance of the site (300 metres), and the train station in Freshford offers good and regular access to Bath, it is likely that the narrow lanes, lack of pavements and street-lighting linking the site with these facilities would deter residents from using sustainable forms of transport. Further facilities are available in the village centre, but not within convenient walking distance of the site. Therefore, whilst the facilities in Freshford itself are well provided for a settlement of its size, and residents could access these facilities on foot or by bike, and get into Bath using public transport, it is likely that to an extent the use of the site will be car dependent.

Were the site to be undeveloped, there is no doubt that the residential re-development of the site would be resisted for this reason, but the site has a legitimate B8 use and could be re-occupied without planning permission, and this must be taken into account when considering sustainability and transport issues.



Objectors have raised concerns as to the likelihood of a B8 use being re-established on the site, and whether the traffic generation rates are realistic.

In recent appeal decisions on planning applications, Inspectors have commented that the prospect of a fall back does not have to be probable, or even have a high chance of occurring in order to be a material consideration in the determination of applications. In this case, the site was occupied commercially until approximately April 2013, and therefore it is entirely possible that the site could be re-occupied by another storage distribution use. Additionally, whilst it appears that when the site was last in commercial use, the use was at a relatively low level, it could not be assumed that a new B8 use would generate similarly low traffic levels.

Both the Highways Agency and the Council's own Highways Department have interrogated the applicants figures for the traffic generation from the established use and considered a highways report submitted on behalf of IMA Transport planning on behalf of local residents. Both advise that the established B8 could potentially generate similar traffic levels as the proposed use, and a higher number of larger vehicles.

Taking these considerations into account, and additionally the benefits to residents and to the character of the AONB of the removal of a non-conforming use, the principle of the proposed development is considered to be acceptable in terms of sustainability considerations.

Freshford Parish Council request that contributions be provided towards the creation of a public right of way linking the site with Freshford. Taking into account the Council's concerns in respect of sustainability, this is in principle a reasonable requirement, and officers consider that it would be proportionate to create a public footpath linking the site with the A36 to provide a safe and direct route through to the bus stops. The Council has powers through its Public Rights of Way Team to compulsorily create public footpaths where in the public interest, with compensation being paid to the landowner.

In such a rural context the most appropriate way to do this would be to retain Pipehouse Lane as it is and provide a crushed gravel path immediately inside the field to the north of the lane. Both for ecological reasons and to protect the character of the AONB it would not be appropriate to introduce traditional street lighting along this route, though it might be possible to incorporate low level, low intensity lighting.

The contribution cover the administrative costs for processing the legal order, and the costs of the physical work, with the developer paying compensation to the owner of the land separately.

## FRESHFORD AND LIMPLEY STOKE NEIGHBOURHOOD PLAN

A further consideration that weighs in favour of the proposed development is the provision of Affordable Housing. The draft Neighbourhood Plan identifies that a lack of smaller and more affordable homes has made it difficult for young families to remain in, or move into the villages, and that longer-term the lack of younger families will threaten the viability of key local facilities such as the primary school and community shop. The draft Neighbourhood Plan identifies a demonstrable need for 6 to 8 affordable homes and specifically identifies the site as a brownfield site suitable for 6 - 8 dwellings.

The proposed development of 10 dwellings offers the provision of 4 affordable homes. This is in compliance with Core Strategy policy CP9 and would meet half the level of need identified in the Neighbourhood Plan, but exceeds the capacity of the site as envisaged in the Draft neighbourhood Plan.

## HIGHWAY AND PEDESTRIAN SAFETY

Objections have been received about the number of dwellings proposed and the impact in terms of traffic generation. As discussed above, taking into account the established B8 use of the site which involves the use of Pipehouse Lane by HGV's, the Highways Agency and the Council's Highway Engineers consider the proposals to be acceptable in terms of highway safety.

Officers note the road safety proposals contained in the draft Neighbourhood Plan consisting of the introduction of a village gateway on Pipehouse Lane, on the approach into Freshford, the creation of a 20 mph speed limit along this road and the creation of a 40mph limit along Warminster Road. These measures would help to improve highway safety and the safety of cyclists and pedestrians travelling into the village centre.

It is not considered that the Council could reasonably insist on the construction of a separate construction access to the site, given the costs of doing so and the uncertainty of gaining control of 3rd party land. However given the narrowness of Pipehouse Lane it is clear that the construction of the development would require careful planning to minimise disruption occurring on Pipehouse Lane, which is the sole access to the site and the existing dwellings beyond it. This could include giving consideration to the timing of deliveries to avoid peak hours, phasing the development so as ensure that space is made available clear of the main road for the loading and handling of materials, and giving consideration to providing or managing contractor parking.

Highways Officer advise that the proposed parking provision is adequate. The dwellings at the back of the site are generously provided with parking, with approximately 4 spaces per dwelling. The Affordable dwellings at the front of the site are provided with 1.5 spaces each, and the latest layout shows a further visitor space on the site frontage. It is likely that in necessary further informal parking could take place within the development without affecting Pipehouse Lane.

## AMOUNT, DESIGN AND LAYOUT OF PROPOSED DWELLINGS

### Scale / Amount of Development

As discussed above, the village design statement within the Draft Neighbourhood Plan supports the principle of re-developing the site, but suggests that the site has a capacity of 6-8 dwellings rather than the 10 dwellings proposed. Objectors and Hinton Blewett Parish Council consider the proposals to be an over-development of the site.

The proposals approach the site in two halves. The proposed terrace of cottages along the site frontage (plots 1 - 4) follow the building line of the adjoining former Council Houses and are sympathetic to the scale and form of properties in Pipehouse Lane.

The land to the rear is developed with larger detached properties clustered around courtyards, each of which has a generously sized garden.

As a whole the proposed development would have an average density of approximately 16 dwellings per hectare. Saved Local Plan policy HG.7 (Residential Densities) advises that "Densities in excess of 30 dwellings per hectare will be expected in order to maximise the use of housing sites."

Given the sensitive nature of the site within the AONB and the distinctive rural character of Pipehouse Lane, a density of 30 dwellings per hectare would be totally inappropriate for this site. Officers consider that the relatively low density of the site is reflective of and sympathetic to the rural context of the site. It is not considered that an argument that the site is "over-developed" could be defended at appeal.

As referred to above, the Draft Neighbourhood Plan stresses the need to deliver affordable housing and the scarcity of sites in Freshford where they could be delivered. Policy CP9 (Affordable Housing) does enable the council to seek affordable housing provision on sites of between 4 and 9 dwellings, but only at a rate of 20%, half the rate that we can demand on schemes of 10 dwellings or more. Consequently, the intensity of the proposed development could be reduced, but it would immediately halve the proportion of affordable housing that could be secured.

Taking this into account, officers support the quantum of development proposed.

## DESIGN AND LAYOUT OF DWELLINGS

Freshford Parish Council have objected to the application and suggested that the access should be constructed along the eastern edge of the site, rather than retained in its existing position along the western edge.

The Council's tree officer has raised concerns about this alternative arrangement in that the road would be likely to have service run trenches passing along it which would sever the roots of the poplar trees and threaten their retention. Additionally it would require more intensive management of the existing hedge on the eastern boundary to avoid it growing into the road. Clearly similar problems could arise with the currently proposed native hedge on the western boundary, however this would be a new landscape feature and has no existing ecological value.

The Parish Council have commented that the gardens should face south and west where possible in that as proposed the gardens would be overshadowed, with the hardstandings having the most favoured positions.

It is correct that a number of the gardens will experience some overshadowing in places, however the site is proposed to be developed at a very low density, and as a consequence the gardens are in general quite large, giving residents flexibility as to how they use their gardens. The majority of the plots have front gardens of varying sizes, which in this rural context will be very quiet places, not dominated by traffic. Additionally as the site is accessed from the south, it seems logical to predominantly place private gardens to the rear or side of dwellings so that the houses can front onto and properly define the public / shared spaces within the development, which the development does

well. Whilst the layout could be amended to reduce the overshadowing of gardens, it is not clear how this could be achieved without giving rise to other adverse consequences in terms achieving an acceptable layout. It is not considered that the layout is unacceptably flawed in this respect, or that the refusal of the application could be justified on these grounds.

Criticisms have also been made that the dwellings are formulaic in appearance and don't relate to the local building style. The application is accompanied by a detailed design and access statement. Essentially this characterises the site's long thin shape as anomalous in the context of the grain and pattern in Pipehouse Lane which has the form of a linear cluster of dwellings primarily addressing Pipehouse Lane itself. With the support of the Council's urban design officer the scheme has been designed with dwellings on the southern part of the addressing the lane where possible, with the remainder having a more rural character with dwellings appearing as individual properties within a rural landscape, rather than having the appearance of a suburban street. As a consequence, in general the approach appears to be design those dwellings which will be prominent from Pipehouse Lane (plots 1 - 4, 6 & 7) in a contextual manner (as rural cottages) with a freer hand taken to the design of less prominent dwellings. Urban design and Planning officers consider this approach to be acceptable.

Officers note the aspiration to achieve Code for Sustainable Homes level 5 as set out in the draft Neighbourhood Plan, however this exceeds the requirements set out in the Adopted Core Strategy policy (CP2) which does not require a specific Code level. The application confirms that 35% of the new homes would be designed to achieve Code for Sustainable Homes Level 3. The proposals would also utilise a Sustainable Urban Drainage System, would seek to utilise local materials where possible.

## LANDSCAPING

Concerns have been raised about the success of the wildflower margins on the bellmouth to the site and about a landscaped strip along the side of plot 7. With the low overall number of dwellings proposed in the scheme, the very low traffic levels on Pipehouse Lane and the informal rural character of the hamlet, it seems highly likely that these areas will be adopted and maintained by the owners of the adjoining properties, as has happened with the road margins elsewhere in Pipehouse Lane. If these areas are not maintained by residents, it is likely that they would be colonised by hedgerow plants in a similar manner to other areas of road margin in Pipehouse Lane. Given the informal, rural nature of Pipehouse Lane and the proposed development, either eventuality would be acceptable.

A condition of the consent would be to provide a full landscaping scheme.

## CRIME AND SECURITY

The police have raised concerns about the detail of boundary treatments. Officers agree with the majority of the comments, which require 1.8 - 2.0 metre high boundary walls to rear gardens and which can be resolved through planning conditions. The recommendations include however requirements for street lighting to the access road and parking areas and the inclusion of anti-graffiti paint to the side boundary wall of plot 7 which is described as being exposed and poorly overlooked.

In a more urban context, such measures would be clearly appropriate, but the context of the site and this part of the AONB is distinctly rural. The lack of street lighting along Pipehouse Lane is an essential part of this character and the inclusion of conventional street lighting would be harmful and inappropriate. In any case the size of the development is such that residents would likely to be known to one another and there would be a degree of overlooking of the access road through the site from all of the dwellings fronting onto it. From the same perspective the inclusion of anti-graffiti paint to the side boundary wall of unit 7 is not considered to be necessary.

## **PLANNING OBLIGATIONS**

As detailed in the Consultation responses, the development would need to be subject to a planning obligation securing contributions towards education provision, the delivery of the affordable housing, contributions towards the provision of Formal Green Space and Allotments and the provision of the Public Right of Way.

## **CONCLUSIONS**

The proposed development would have no greater impact on the openness of the Green Belt than the existing buildings on the site. The development would have a substantial positive impact on the character and appearance of the site and the Character of the Area of Outstanding Natural Beauty, would remove a non-conforming use from a residential area and would secure the provision of needed Affordable Housing in Freshford. The proposals are considered to be sympathetic in terms of their design and materials to their context.

Whilst facilities are well provided in Freshford, there are reservations about the sustainability of the site, due to their distance from the site and the lack of pedestrian infrastructure. However given the established B8 use on the site and the other material benefits resulting from the development listed above, officers consider the proposals to be acceptable, subject to the completion of a Section 106 agreement.

## **RECOMMENDATION**

Authorise the Divisional Director, Development to PERMIT subject to condition(s)

## **CONDITIONS**

A. Authorise the Planning and Environmental Law Manager to enter into a Section 106 Agreement to secure:

### **Transport and Accessibility**

1. The provision in perpetuity of a public footpath to provide a traffic free pedestrian route from the site to the junction of Pipehouse Lane and Warminster Road and contributions of £19,000 to fund any associated admin costs and construction costs, any unused funds to be returned to the developer.

### **Affordable Housing**

2. The provision, on site of 40% Affordable Housing

#### Open Space and Recreational Facilities

3. Contributions £17,769.96 being provided towards the enhancement of existing Formal green space provision and the provision and construction of Allotments.

#### Education

4. Contributions of £34,029.88 being secured to provide primary age places and youth provision.

#### Protection of boundary hedgerows

5. The applicant and subsequent house owners backing onto the eastern hedge boundary, northern shall commit:

a. To not cut back the hedgerow on the eastern boundary of the site beyond the line of the post and wire fence forming the boundary of the Property and not to reduce the height of such hedgerow below 2.5 metres nor the width of it below 5 metres.

b. To maintain the hedgerow [shown [ ] on the Plan] in so far as it forms the boundary of the Property and carry out such pruning or cutting as may be necessary (subject always to the covenants in clause [ ] above) and where within a period of five years from the date of the development being completed such hedgerow dies, is removed, becomes seriously damaged or diseased to replace the same within 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.

These commitments are to be written into covenants to be placed on each of the plots abutting the hedgerows.

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

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



- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - o human health,
    - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - o adjoining land,
    - o groundwaters and surface waters,
    - o ecological systems,
    - o archaeological sites and ancient monuments;
  - (iii) (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: 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.

3 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: 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.

4 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: 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.



5 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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, 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 3.

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.

6 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) Method statement for precautionary measures to avoid harm to reptiles, nesting birds, small mammals and other wildlife during site clearance and construction work
- (ii) Details of any proposed new external lighting demonstrating that it is wildlife-friendly and demonstrating dark corridors at the vegetated site boundaries
- (iii) Details and findings of pre-commencement checks at the site including precommencement checks for badger activity
- (iv) Details of soft landscaping to incorporate native planting, to include details with specifications, locations and numbers of all habitat features including bird and bat boxes and all other measures to enhance the scheme for wildlife as set out in the approved Ecological Impact Assessment dated March 2014

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 and replace habitat for wildlife and protected species

7 No demolition, site preparation or development shall take place until an arboricultural method statement (AMS) and 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 AMS shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The AMS 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. It shall include site supervision, completion certificates and the appointment of an arboricultural consultant.

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.

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

Reason: To mitigate the loss of trees for the development. In the interests of the appearance of the development and the surrounding area.

9 All 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.

10 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 or enlargement of dwellings 5, 6 and 10 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 adjoining retained trees.

11 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include hours of operation, details of the management of deliveries (including unloading and storage arrangements and timing of deliveries), contractor parking, traffic management and wheel washes. The development shall be carried out in full accordance with the agreed construction management plan.

Reason: To minimise disruption to Pipehouse Lane (which is a no through road), ensure the safe operation of the highway and protect the amenity of surrounding residents.

12 Prior to the commencement of development details shall be submitted to and agreed of cycle parking provision for plots 1 - 4. These areas shall be secure, sheltered and shall not be used other than for the parking of cycles in connection with the development hereby permitted, and shall be provided prior to the first occupation of the development and thereafter retained.

Reason: In the interests of sustainable development.

13 Sample panels of all the external materials and finishes and demonstrating coursing, jointing and pointing to the masonry and all hard paved surfaces (including roads and footpaths) are to be erected on site and shall be approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in full accordance with the approved details and sample panels and the Sample Panels shall be retained on site until the development is complete. For the avoidance of doubt the boundary walls fronting onto Pipehouse Lane ( plots 1 - 5) shall be constructed as natural dry stone walls.

Reason: To ensure that the external appearance of the development is satisfactory in order to protect the character and appearance of the Area of Outstanding Natural Beauty.

14 Prior to the commencement of development Infiltration test results and soakaway design calculations to BRE Digest 365 standard and drawings of the proposed soakaway designs should be submitted to and approved by the local planning authority. Should infiltration test results prove that soakways are not a viable way to discharge surface water then an alternative drainage strategy should be submitted to and approved by this office. The drainage should be constructed in full accordance with the details agreed.

Reason: To ensure the proposed soakaways are adequate to accept surface water discharges from the development in the interests of flood risk management and highway safety

15 Prior to their construction a full schedule of proposed boundary walls shall be submitted to and approved in writing by the local planning authority, detailing their height and construction. The development shall thereafter be carried out in accordance with the agreed details, prior to the first occupation of the dwellings.

Reason: To ensure the development is satisfactory in appearance and to ensure the security of the properties.

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.

#### **PLANS LIST:**

1 This decision relates to drawing nos

- o Drawing 03989 TCP 29.05.2013 TREE SURVEY
- o DRAWING 1402-PL01 SITE LOCATION PLAN
- o Drawing 1243-CL02 REV A EXISTING WAREHOUSE BUILDING
- o Drawing 1243-CL03 EXISTING WAREHOUSE BUILDING
- o Drawing 1402-PL02 REV A CONTEXT PLAN
- o Drawing 1402-PL03 REV B BLOCK PLAN
- o PROPOSED REVISED SITE LAYOUT - Drawing 402-PL04 REV F
- o Drawing 1402-PL05 REV A SITE CROSS SECTION & STREET SCENE
- o PROPOSED GROUND FLOOR PLAN - PLOTS 1-4- DRAWING 1402-PL06 REV B
- o PROPOSED FIRST FLOOR PLAN PLOTS 1-4- Drawing 1402-PL07 REV B

- o PLOTS 1-4 ROOF PLANS DRAWING 1402-PL08 REV A
- o PROPOSED FRONT ELEVATION - PLOTS 1-4 Drawing 1402-PL09 REV A
- o PROPOSED REAR ELEVATION - PLOTS 1-4 Drawing 1402-PL10 REV A
- o PROPOSED GROUND AND FIRST FLOOR PLANS - PLOT 5 - Drawing 1402-PL11 REV B
- o PLOT 5 ROOF PLAN - Drawing 1402-PL12 REV A
- o PROPOSED ELEVATIONS - PLOT 5 Drawing 1402-PL13 SHEET 1
- o PROPOSED ELEVATIONS - PLOT 5 Drawing 1402-PL14 REV B - SHEET 2
- o PROPOSED GROUND FLOOR PLANS - PLOTS 6 AND 7 - AMENDED PLAN - 1402-PL15 REV B PLOTS 6
- o PROPOSED FIRST FLOOR PLANS - PLOTS 6 AND 7 - Drawing 1402-PL16 REV B
- o PROPOSED ROOF PLAN - PLOTS 6 AND 7 - Drawing 1402-PL17 REV B
- o PROPOSED ELEVATIONS SHEET 1 - PLOTS 6 AND 7 - Drawing 1402-PL18 REV C
- o Drawing 1402-PL20 REV A PLOT 8 GROUND AND FIRST FLOOR PLANS
- o Drawing 1402-PL21 PLOT 8 ROOF PLAN
- o Drawing 1402-PL22 REV A PLOT 8 ELEVATIONS SHEET 1
- o Drawing 1402-PL23 PLOT 8 ELEVATIONS SHEET 2
- o Drawing 1402-PL24 PLOT 9 GROUND AND FIRST FLOOR PLANS
- o Drawing 1402-PL25 REV A PLOT 9 ROOF PLAN
- o Drawing 1402-PL26 REV B PLOT 9 ELEVATIONS SHEET 1
- o Drawing 1402-PL27 PLOT 9 ELEVATIONS SHEET 2
- o Drawing 1402-PL28 REV A PLOT 10 GROUND AND FIRST FLOOR PLANS
- o Drawing 1402-PL29 REV A PLOT 10 ROOF PLAN
- o Drawing 1402-PL30 REV A PLOT 10 ELEVATIONS SHEET 1
- o Drawing 1402-PL31 PLOT 10 ELEVATIONS SHEET 2
- o Drawing 1402-PL32 COVERED CAR PARKING
- o Drawing 1402-PL33 SITE CROSS SECTION
- o PROPOSED ELEVATIONS SHEET 2 - PLOTS 6 AND 7 - Drawing 1402-PL19 REV A
- o REVISED TRACKING DIAGRAM SHOWING REFUSE VEHICLES - Drawing 2014 0493-001 REV B
- o ECOLOGICAL IMPACT ASSESSMENT
- o LANDSCAPE AND VISUAL IMPACT APPRAISAL
- o SUSTAINABLE CONSTRUCTION CHECKLIST
- o TRANSPORT STATEMENT
- o Drawing 03 Apr 2014 1402-PL06 REV A SUPERCEDED - PLOTS 1-4 GROUND FLOOR PLAN...
- o ARCHAEOLOGICAL DESK BASED ASSESSMENT
- o GROUND CONDITIONS DESK STUDY
- o PLANNING STATEMENT
- o TREE SURVEY DATA SHEETS
- o DRAWING 12/3971 TOPOGRAPHICAL SURVEY

2 Decision Taking Statement

The Council has worked proactively and positively with the applicants by negotiating to resolve outstanding issues prior to determining the application within an agreed timescale.

### 3

#### Code of Practice during construction

- No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.
- The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.
- The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings

#### 4 Informative in respect of condition 14 - Soakaway design

The tests required in respect of condition 14 are to confirm the viability of soakaways (and appropriate sizing). The Council's Flood Drainage team support the proposal to size soakaways to accommodate the 1in100 yr (+30%) rainfall events. The roof areas of the proposed plots are larger than 100m<sup>2</sup>. Building regulations Part H, section 3 (3.30) specifies that soakaways serving an area of this size or greater should be built in accordance with BS EN 752-4 (paragraph 3.36) or BRE Digest 365 soakaway design. In particular the soakaway design should allow for future maintenance.

**Item No:** 06  
**Application No:** 14/00892/OUT  
**Site Location:** Land Opposite Tunley Farm House Wood Lane Priston Bath Bath And North East Somerset



**Ward:** Bathavon West      **Parish:** Camerton      **LB Grade:** N/A  
**Ward Members:** Councillor David John Veale  
**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



## **REPORT**

### **UPDATE FOR COMMITTEE**

Reasons for referring the application to committee

The applicant does not wish to provide a footpath in accordance with the Committee's resolution to grant permission for the proposed development.

At committee on the 4th June 2014 the committee overturned a recommendation to refuse application 14/00892/OUT: the proposal for two live work buildings and the re-alignment of the highway at land opposite Tunley Farmhouse.

The committee minutes for this decision are recorded as follows in respect of the motion being passed:

"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."

Following this resolution discussions have taken place in respect of a legal agreement for the permission. The legal agreement would need to include the works to the junction and the provision of the footpath. Following discussions with the applicant's agent the applicant has expressed that they are not willing to fund the complete provision of the footpath. The provision of the footpath and the junction improvements are likely to be costly and would make the scheme unviable. He is also aware that there is some funding available from the Council already in place for the provision of the footpath.

The applicant has suggested that he is willing to make a contribution to the provision of the footpath but would not fund it in its entirety. He has suggested that he is willing to make a contribution of up to £10,000 and that this will be negotiated once the costing of the junction improvements have been calculated. Members should therefore be aware that a contribution of £10,000 is not guaranteed and if it were this would not deliver the required footpath.

The previous application was recommended for refusal by officers due to the fact that the development is within the Green Belt and outside the housing development boundary. However, the committee agreed to approve the application on the basis that there were very special circumstances and these included the provision of the Overdale to Tunley footpath. As the proposal does not now include the complete provision of the footpath the application is contrary to the committee's previous resolution. The application is therefore recommended for refusal.

The original report for this application is available below for information purposes.



## REPORT PRESENTED TO COMMITTEE ON 4TH JUNE 2014

### Reasons for reporting the application to committee

The application is being reported to the committee as Camerton Parish Council, Dunkerton Parish Council and Priston Parish Council all offer support for the application. The reasons given are as follows:

#### Camerton Parish Council

The application complies with the NPPF and the local plan. An exception to Green Belt policy can be made as the site is previously developed land and wouldn't have a greater impact on the openness of the Green Belt. The developer has offered the parish council a S106 agreement for the proposed Tunley to Overdale footpath. The benefits of the improvements to the highway outweigh the disadvantage.

Dunkerton Parish Council supports the application due to the improvements to the junction and believes the site is an exception to policy.

Priston Parish Council supports the changes to the junction but do not comment on the proposed buildings.

The application has been referred to Councillor Curran who has agreed that the application should be considered by the committee the Parish Councils are in support and the site is difficult in respect of access and Planning Policy.

### Site Description

The application relates to a site on the north side of Tunley Hill on the junction with The Woodlands (also known as Wood Lane). The site is to the west of the main part of Tunley village with a cluster of houses and other buildings. The site has previously been in use for the storage of plant, skips and materials and the transfer of waste, however, this use was not lawful and subject to enforcement action. There is a building to the north side of the site which has become lawful over the passage of time.

The site is within the Bristol/Bath Green Belt as well as being well outside of the Housing Development Boundary for Tunley. The site is also adjacent to Tunley Farmhouse which is a Grade II Listed Building.

### Application Proposals

The application is for outline consent only with all matters except access reserved. The proposals seek to reconfigure the junction of The Woodlands with Tunley Hill to improve visibility. The junction would be relocated to the north taking in part of the corner of the site and some of the existing highway land.

The application is also for two live/work buildings to be constructed on the site. As the application is outline only the design and layout of the proposals are only indicative at this stage. The indicative drawings submitted with the application show two detached buildings which would have the appearance of dwellings and include attached double garages. The

indicative floor plans show each building having an area of office space on the ground floor as well as living accommodation and three bedrooms at the first floor level.

#### Relevant History:

There is a significant amount of planning history associated with this site particularly in relation to Enforcement action at the site. The most relevant and most recent planning history is as follows:

A Certificate of Lawfulness 12/03767/CLUE sought to confirmation that the following where immune from enforcement action "Use of land and building as a builders yard (Sui Generis) (Certificate of Lawfulness for an Existing Use)." This was refused on 23rd October 2012.

An Enforcement Notice (12/00735/UNFAUTH) was then issued with the following reasons given:

- a) It appears that a breach of planning control occurred within the last 10 years
- b) The use represents inappropriate development, is visually intrusive, and fails to maintain the openness of the Green Belt and character and local distinctiveness of the landscape contrary to Policies GB.1, GB.2 and NE.1 of the Bath and North East Somerset Local Plan
- c) The nature of associated vehicle movements on a sub-standard highway network is detrimental to the interests of highway safety, contrary to Policy T.24 of the Bath and North East Somerset Local Plan
- d) Disturbance resulting from activity generated by the use causes significant harm to the amenities of neighbouring residential properties contrary to Policy D.2 the Bath and North East Somerset Local Plan
- e) No very special circumstances exist sufficient to outweigh the harm caused by inappropriateness, and other harm.

An appeal (ref. APP/F0114/C/13/2194924) was made against this notice and this appeal was dismissed on 24th September 2013. The requirements of the notice were to cease the use of the Land for the storage of plant, skips and materials and for the transfer of waste. This notice has been complied with.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### Representations From Parishes:

Camerton Parish Council - Support. The changes are exceptions that can be made for the partial or complete redevelopment of brownfield land and the development will not have a greater impact on openness. The applicant also offered the Parish Council a Section 106 agreement to contribute to the proposed Tunley to Overdale footpath which means that the benefits of the application far outweigh any disadvantage thereby it is deemed to be sustainable development. The development is also sustainable because it is not car dependent for access to local facilities and services. The site is on a bus route and as they are live/work units they will not lead to any increase in commuter traffic. The improvements to the highway also mean that the application complies with policy T.24 of the local plan saved to the draft core strategy. Recommend that consent is granted the

proposed improvement works to the highway must be undertaken. A contribution to the Tunley Over dale footpath scheme under a Section 106 agreement must be mandatory. The rear entrance of Tunley Farm to be blocked off or left turn only.

Case officer note - there has been no mention of a S106 agreement from the applicant as part of this application and the request for one would not pass the tests of reasonableness and the footpath would not relate specifically enough to the proposed development. The application cannot control that the entrance to Tunley Farm be blocked off as this is outside the application site and the scope of the application.

Dunkerton Parish Council - Support the changes to the junction and note that the proposals comply with paragraph 89 of the NPPF in respect of limited infilling of brownfield site.

Priston Parish Council - Support the changes to the junction but do not comment on the buildings.

#### Representations from the Public:

Representations have been received from six individuals and the comments made are summarised as follows:

- The rear entrance to Tunley Farm is a right of way for residents of Cheddar House, Dairy Cottage and Tunley Farm House and was supposed to have been blocked off at the farm end some time ago.
- Some vehicles coming from Priston use the cut through the farm to access Tunley Hill.
- Concerns regarding how the building would conform to the surrounding buildings.
- Concerns regarding the purpose of the workshops.
- Concerns with whether heavy vehicles would use the land
- Concerns in respect of noise.
- No need to alter the road layout
- Conditions should be in place to control working hours.
- It is not suitable and it a very bad junction.

#### Support including:

- New dwellings on a brownfield site
- Adaption of Priston Lane is an improvement
- Dwellings would enhance community feel to this end of the village
- Dwellings would provide additional security for the dwelling on the south side of the road
- The development would stop any other probably less desirable use of the land.
- No objection to houses but concerns about work/business being carried out on site.

## Consultation Comments:

Flood Risk Management and Drainage - no objection subject to condition in respect of surface water drainage.

Archaeology - no objection subject to watching brief condition.

Arboriculture - concerns raised initially however further information supplied and now no objection subject to condition in respect of tree protection.

Ecology - no objection subject to condition in respect of details of a Wildlife Protection and Enhancement scheme being submitted.

Highways - no objection to the principle of changes to the junction but objection due to concerns in respect of details provided. Objects to the development on the basis of it being unsustainable.

Contaminated Land - no objection subject to conditions.

## **POLICIES/LEGISLATION**

Bath and North East Somerset Local Plan (including minerals and wastes) adopted October 2007

SC.1 - Settlement Classification

D.2 - General Design and Public Realm Consideration

D.4 - Townscape Consideration

ET.4 - Employment development in and adjoining rural settlements

ES.9 - Pollution and nuisance

ES.10 - Air quality

ES.12 - Noise and vibration

ES.15 - Contaminated land

HG.6 - Residential Development in the R.3 Settlement

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.4 - Trees and woodland conservation

NE.9 - Locally Important wildlife sites

NE.11 - Locally important species and habitats

NE.12 - Natural features: retention, new provision and management

T.1 - Overarching Access Policy

T.24 - General Development Control and Access Policy

T.25 - Transport assessment and travel plans

T.26 - On-site parking and servicing provision

Bath & North East Somerset Draft Core Strategy December 2010

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

National Planning Policy Framework - March 2012

## **OFFICER ASSESSMENT**

### **Presumption in Favour of Sustainable Development**

The NPPF states that there should be a presumption in favour of sustainable development and that where a plan is out of date development should be approved unless policies within the Framework indicates that development should be restricted and footnote 9 highlights the Green Belt as such a restriction. As the site is within the Green Belt the land is restricted and development is not considered to be appropriate (as discussed below) and therefore the presumption in favour of sustainable development does not apply in this instance.

Principle of the Development:

### **The Proposed Use**

The application proposes to construct what it describes as two live/work units. There is limited guidance in planning policy in respect of live/work units and there is no established definition. In general live/work units are units of living accommodation, which are specifically designed to accommodate work facilities for those residing therein. The application is outline and only limited details have been provided in respect of the live/work unit element of the scheme. The indicative plans submitted with the application show two large buildings which would appear externally as dwellings. The indicative floor plans show three bedroom dwellings each with a ground floor office. The drawings indicate that the office space would have a separate entrance and access to a downstairs toilet. The 'live' unit of the proposals take up a significantly higher proportion of the building than the 'work' element and it is difficult to see how what is proposed is very much different to a large house with a ground floor office or study. There are also concerns that it would be difficult to control the 'work' element of the scheme once the properties were sold. Whilst such an arrangement may be beneficial for someone who works from home it is difficult to argue that the site is an employment use per se. If the units are proposed so that the business would employ more than one person there are questions about how sustainable this would be given the more remote location and that employment uses are better focused in sustainable locations.

In the planning statement the applicant has considered the policies relating to employment use and whilst the employment element seems somewhat limited and can perhaps only be given little weight both housing and employment policy will be considered below.

## Green Belt Development

The site is within the Green Belt where there is a presumption against inappropriate development unless it meets the strict requirements within the NPPF and Policy GB1 of the Local Plan. Inappropriate development is, by definition, harmful to the Green Belt unless there are very special circumstances to justify otherwise.

The planning history associated with this site has already demonstrated that there are concerns and objections to the development of the site as it is within the Green Belt.

The NPPF is clear that planning authorities should regard the construction of new buildings as inappropriate in Green Belt. Paragraph 89 lists the exceptions to this. Replacement buildings are allowed provided that the building is not materially larger than the one it replaces. There is an existing building on the site however the proposed buildings are for a different use and purpose and therefore not strictly a replacement. In any event the two buildings as proposed are significantly larger than this building. Although the application is solely outline two buildings providing living and working accommodation could not be provided in a building similar to the size of the existing building on the site.

Another exception relates to limited infilling in villages. The applicant argues that this site is suitable for development as it represents infilling in the village. There is no definition within the NPPF of what constitutes infilling. The application site is outside of the Housing Development Boundary for Tunley. The site is on an open corner with a road running around two sides of the site. Other than the existing building on the site the rest of the area to the north and east is open fields. As the site is not surrounded by other development and is not within the village itself (when considering the Housing Development Boundary) it is not considered that the site would be considered as infilling and therefore does not benefit from this policy. Policies GB.1 and HG.6 also refer to infilling. HG.6 states residential development will be permitted in R.3 villages (which Tunley is) provided it is within the Housing Development Boundary which this site is not so it is contrary to this policy.

HG.10 relates to developments outside of settlements and states that new dwellings outside the scope of HG4, 6 and 9 will not be permitted unless they are essential for agricultural or forestry workers. No information has been provided to state that the dwellings are for essential works and therefore the application is contrary to this policy.

The applicant also refers to ET.4 which refers to the development of office, industry or storage uses (Use B1, B2 and B8). As the proposed uses are suggested as being mixed residential and work it is difficult to argue that this policy strictly applies. In any event the policy states that the development can only be infilling in accordance with GB.1 and as referred to above the proposals are not considered to be infilling.

The NPPF does allow for limited infilling or complete redevelopment of a previously developed site which would not have a materially greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Whilst the site is not currently free from development the use of the majority of the site is not lawful as referred to in the history and whilst the building on site has become lawful the development of the rest of the site would affect the openness of the Green Belt. The requirements of the NPPF are echoed in policy GB.1 of the Local Plan and the proposals



would be contrary to this policy. A recent appeal decision (application reference 13/02281/FUL appeal ref. APP/F0114/A/13/2205361) supports this conclusion. The site at The Barn on Chew Road just outside Chew Magna had a long running enforcement history and action being taken to the point where a lawful building remained on the site but the use of the site was not lawful. The application was for the removal of a building and the construction of two building containing 8 workshops. In this case the Inspector considered the following:

"The starting point for the appeal is that the only lawful use of the site for commercial purposes is inside the barn. Therefore the proposed cessation of the yard for storage cannot be considered as a benefit, as the use of the yard is unlawful"

"The site is in the Green Belt. Paragraph 89 of the Framework states that all new buildings are inappropriate development unless they fulfil one or more of the listed criteria. The only relevant one is the redevelopment of a brownfield site, where the proposal would not have a greater impact on the openness of the Green Belt than the existing use. Despite the removal of the barn, the introduction of two rows each of 4 units, with a considerably larger footprint than the barn and their associated car parking would have a greater impact on the openness of the Green Belt. The proposal is thus inappropriate development."

The case here is very similar and this appeal decision supports the conclusions reached in this instance.

### Impact on Openess

As referred to above there are concerns that the development would have a detrimental impact on the openness of the Green Belt given the increase in built form of the site. Apart from the existing small building on the site the site is essentially open and surrounded by open fields. The introduction of two buildings would have an adverse effect on views across the site and the two storey nature of the buildings shown on the plans would significantly worsen this impact.

### Very Special Circumstances

Paragraph 87 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to say that when considering any planning application local authorities should ensure that substantial weight is given to 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.

The applicant has referred to two very special circumstances in their planning statement which they argue gives weight to their case.

The first consideration is the hazardous nature of the junction of Priston Lane and Tunley Hill. The application proposes to realign this junction to make it safer. The Highways Team have commented that the realignment of the junction would result in a significant increase in junction visibility. Whilst this is seen as a benefit to the scheme it is not considered that



this would constitute 'very special circumstances'. The junction has existed in its current form for many years and whilst it may benefit from improvement it is not so dangerous that the Highways Department have sought to improve it. Also no evidence has been submitted to demonstrate that the development of this site in the way proposed is the only way of the road layout to be altered. For example whether there are other less harmful ways of developing the site. No financial information has been presented to demonstrate the need for a development of this scale. Even if this were the case it would be difficult to argue that the road improvement were so important that it outweighed the harm to the Green Belt.

The second reason put forward is the diminished setting of Tunley Farmhouse as a result of the loss of the buildings that once formed its setting. This is not considered to be a very special circumstance. The current setting of Tunley Farmhouse has been the case for many years. The setting of the farmhouse is harmed more by the buildings falling into disrepair to the west and the industrial use to the rear than by the proximity of the road to the side elevation. Whilst some additional space around the farmhouse may improve its setting this would only have very limited weight. The development of this site which would have no clear relationship with the farmhouse or with the long ago demolished cottages on the site would have little if any benefit to the setting of the farmhouse. This is not therefore considered as a very special circumstance.

#### Visual Impact:

The state of the site following the recent uses on it have not left it in a particularly good condition. The building on the site is not a particularly attractive feature however its construction is not dissimilar to other agricultural buildings in the countryside. With the exception of the building on the site the site and the surrounding fields give the site a very open feel. There is a reasonably thick boundary treatment running down the south side of the site so that the existing building is not visible when driving down Tunley Hill. When driving along past the site on Tunley Hill in either direction the site appears part of the countryside. If the site were to be developed this would be lost and built form would be introduced into an existing open space. The impact of buildings on the site would be more visible due to the fact that the site is higher than the adjacent road. The indicative plans in particular show what would appear as two large dwellings each with double garages. These would be highly dominant within the site and would not be characteristic of other properties in the area. The scale of the properties would be more similar to Tunley farmhouse than other dwellings in the area and they would compete with the Listed Building. As the application is outline with all matters except access reserved it is not possible to fully comment on the indicative proposals.

There would be some benefit in the removal of the existing building on the site however on balance the development of this site for two buildings is considered to have a harmful impact on rural character.

Overall the proposed development is considered to be harmful to the character and quality of the area and would be contrary to policies D.2, D.4 and NE.1 of the adopted Bath and North East Somerset Local Plan.

#### Impact on Listed Building:

The development site is adjacent to Tunley Farmhouse which is Grade II Listed. The alterations to the road layout would move the road away from the side elevation of the property. There have been no details provided of how this land would be left and it is difficult to argue how beneficial this small piece of land would be to the setting of the farmhouse particularly if it is left either over grown or left as hard standing. The area adjacent to the farmhouse is also outside of the 'red edge' of the application and therefore there is no means to control how this land is treated. The relocation of the road would have a neutral impact on the farmhouse.

The buildings as they are shown on the indicative plans would result in plot one in particular being sited very close to the farmhouse at the closest point it would be less than 7 metres corner to corner across the road. This would impact on the setting of the listed building particularly given the size of the proposed building. However, given the size of the site it would appear that it may be possible to develop the site (notwithstanding all other matters) in a different way which would not harm the setting of the Listed Building and therefore a reason for refusal on this basis is not recommended.

#### Residential Amenity:

The closest property to the development site is Tunley Farmhouse . The relocation of the road away from the farmhouse would have a beneficial impact on this property.

The indicative plans show the closest house particularly close to the farmhouse and there are windows in the side elevation of the farmhouse which may be impacted either by overlooking or loss of outlook/light. However, again if outline consent were agreed the site could be developed in a different way where these issues could be removed and therefore there is no reason to substantiate a reason for refusal on this basis.

In terms of the noises aspect of the development is this something that would need to be controlled due to the proximity of the properties to Tunley Farm and also to each other. If approved the development would need to be restricted so that the use could only be B1.

#### Highways:

Access is considered as one of the outline issues and there are several issues to consider: the impact of the new road layout and the sustainability of the development.

The realignment of the Wood Lane junction has been the subject of pre-application enquiries with the Highways Team, in order to find a solution to the severely restricted visibility to the west at the Wood Lane/Tunley Hill junction.

The principle of the alterations to the junction have been considered by the Area Traffic Engineer and it has been agreed that the carriageway width of Tunley Hill could be reduced to 5.5m to allow for the junction to be pulled out into Tunley Hill which, together with the realignment of the southern end of Wood Lane, would result in a significant increase in junction visibility, to the benefit of all users of the junction.

The proposed changes to the highway layout would also provide a footway, between the proposed site access and the existing footway on Tunley Hill, which would serve as access to the bus stop.

Whilst the principle of the new road alignment is considered acceptable, there are some points of detail on the submitted drawings that would need to be amended to provide an acceptable highway layout. The applicant has suggested that this could be dealt with by condition, however this is not considered to be appropriate as they specifically relate to the site access. The details relate to drawings relating to the tie of the new road with the existing highway and works required where the development encroaches onto an existing highway. As these matters are unresolved the application cannot be supported.

### Sustainability

The site is located outside of the defined Housing Development Boundary, and as such would generally be considered to be in an unsustainable location. There are no local facilities in Tunley or Priston, as the nearest settlements, and therefore residents of the units would be likely to be reliant on the private car as a main mode of travel to access many facilities, even though there is a bus stop adjoining the site.

The application proposes two live/work units and even if this use were accepted and it could be controlled this would not be the end of the matter. Whilst one or more of the prospective occupiers within each dwelling may have the property as a place of work it is likely that all other activities would take place away from home and require the use of a car. The properties have been designed as three bedroom homes and could be occupied by families. The closest school would need to be accessed by car again which reinforces the unsustainable location of the properties.

### Ecology

An ecological and protected species survey and assessment has been completed. No further surveys are recommended and there are no significant ecological constraints at the site, although a range of measures are required to ensure harm is avoided to wildlife such as nesting birds and reptiles, and retained habitat is protected. The building on site was inspected for potential use by bats and is assessed as supporting negligible roost potential.

There is no objection from the Council's Ecologist to the proposal subject to a condition to secure implementation of the recommendations of the ecological report.

### Trees

The Arboricultural Officer originally raised concerns with the application due to the lack of arboricultural report. Following the submission of the report there is no objection to the application or the removal of an Ash Tree on the site. The proposal indicates that T1 and T2 will be retained. The Arboricultural officer is concerned that although the application is outline the

Applicant should consider the future growth and species specific attributes of the retained Sycamores in finalising the location and position of Plot 2.

Tree protection details are proposed as conditions.

#### Land Contamination

Due to the sensitive nature of the development (i.e. 2 No. residential live/work units) and the potentially contaminative historical use of the site as a storage yard/builders yard (which may have included storage of fuels and oils which may have incurred leaks and spills from vehicles and agricultural machinery, storage of chemicals such as pesticides and herbicides and the storage of tyres and scrap metal) if permission were recommended conditions in respect of contamination could be added.

#### Archaeology

The development site lies about 120m to the east of Tunley Hillfort (MBN1140), which is a Scheduled Ancient Monument. Whilst the monument itself would be shielded from the new development by the existing farm buildings, there are antiquarian records of two possible Neolithic Long Barrows (MBN2231 and MBN2245) in the fields to the north of the site. It is therefore recommend that a watching brief condition is attached to any planning consent.

#### Conclusions

The proposals are considered to be inappropriate development in the Green Belt which would harm the openness of the Green Belt. The development is also considered to have an unacceptable visual impact and be harmful to rural character. The proposals would introduce dwellings into a remote location and would represent unsustainable development.

Whilst the principle of relocating the highways has been agreed there are unresolved concerns in respect of the details of this and therefore the application cannot be supported.

The application is therefore recommended for refusal.

The reasons for refusal are as follows:

1 The proposed buildings and land use would constitute an inappropriate form of development within the Green Belt which would conflict with the purpose of safeguarding the open countryside from encroachment and would be detrimental to the openness of the Green Belt and the character of the area. No very special circumstances have been demonstrated which would serve to clearly outweigh the harm to the Green Belt and other areas of identified harm and therefore the proposal is contrary to policies GB.1, GB.2 and NE.1 of the Bath & North East Somerset Local Plan including minerals and waste policies

- adopted October 2007, Policy CP.8 of the Bath & North East Somerset Draft Core Strategy May 2011 and paragraph 89 within the National Planning Policy Framework 2012.

2 The proposed development would encroach unacceptably into the open countryside and cause significant and demonstrable harm to the rural character of the area. The adverse impacts of allowing this development, outside of any defined housing development boundary, would significantly and demonstrably outweigh the benefits. The proposal is therefore considered to be contrary to the aims of paragraph 14 of the NPPF and Policies ET.4, HG4, HG10, D2, D4, GB.2 and NE.1 of the Bath and North East Local Plan (2007) and policy CP6 of the Bath & North East Somerset Draft Core Strategy May 2011.

3 The proposed layout for the realignment of the highway does not achieve an acceptable Tie-in between the existing and new sections of road to facilitate the safe use of the highway. 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.

4 The proposed development would form an encroachment onto the highway verge on Tunley Hill, which would constitute an unacceptable obstruction to the use of the highway, and would be contrary to highway safety contrary to Policy T.24 of the Bath & North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007.

5 The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Policy T.1 of the Bath & North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007, Policy 1 of the Bath and North East Somerset, Bristol, North Somerset and South Gloucestershire Joint Replacement Structure Plan, and the National Planning Policy Framework, which seek to facilitate the use of sustainable modes of transport.

## **RECOMMENDATION**

REFUSE

## **REASON(S) FOR REFUSAL**

1 The application fails to provide a full contribution for the provision of the Overdale to Tunley Footpath which was a requirement of the previous Committee resolution on the 4th June 2014 and formed part of the 'very special circumstances' for allowing the application. The application would therefore be contrary to this resolution and there policy CP8 of the adopted Core Strategy (June 2014) and the National Planning Policy Framework (March 2012).

**PLANS LIST:** This decision relates to the following documents:

Received 25th February 2014

13109\_L\_001\_D

13109\_L\_003\_D

13109\_L\_004\_D

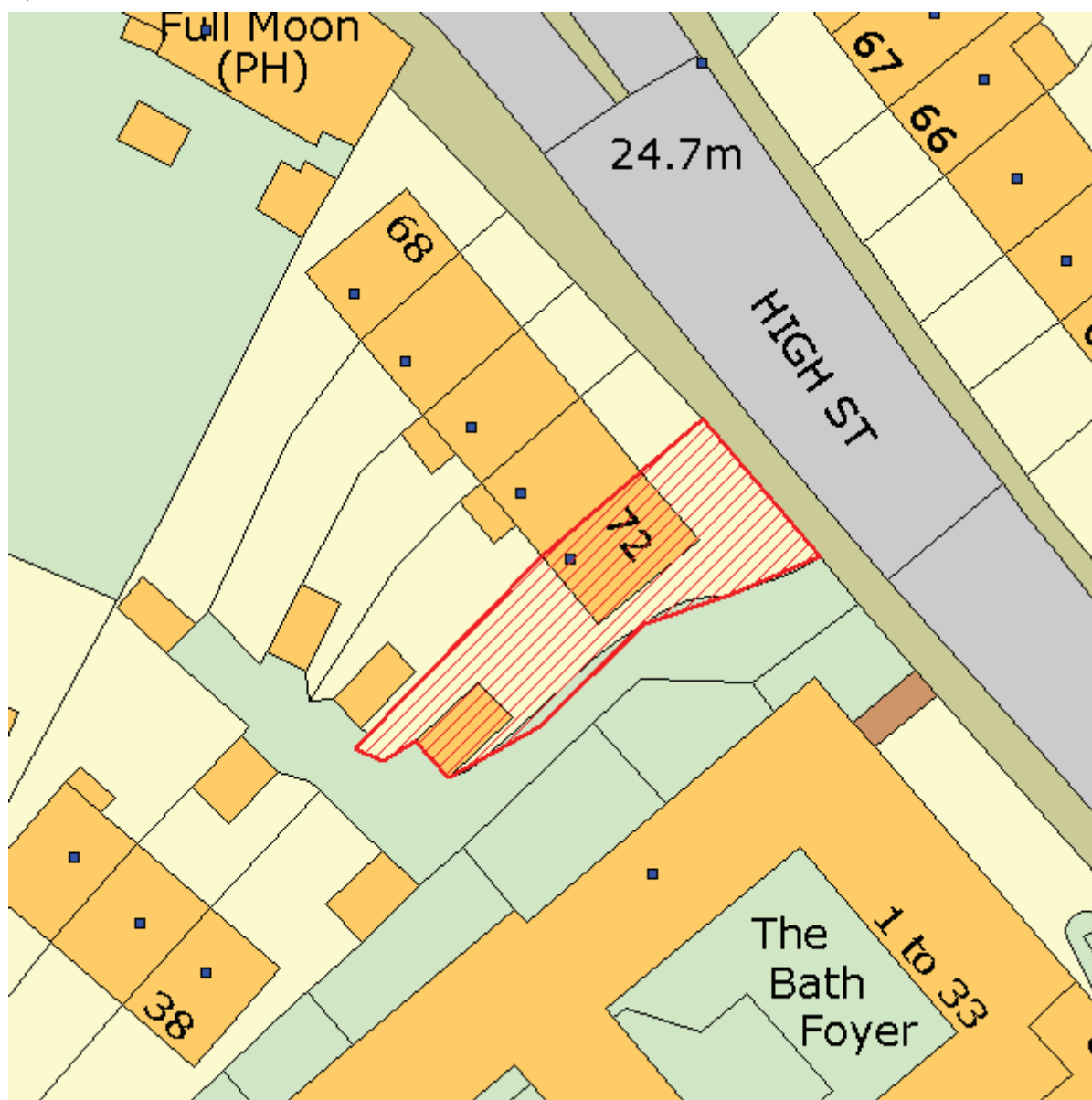
13109\_L\_005\_B

13109\_L\_006\_B  
13109\_L\_007\_B  
17300\_200\_C

## 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 proposal was considered unacceptable for the reasons given and the agent was advised that the application was to be recommended for refusal. Discussions took place to allow the applicant to make amendments to the access elements of the scheme.

**Item No:** 07  
**Application No:** 14/02663/FUL  
**Site Location:** 72 High Street Twerton Bath Bath And North East Somerset BA2 1DQ



**Ward:** Twerton      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor T M Ball   Councillor G F Curran  
**Application Type:** Full Application  
**Proposal:** Change of use from single dwelling (C3) to house in multiple occupation (C4)  
**Constraints:** Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,  
**Applicant:** Miss Marie Hutton  
**Expiry Date:** 5th August 2014  
**Case Officer:** Alice Barnes



## **REPORT**

Reason for reporting the application to committee

The application is being referred to the chair at the request of Councillor Tim Ball.

The application has been referred to the Chairman of the Development Control Committee (DCC) who has agreed that the application should be considered by the DCC.

Description of site and application

Twerton High Street is located on the western side of Bath. Number 72 is an end of terrace property located within the Conservation Area and World Heritage Site.

The application relates to the change of use of the existing three bedroom dwelling (use class C3) to a three bedroom house in multiple occupation (use class C4).

The existing property is located to the west of the main shopping area of Twerton High Street. The dwelling is elevated above the road level.

Relevant history

There is no relevant history relating to this application

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Highways: No objection, the site is in a very sustainable location being close to shops, bus routes and other facilities. To maximise sustainable travel options, cycle parking should be provided. This should be secure and sheltered.

Councillor Tim Ball: Objection. In this area of twelve houses there are already two HMOs and the site is adjacent to the Bath Foyer which houses 31 people. The site close to the full moon pub which causes some disturbance. There is little off street parking. If this application is permitted it would alter the character of the High Street from quite residential to HMO and commercial dominated.

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

Students will cause unwanted noise.

The property should be used for a family.

This could set a precedent for further HMOs in the surrounding area.

This could result in a loss of on street parking

HMOs have untidy gardens

## **POLICIES/LEGISLATION**

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

Core Strategy  
Saved Policies in the B&NES Local Plan (2007)  
Joint Waste Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

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

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

D.2: General design and public realm considerations  
D.4: Townscape considerations  
Bh.6: Development within or affecting Conservation Areas.  
HG.12: Residential development involving dwelling subdivision, conversion of non-residential buildings, re-use of buildings for multiple occupation and re-use of empty dwellings.

The Houses in Multiple Occupation of Bath - Supplementary Planning Document (adopted July 2013)

National Policy  
The National Planning Policy Framework adopted March 2012  
National Planning Practise Guidance 2014

## **OFFICER ASSESSMENT**

This is an application for a change of use from a three bedroom dwelling to a three bedroom house in multiple occupation. The existing dwelling is located within Twerton High Street. No internal or external alterations are proposed.

The proposed use would be considered as C4 (houses in multiple occupation) and would therefore be a change of use from C3 (dwelling house). Use class C4 is defined as follows: small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. This application proposes the property to be used by less than 6 people. Prior to the adoption of the Article 4 Direction in the city this change of use would not have required planning permission.

The Article 4 Direction triggers a requirement for a planning application when someone wants to convert a family home to an HMO, but the real impacts will be determined in the policy introduced via the Supplementary Planning Document. The Policy sets out a two stage test criteria for the assessment of such applications:

Applications for the change of use from C3 dwellings to C4 or sui generis (Houses in Multiple Occupancy) or the development of new houses as C4 dwellings or sui generis (HMOs) will not be permitted where;

Stage 1 Test: The application property is within or less than 50 metres from a Census Output Area in which HMO properties represent more than 25% of households; and

Stage 2 Test: HMO properties represent more than 25% of households within a 100 metre radius of the application property.

If Stage 1 Test is passed, there is no requirement to proceed to Stage 2 Test.

With regards to Stage 1 Test, the proposal site falls outside the areas with over 25% HMOs. This means that the proposal is acceptable in principle.

### Change of Use

The current proposal requires consideration as it relates to a more intensive form of development constituting a C4 use which allows for houses in multiple occupancy up to 6 people. Policy HG.12 is relevant to proposals for HMOs which requires an assessment to be undertaken to establish whether conversions are compatible with the character and amenities of the adjacent uses, have an acceptable impact on residential amenity and contribute to an acceptable mix of housing. These issues are considered below.

### Residential Amenity

The proposed use of the building relates to three unrelated individuals which includes students or other individuals such as young professionals. Whilst they may have different patterns of behaviour to a single family unit there is no evidence to suggest that the proposed HMO would be used materially differently to that of a three bedroom dwellinghouse which would result in an increase in harm so significant as to warrant a refusal of this application.

### Highways

No objection has been raised by the highways officer. The site is considered to be in a sustainable location and is not considered to generate an increase in car use. The highways officer has requested that a cycle store is required by condition.

### Other matters

Concern has been raised that the proposed development would set an unwanted precedent for further similar developments. The current policy set out within the supplementary planning document limits the number of HMOs in any given area to ensure that one particular area is dominated by this use.

### Conclusion

The proposed development will not have an adverse impact on the mix of dwelling types and will not cause harm to highway safety. Therefore permission is recommended.

## **RECOMMENDATION**

PERMIT with condition(s)

## **CONDITIONS**

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

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

2 Prior to the commencement of development plans showing a secure and sheltered cycle parking area (providing for a minimum of 3 cycles) shall be submitted to and approved in writing by the Local Planning Authority. This area shall be provided shall not be used other than for the parking of cycles in connection with the development hereby permitted.

Reason: In the interests of sustainable development.

3 The development hereby approved shall not be occupied by more than 3 unrelated occupants.

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

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

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

## **PLANS LIST:** 1 Site location plan

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

**Item No:** 08  
**Application No:** 14/01237/FUL  
**Site Location:** Land Between Cyclepath And Roundabout London Road East  
Batheaston Bath Bath And North East Somerset



**Ward:** Bathavon North      **Parish:** Bathford      **LB Grade:** N/A  
**Ward Members:** Councillor M Veal    Councillor Geoff Ward  
**Application Type:** Full Application  
**Proposal:** Change of use of existing building to residential including external alterations.  
**Constraints:** Agric Land Class 3b,4,5, Flood Zone 2, Flood Zone 3, Forest of Avon, Greenbelt, Hotspring Protection, Listed Building, MOD Safeguarded Areas,  
**Applicant:** Mr Alex Dodge  
**Expiry Date:** 23rd July 2014

## **REPORT**

Reason for reporting this application to the committee

The application is being referred to the committee as Bathford Parish Council have objected to the application contrary to the case officer recommendation to permit.

The application has been referred to the Chairman of the Development Control Committee (DCC) who has agreed that the application should be considered by the DCC as there is a lot of concerns regarding the application.

Description of site and application

The application site is located on the eastern edge of Batheaston village. The application site is located within the Green Belt.

The application relates to the change of use of the existing building to residential including external alterations.

The application site is located on the corner of London Road East and the Batheaston bypass. The site was originally part of the Avondale hotel and was used as staff accommodation. The Avondale hotel has since been changed to residential. The existing building has in the past been used a model making studio but is currently unoccupied.

Relevant history

DC - 13/05301/FUL - WD - 28 February 2014 - Erection of holiday let property following demolition of existing building.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Highways: The application site is located close to local shops and public transport. The proposal would include one parking space which is appropriate to the scale of development. The applicant will need to clarify a right of access to the property.

Environmental protection: No comment

Arboricultural: There are no trees of arboricultural significance affected by this proposal and therefore no objection is raised.

Environment agency: No objection subject to conditions.

Bathford Parish Council: Object in principle. This would constitute inappropriate development in the green belt. There is no vehicle right of way to the site and on street parking is already heavily used.

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

The access is being cut into the cycle path and would cause significant risk to cyclists in the area.

The development is within the green belt and is inappropriate.  
 This will add to the current traffic load in the area where there is little on street parking.  
 Sustrans have not been consulted.  
 There is not room for extra vehicles on the current driveway.  
 The proposal makes a change in the size of the structure of the building.  
 There is no vehicle right of access to the site.  
 Where will the vehicles turn around?  
 The proposal makes a big change in size to the structure which in turn affects the green belt.  
 There has never been any right of access for a motor vehicle into that property.  
 The proposed will result in the loss of an established B2 employment space.  
 Policy Et.9 is not relevant  
 The proposed development will substantially alter the appearance of the building.  
 It will have a materially greater impact on the openness of the Green Belt.  
 The vehicle access is over private land which is not within the applicants control.  
 The cycle path is in constant use and this will increase with the opening of the cycleway extension at Batheaston.  
 The new vehicle access will cause a hazard to cyclists and will adjoining owners who have a right of access.

Seven representations have been received in support of the application for the following reasons:

The development will improve the appearance of the surrounding area.  
 The development will improve the entrance into the village.  
 The existing building is an eyesore.  
 The design will have a positive effect on this discussed piece of land.

## **POLICIES/LEGISLATION**

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

Core Strategy  
 Saved Policies in the B&NES Local Plan (2007)  
 Joint Waste Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality  
 B4 - The World Heritage Site and its Setting  
 CP8 - Green Belt

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

D.2: General design and public realm considerations  
 D.4: Townscape considerations  
 GB.2: Visual Amenities of the Green Belt  
 ET: Re-use of rural buildings



T.24: General development control and access policy

T.26: On-site parking and servicing provision

National Policy

The National Planning Policy Framework adopted March 2012

National Planning Practise Guidance 2014

## **OFFICER ASSESSMENT**

The application relates to the change of use of the existing building to residential including external alterations. The existing building was originally associated with the use of the Avondale hotel which has since been converted to residential use. The existing building has not been used in recent years. It is a steel framed building with blockwork infill.

On visiting the site it does not appear to have been used in some time. It occupies a corner plot between the Box road and the Batheaston bypass. The River Avon is located to the west of the site but the property is located outside of the floodplain. A cycle path runs tot he south of the site. The site is currently overgrown and is visible to the surrounding area.

Principle of development and green belt

The application site is located outside but adjacent to the housing development boundary. The site is located within the Green Belt. The application is considered under policy ET.9 of the local plan. Policy ET.9 allows for the reuse of buildings. The policy states that in the case of the re-use of buildings within the Green Belt the re-use should not result in the building having a materially greater impact on the openness of the Green Belt. In this case the applicant is proposing to convert the building to the use as a holiday let. Whist this will result in external alterations this will not increase the size of the existing building.

The policy goes on to state that the building should not require substantial reconstruction. In this case the applicant would change the external materials but would retain the existing steel frame of the building. Therefore the building is not considered to require substantial reconstruction to facilitate the change of use.

Paragraph 90 of the NPPF outlines forms of development which are not inappropriate development within the green belt. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction. As stated above the proposed development will not require substantial reconstruction and therefore complies with the green belt policy set out within the NPPF.

The proposed development is located on the edge of Batheaston village. The proposed development will not enlarge the existing building and the alterations are not considered to harm the visual amenity of the surrounding green belt.

Design

The applicant intends to replace the existing concrete cladding with natural stone with timber windows and doors. The proposed materials will be likely to enhance the

appearance of the existing building but to ensure that the development is acceptable a schedule of materials and finishes should be required by condition.

The proposed alterations will enhance the appearance of the building. Given that the site is visible to the surrounding are the proposed development is considered to enhance the appearance of the surrounding streetscene.

### Highways

The highways officer has not raised an objection to the application. The application site is located close to local shops and has good public transport links. Concern has been raised that use of the access would pose a risk to users of the nearby cycle path. The highways officer has stated that this will be a low level of use and therefore is not considered to cause harm to highway safety. The proposed development will provide one off street parking space which is considered to provide adequate off street parking.

A request has been made that Sustrans should be consulted. Sustrans are not a statutory consultee and in this case the highways officer has provided advice with regards to highway safety. As stated above the highways officer is satisfied that the proposed development will not pose a risk to highway safety.

### Other matters

Concern has been raised over the right of vehicle access to the site the applicant has signed certificate D and advertised the application within the local press. Therefore the applicant has signed the correct ownership certificate. Certificate D is required if land is included within the red line where the applicant does not know who owns the land. The applicant is required to place a notice of the application within the local press.

The site is located close to the river avon. The environment agency have raised no objection to the application provided that the flood mitigation measures detailed within the flood risk assessment are in place.

### Conclusion

The principle of development is accepted for the change of use within the green belt. The proposed development will enhance the appearance of the building within the streetscene and is not considered to cause harm to highway safety.

## **RECOMMENDATION**

PERMIT with condition(s)

## **CONDITIONS**

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

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

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

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

3 The development permitted by this planning permission shall only be carried out with the following mitigation measures detailed within the approved Flood Risk Assessment (FRA):

- Finished Ground Floor Levels of the new development shall be set no lower than 24.11 mAOD.
- Flood resilient construction methods shall be incorporated into the proposed development, including using water resistant plasterboard and electric sockets feeding from the ceiling.

Reason: To reduce the risk and impact of flooding on the proposed development and future occupants.

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

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

#### **PLANS LIST:**

1 Existing site plan PL01  
Existing floor plan PL02  
Existing elevations PL03  
Existing site context PL04  
Existing site context elevations PL05  
Location plan PL06  
Proposed site plan PL10  
Proposed floor plan PL11  
Proposed elevations PL12  
Proposed context elevations PL13  
Proposed context elevations PL14

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 consent was granted.

**Item No:** 09  
**Application No:** 14/02258/FUL  
**Site Location:** Trinity C Of E Primary School Woodborough Lane Radstock Bath And North East Somerset BA3 3DE



**Ward:** Radstock      **Parish:** Radstock      **LB Grade:** N/A  
**Ward Members:** Councillor E Jackson      Councillor S Allen  
**Application Type:** Full Application  
**Proposal:** Erection of detached timber-framed building to provide break-out space on school site  
**Constraints:** Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Primary School Purpose,  
**Applicant:** Trinity C Of E Academy Trust  
**Expiry Date:** 5th September 2014  
**Case Officer:** Heather Faulkner

## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE**

The application was referred to the Development Control Committee Chairman as Radstock Town Council objected to the application. The Chairman decided that BANES school applications should go to committee if objected to.

### **DESCRIPTION OF SITE AND APPLICATION**

The Academy of Trinity School is a relatively new primary school in Radstock, being granted consent in 2004.

The school comprises a large single building on a relatively open site with a large area for play and outside activities to the north. There are open fields on three sides of the school. The access to the school is from Woodborough Lane. The site is not within a conservation area or within the Green Belt.

The proposal is to erect a timber framed building for use as an outside classroom in addition to the existing classrooms. The building is proposed on the north east corner of the site. The cabin would be 6.7 metres by 10.6 metres and 3.36 metres high, the cabin also includes an external deck and ramp.

### **RELEVANT SITE HISTORY**

04/00280/REG03 - PERMIT - 8 April 2004 - Erection of new primary school and associated vehicular and pedestrian access off Woodborough Lane

10/01053/FUL - PERMIT - 27 May 2010 - Erection of wooden play tower on grass play area

11/01566/FUL - PERMIT - 11 July 2011 - Remedial works to existing flat roof, including the change from a cold roof construction to a warm roof construction

11/01715/REG04 - PERMIT - 22 July 2011 - Erection of 3 no temporary classrooms

11/02208/REG03 - PERMIT - 19 July 2011 - Erection of a single storey front and side extension.

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

RADSTOCK TOWN COUNCIL - Object on the grounds that the proposal would result in the loss of playground space and equipment contrary to government policy as no replacement space was provided. It was also deemed there was a lack of proper consultation with parents.

SPORT ENGLAND - submitted a 'no comment' response.

FLOOD RISK MANAGEMENT AND DRAINAGE - support the applicant's proposal to use a soakaway in order to manage the drainage of surface water. We would advise the applicant to carry out infiltration tests to confirm the feasibility of using soakaways and to aid in the appropriate sizing and location of any soakaways.

HIGHWAYS OFFICER - no objection subject to a construction management plan being submitted.

#### THIRD PARTY RESPONSES:

No comments were received from any third parties.

#### **POLICIES/LEGISLATION**

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Core Strategy
- Saved Policies in the B&NES Local Plan (2007)
- Joint Waste Core Strategy

The following policies of the adopted Core Strategy should be considered:

CP2 Sustainable Construction  
CP3 Renewable Energy  
CP5 Flood Risk Management  
CP6 Environmental Quality  
CP7 Green Infrastructure

DW1 - District Wide Spatial Strategy

Saved policies from the Bath and North East Somerset Local Plan - 2007

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  
ES.15: Contaminated land

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

Section 7: Requiring good design  
Section 8: Promoting healthy communities

#### **OFFICER ASSESSMENT**

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

## 1. Principle of development

Policy CF.2 permits new community facilities provided that they are within an existing settlement or well related to existing facilities. The proposed building is to provide a 'break out' area for the school and not to increase the pupil numbers by being a classroom to accommodate additional children at this time. The building is within the school site and well related to the existing building.

The classroom would be erected on a piece of the site which is current uses partly as a hardstading play area and partly on a grassed area which contained wooden play equipment. Policy SR.1A is of relevance here. Whilst the proposed development would result in a loss of some play area available at the school the proposed classroom would bring additional benefits of allowing learning to be brought into the outside area of the school away from the main school building. The school is also fortunate to have a reasonably large area available for play including marked out pitches which would not be affected. Overall it is not considered that the loss of a limited amount of play space would be harmful.

One of the objections from the Town Council is the loss of the play space and equipment. It is unfortunate that the school has decided to put the classroom on an area which is currently used for wooden play equipment. However, this is the schools choice and they may choose to relocate the play equipment elsewhere on the sites. The planning application however cannot control that the play equipment is relocated as the school could remove it at any time without consent.

## 2. Character and appearance

The proposed log cabin is single storey. The scale and form of the proposed building means that it will appear fairly low key within this setting. It is also in the same position as where temporary classrooms were previously permitted and it was not considered that the location would have a harmful impact. The building will not be highly visible from the surrounding streets and there will be some screening available from the existing boundary hedge on the school site.

Overall it is considered that the proposed timber building would not harm the character or appearance of the area.

## 3. Residential amenity

The proposed building is a significant distance from neighbouring properties and well within the school site. Therefore there would be no harmful impact.

## 4. Highways safety

The proposal is for a classroom which would be additional to the existing classroom and has not been proposed for use for additional children starting at the school. As a result there is not expected to be any additional highway movements and there has been no objection from the Highways Teams.



If at any point in the future the classroom is to be used for additional children the additional highway impacts would need to be considered. As a result a condition will be attached to prevent the classroom being used for extra pupils without the Council being able to fully consider the impacts.

#### 5. Other matters

There are not considered to be any harmful impact on trees or ecology. An advice will be attached in respect of drainage.

#### 6. Conclusion

The proposed application for a timber 'break out' classroom is considered to have an acceptable visual impact and will not result in a significantly harmful loss of play space at the school. Approval is recommended accordingly.

### **RECOMMENDATION**

PERMIT with condition(s)

### **CONDITIONS**

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

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

2 Prior to the commencement of development 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.

Reason: To ensure the safe operation of the highway.

3 The proposed development shall only be occupied to provide 'break out' classroom accommodation and shall not be used to provide increased capacity to accommodate pupils at the school.

Reason: In the interests of highway safety and amenity.

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

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

### **PLANS LIST:**

1 Drawings received 15th May 2014

10, 11, 12, 13, 14,, 15, 16, 18, 100, 101, 102

#### DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. 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](http://www.planningportal.gov.uk).

#### 3 Flood Risk Management and Drainage team advice:

We support the applicant's proposal to use a soakaway in order to manage the drainage of surface water. We would advise the applicant to carry out infiltration tests to confirm the feasibility of using soakaways and to aid in the appropriate sizing and location of any soakaways.

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Agenda Item 11

Bath & North East Somerset Council		
MEETING:	Development Control Committee	
MEETING DATE:	3 September 2014	AGENDA ITEM NUMBER
TITLE:	Quarterly Performance Report April - June 2014	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
None		

## **1 THE ISSUE**

At the request of Members and as part of our on-going commitment to making service improvements, this report provides Members with performance information across a range of activities within the Development Management function. This report covers the period from 1 April – 30 June 2014. Starting from April onwards the DC Quarterly Performance Report will be updated as and when to include measures relevant and current to performance monitoring in the service today. In addition, some of the measures previously reported as tables will now be represented in graphical form for a more illustrative representation of trend. Further measures will also be introduced in subsequent months to reflect the statutory reporting changes being introduced by central government from April onwards.

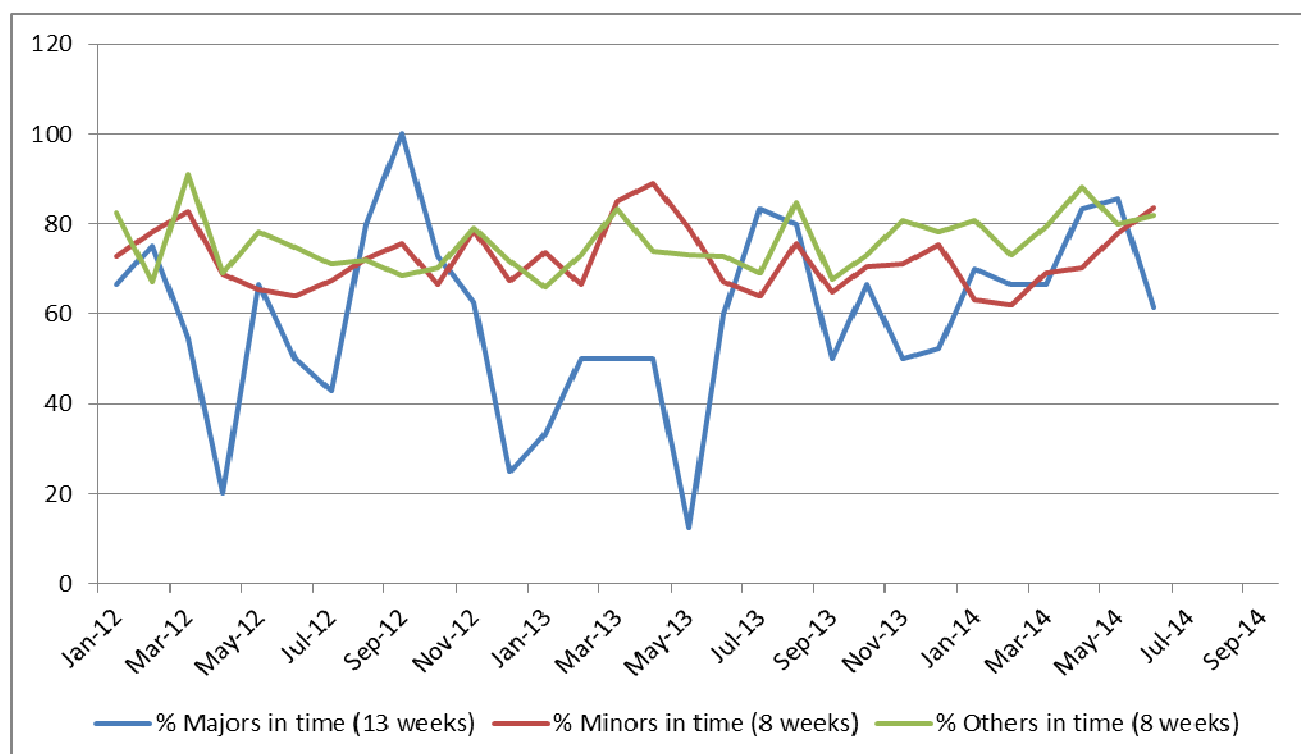
## **2 RECOMMENDATION**

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

## **3 THE REPORT**

3.1 Tables, charts and commentary

**Table 1 - Comparison of applications determined within target times**



% of planning applications in time	2013/14				2014/15			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
% Majors in time	32%	77%	52%	68%	73%			
% Minors in time	78%	68%	75%	65%	77%			
% Others in time	73%	74%	78%	78%	83%			

The table above shows there has been improvement in the performance of 'Major', 'Minor' and 'Other' applications in April – June 2014.

*Note: Major (10+ dwellings/0.5 hectares and over, 1000+ sqm/1 hectare and over); Minor (1-10 dwellings/less than 0.5 hectares, Up to 999 sqm/under 1 hectare); Other (changes of use, householder development, adverts, listed building consents, lawful development certificates, notifications, etc).*

**Table 2 - Recent planning application performance statistics**

Application nos.	2013/14				2014/15			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Received	650	600	614	650	645			
Withdrawn	62	58	63	66	43			
Delegated no. and %	538 (95%)	556 (96%)	528 (95%)	527 (95%)	532 (96%)			
Refused no. and %	71 (13%)	62 (11%)	60 (11%)	64 (12%)	52 (9%)			

**Table 2** highlights include:

- The number of new applications received and made valid is 9% up on the same period two years ago and 7% up on three years ago.

- The current delegation rate is slightly above the last published England average of 91% (Year ending Mar 2014).
- Percentage of refusals on applications remains low when compared to the last published England average of 12%.

**Table 3 – Dwelling numbers**

Dwelling numbers	2013/14				2014/15			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Major residential (10 or more dwellings) decisions	8	3	9	14	13			
Major residential decisions granted	3	2	8	6	7			
Number of dwellings applied for on Major schemes			617	698	543			
Number of dwellings permitted on Major schemes			417	929	212			
Number of dwellings refused on Major schemes			166	389	299			

**Table 3** highlights include:

- Numbers of major residential decisions (10 or more dwellings) were significantly up when compared to the same quarter a year ago. This is in line with the national trend.

**Table 4 - Planning Appeals summary**

	Jul – Sept 2013	Oct – Dec 2013	Jan – Mar 2014	Apr – Jun 2014
Appeals lodged	29	25	22	30
Appeals decided	24	30	38	24
Appeals allowed	6 (33%)	7 (26%)	5 (17%)	9 (45%)
Appeals dismissed	12 (67%)	20 (74%)	25 (83%)	11 (55%)

Highlights:

- Recent appeal costs in association with applications overturned at committee amount to £34,820 for the financial year so far. This was mainly spent on legal & consultants fees
- In the year to 30 June 2014 there has been a 17% drop in appeal numbers
- Over the last 12 months our performance on appeals allowed is better than the national average at 28% (national average approx. 35%)

**Table 5 - Enforcement Investigations summary**

	Jul – Sep 2013	Oct – Dec 2013	Jan – Mar 2014	Apr – Jun 2014
Investigations launched	182	123	318	273
Investigations on hand	241	227	275	275
Investigations closed	135	120	293	253
Enforcement Notices issued	6	2	3	0
Planning Contravention Notices	2	3	1	6

served				
Breach of Condition Notices served	1	0	0	0

The figures shown in **Table 5** indicate a 14% decrease in the number of investigations received this quarter, when compared with the previous quarter. This is mainly due to the tailing off of a new process to licence more HMOs which required an investigation by our enforcement team. This was a one-off exercise that took place earlier in the year. 6 legal notices having been served during this quarter.

#### **Table 6 – Other areas of work**

The service not only deals with formal planning applications and general enquiries, but also has formal procedures in place to deal with matters such as pre-application proposals, householder development planning questionnaires, procedures for discharging conditions on planning permissions, prior approvals, prior notifications and non-material amendments to list a few. **Table 6** below shows the total number of these types of procedures that require resource to action and determine.

During the last quarter the volume of these procedures received in the service is still significantly above the Oct – Dec 13 quarter figure.

#### **Table 6**

	Oct – Dec 2013	Jan – Mar 2014	Apr – Jun 2014
Other types of work	437	567	541

#### **Table 7 – Works to Trees**

Another function that the Planning Service undertakes involves dealing with applications and notifications for works relating to trees. **Table 7** below shows the number and percentage of these applications and notifications determined. During Apr - Jun 2014, performance on determining applications for works to trees subject to Tree Preservation Orders and performance on dealing with notifications for works to trees within a Conservation Area remained excellent.

#### **Table 7**

	Oct – Dec 2013	Jan – Mar 2014	Apr – Jun 2014
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	26	22	15
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	96%	73%	93%
Number of notifications for works to trees within a	219	157	158



Conservation Area (CA)			
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	98%	97%	99%

### **Table 8 - Customer transactions using telephone**

**Table 8** below details the number of incoming calls to the service for the Development Management function. Calls to the Planning & Conservation Team have decreased since last year. This could be partly due to a degree of self-serve by the public on the listed buildings map layer published in January which averages 300 web hits per month. Calls handled by the Planning Information Officers have seen a significant and sustained increase since the beginning of the year.

### **Table 8**

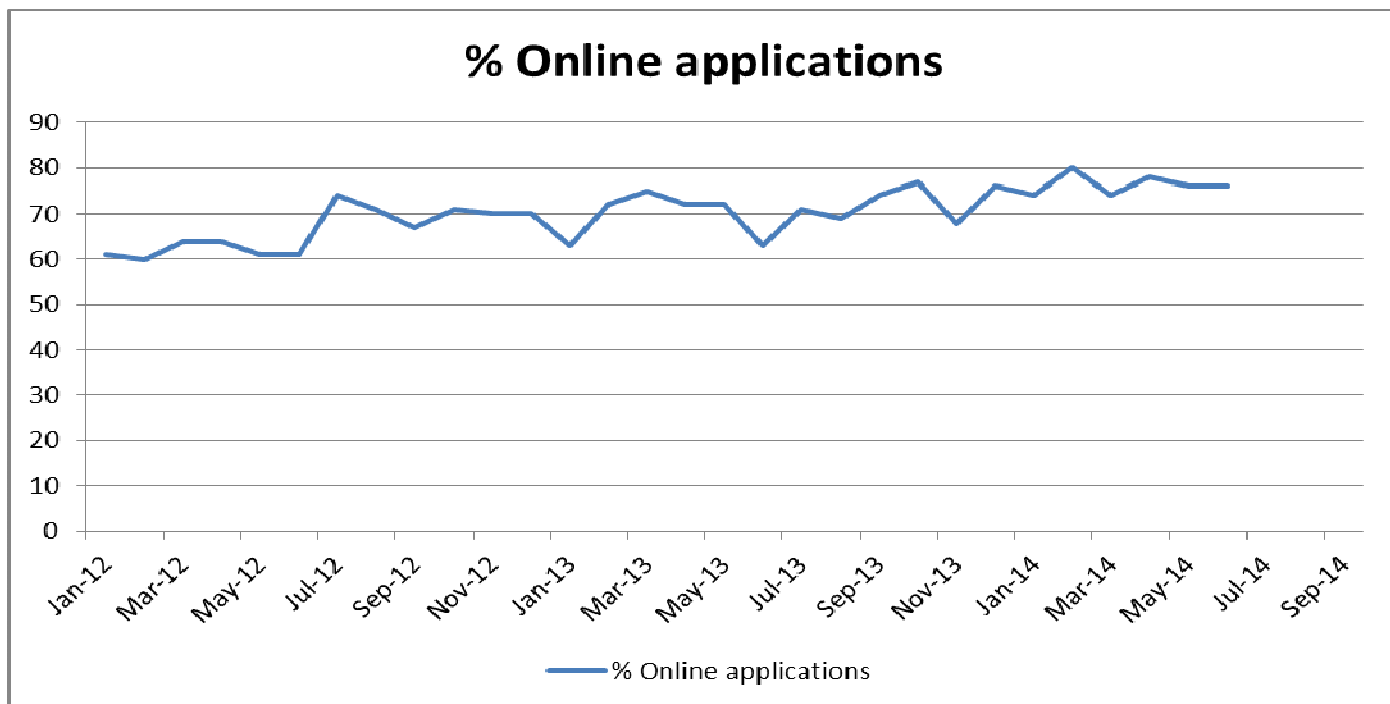
	<b>Oct – Dec 2013</b>	<b>Jan – Mar 2014</b>	<b>Apr – Jun 2014</b>
Planning Information Officers	2070	3234	3266
Planning Officers	1462	1680	1658
Planning Administration	916	770	785
Planning & Conservation Team	717	462	506
Enforcement Team	552	607	435

### **Table 9 - Electronic transactions**

The Planning Services web pages continue to be amongst the most popular across the whole Council website, particularly 'View and Comment on Planning Applications' (an average of 16,000 hits per month) and 'Apply for Planning Permission' (average of 1,000 hits per month). The former is the most popular web page after the council's home page.

Around 75% of all applications are now submitted online through the Planning Portal link on the Council website, and **Table 9** below shows that the authority received in the region of **77%** of applications online during Apr – Jun 2014. The benefits to agents and applicants include an online help function, immediate delivery and acknowledgement, and savings on printing and postage costs. Secure fee payments can also be made online through the Planning Portal facility.

**Table 9** - Percentage of planning applications submitted electronically (through the national Planning Portal)



**Table 10 - Customer Feedback**

During the quarter April - June 2014, the Council has received the following feedback in relation to the planning service. The number of complaints **not** upheld remains good.

**Table 10**

Customer Feedback	Oct – Dec 2013	Jan – Mar 2014	Apr – Jun 2014
Compliments received		6	6
Complaints received	11	9	9
Complaints upheld	0	0	0
Complaints Not upheld	10	5	7
Complaints Partly upheld	1	1	1

**Table 11 - Ombudsman Complaints**

The council has a corporate complaints system in place to investigate matters that customers are not happy or satisfied about in relation to the level of service that they have received from the council. However, there are circumstances where the matter has been subject to investigation by officers within the authority and the customer remains dissatisfied with the outcome of the investigation. When this happens, the customer can take their complaint to the **Local Government Ombudsman** for him to take an independent view. **Table 11** below shows a breakdown of Ombudsman complaints lodged with the Local Government Ombudsman for the previous four quarters. There have been no upheld complaints in the last year.

**Table 11**

<b>Ombudsman Complaints</b>	<b>Jul – Sep 13</b>	<b>Oct – Dec 13</b>	<b>Jan – Mar 14</b>	<b>Apr – Jun 14</b>
<b>Complaints received</b>	4	0	5	2
<b>Complaints upheld</b>	0	0	0	0
<b>Complaints Not upheld</b>	2	3	2	1

**Table 12 – Section 106 Agreements**

Members will be aware of the Planning Obligations SPD published July 2009. Planning Services have spent the last two years compiling a database of Section 106 Agreements. This is still a work in progress, but it has now enabled the S106 Monitoring Officer to actively progress in monitoring delivery of agreed obligations. **Table 12** below shows a breakdown of S106 Agreement sums agreed and sums received between April and June. Also detailed is the outstanding balance for agreements signed between July 2009 and June 2014. Members should be aware that the figures are for guidance only because of the further work still being undertaken in the S106 monitoring operation.

**Table 12**

<b>Section 106 Agreements</b>	<b>Jul – Sep 2013</b>	<b>Oct – Dec 2013</b>	<b>Jan – Mar 2014</b>	<b>Apr – Jun 2014</b>
<b>Funds agreed</b>	£433,463.77	£564,310.33	£3,342,798.75	£175,000.00
<b>Funds received (may include monies received for agreements made prior to Jul '09)</b>	£34,154.93	£364,722.89	£108,493.75	£169,684.06
<b>Outstanding funds balance (Jul '09 – Jun '14)</b>	£13,454,038.54	£14,081,186.82	£17,518,176.54	£17,933,575.36

**Table 13 – Accredited Agents**

A list of current Accredited Agents is displayed on the council website. These agents have shown they fully understand how to submit a properly prepared planning application which means they are easier for us to process and reduce the potential of any delays.

**Table 13**

	<b>Jul – Sep 2013</b>	<b>Oct – Dec 2013</b>	<b>Jan – Mar 2014</b>	<b>Apr – Jun 2014</b>
<b>Numbers of Accredited Agents</b>	12	17	19	23
<b>Numbers of householder applications submitted by Accredited Agents</b>	13	29	18	40

<b>Contact person</b>	John Theobald, Project/Technical and Management Support Officer, Development 01225 477519
<b>Background papers</b>	CLG General Development Control statistical returns PS1 and PS2 + Planning applications statistics on the DCLG website: <a href="https://www.gov.uk/government/collections/planning-applications-statistics">https://www.gov.uk/government/collections/planning-applications-statistics</a>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

<b>Bath &amp; North East Somerset Council</b>		
MEETING:	<b>Development Control Committee</b>	<div>AGENDA ITEM NUMBER</div> <div></div>
MEETING DATE:		
RESPONSIBLE OFFICER:	Mark Reynolds, Group Manager, Development Management (Telephone: 01225 477079)	
TITLE:	<b>NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES</b>	
WARD:	ALL	
BACKGROUND PAPERS: None		
<b>AN OPEN PUBLIC ITEM</b>		

### **APPEALS LODGED**

**App. Ref:** 13/04848/FUL  
**Location:** Lawrence House Lower Bristol Road Twerton Bath BA2 9ET  
**Proposal:** Erection of extension comprising the addition of two new floors to provide 14 new apartments, external alterations and demolition of fire escape stairway.  
**Decision:** REFUSE  
**Decision Date:** 14 March 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 15 July 2014

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**App. Ref:** 13/05287/FUL  
**Location:** 59 Queens Road Keynsham Bristol, BS31 2NQ  
**Proposal:** Erection of two new dwellings to be erected in the back garden of existing property, including two new garages.  
**Decision:** REFUSE  
**Decision Date:** 6 March 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 28 July 2014

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**App. Ref:** 13/05531/FUL  
**Location:** 153 Newbridge Hill Newbridge Bath BA1 3PX  
**Proposal:** Erection of new dwelling on land at the rear of 153/155 Newbridge Hill (resubmission)  
**Decision:** REFUSE  
**Decision Date:** 13 March 2014  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 15 August 2014

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**App. Ref:** 14/00485/FUL  
**Location:** 30 Shophouse Road Twerton Bath, BA2 1ED  
**Proposal:** Erection of 4no. 1 Bedroom Flats within the grounds of 30 Shophouse Road (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 31 March 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 18 July 2014

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**App. Ref:** 14/00960/FUL  
**Location:** 136 Park Road Keynsham Bristol, BS31 1AR  
**Proposal:** Erection of first floor rear extension  
**Decision:** REFUSE  
**Decision Date:** 17 June 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 11 August 2014

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**App. Ref:** 14/00966/TPO  
**Location:** 37 Bathwick Hill Bathwick Bath, BA2 6LD  
**Proposal:** T1 - Lime located at the front of the property to dismantle.  
**Decision:** REFUSE  
**Decision Date:** 13 May 2014  
**Decision Level:** Non-Planning applications  
**Appeal Lodged:** 31 July 2014

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**App. Ref:** 14/01458/AR  
**Location:** Co-Operative Store A Wells Road Westfield Radstock  
**Proposal:** Display of 3no. internally illuminated fascia signs and 3no. internally illuminated signs on existing stone pillar  
**Decision:** REFUSE  
**Decision Date:** 22 May 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 25 July 2014

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**App. Ref:** 14/01950/FUL  
**Location:** 3 Rockliffe Avenue Bathwick Bath BA2 6QP  
**Proposal:** Provision of rear dormer and Juliette balcony to facilitate loft conversion  
**Decision:** REFUSE  
**Decision Date:** 23 June 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 22 July 2014

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**App. Ref:** 14/02017/FUL  
**Location:** 5 - 13 Somerset Place Lansdown Bath BA1 5HA  
**Proposal:** Provision of balconies to rear elevation at 6, 11, and 13 and alterations to rear fenestration. (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 14 July 2014  
**Decision Level:** Chair Referral  
**Appeal Lodged:** 5 August 2014

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**App. Ref:** 14/02018/LBA  
**Location:** 5 - 13 Somerset Place Lansdown Bath BA1 5HA  
**Proposal:** External work for the provision of balconies to rear elevation at 6, 11, and 13 and alterations to rear fenestration.  
**Decision:** REFUSE  
**Decision Date:** 14 July 2014  
**Decision Level:** Chair Referral  
**Appeal Lodged:** 5 August 2014

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**App. Ref:** 14/02028/FUL  
**Location:** 42 North Road Midsomer Norton Radstock BA3 2QQ  
**Proposal:** Erection of a two storey side extension and single storey rear extension  
**Decision:** REFUSE  
**Decision Date:** 21 July 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 12 August 2014

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### **Appeals decided**

**App. Ref:** 12/03707/FUL  
**Location:** Land At Rear Of Unit 3 Lymore Gardens Claude Vale Twerton Bath  
**Proposal:** Erection of 8 no flats  
**Decision:** REFUSE  
**Decision Date:** 18 October 2013  
**Decision Level:** Delegated  
**Appeal Lodged:** 13 May 2014

**Appeal Decision:** Dismissed on 5<sup>th</sup> August 2014

**Link to Inspector's Decision:**

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-851826.pdf?extension=.pdf&id=851826&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

**App. Ref:** 12/05281/FUL  
**Location:** Bubblers Dytch High Street Wellow  
**Proposal:** Erection of 2no detached two storey houses with attached garages following demolition of existing single storey house (Resubmission).  
**Decision:** REFUSE  
**Decision Date:** 25 November 2013  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 15 May 2014

**Appeal Decision:** Dismissed on 14<sup>th</sup> August 2014  
**Costs decision:** Refused on 14<sup>th</sup> August 2014

**Link to Inspector's Decision:**

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-855083.pdf?extension=.pdf&id=855083&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

**App. Ref:** 13/00049/FUL

**Location:** Lower North End Farm Lower Bristol Road Clutton Bristol

**Proposal:** Construction of fishing lake, car park and access

**Decision:** REFUSE

**Decision Date:** 25 June 2013

**Decision Level:** Delegated

**Appeal Lodged:** 7 January 2014

**Appeal Decision:** Dismissed on 14th August 2014

**Link to Inspector's Decision:**

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-855082.pdf?extension=.pdf&id=855082&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

**App. Ref:** 13/00583/OUT

**Location:** Land North Of Fosseyway Gardens, Westfield Radstock

**Proposal:** Erection of up to 92 dwellings with associated parking, provision of associated public open space, pedestrian routes, engineering works and landscaping on land adjoining Five Arches Greenway and alterations to existing vehicular access onto Radstock Road (A362).

**Decision:** REFUSE

**Decision Date:** 13 June 2013

**Decision Level:** Delegated

**Appeal Lodged:** 18 November 2013

**Appeal Decision:** Dismissed on 18<sup>th</sup> July 2014

**Link to Inspector's Decision:**

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-844980.pdf?extension=.pdf&id=844980&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

**App. Ref:** 13/01810/FUL

**Location:** Street Record Upper Court Westfield Radstock

**Proposal:** Erection of 2no. three bedroom semi-detached dwellings on land off Upper Court

**Decision:** REFUSE

**Decision Date:** 28 June 2013

**Decision Level:** Delegated

**Appeal Lodged:** 6 January 2014

**Appeal Decision:** Dismissed on 5<sup>th</sup> August 2014

**Link to Inspector's Decision:**

<http://idox.bathnes.gov.uk/WAM/doc/Decision-851615.pdf?extension=.pdf&id=851615&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

**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

**Appeal Decision:** Allowed on 12<sup>th</sup> August 2014

**Link to Inspector's Decision:**

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-854440.pdf?extension=.pdf&id=854440&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

**App. Ref:** 13/04606/OUT

**Location:** Somerset Inn Bath Road Paulton Bristol

**Proposal:** Erection of up to 22 dwellings and associated works

**Decision:** REFUSE

**Decision Date:** 24 January 2014

**Decision Level:** Delegated

**Appeal Lodged:** 11 March 2014

**Appeal Decision:** Appeal withdrawn on 16<sup>th</sup> July 2014

**Link to Inspector's Decision:**

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-844502.pdf?extension=.pdf&id=844502&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

**App. Ref:** 13/05084/FUL

**Location:** Midsomer Apartments 36 Chilcompton Road Midsomer Norton

**Proposal:** Part rehabilitation and part redevelopment of Kings Arms Public House and residential unit above and erection of part side and rear extensions and internal alterations with a pitched roof to create 7no 1-bed residential units and 2no studio units (Revised proposal)

**Decision:** REFUSE

**Decision Date:** 31 January 2014

**Decision Level:** Chair Referral

**Appeal Lodged:** 1 May 2014

**Appeal Decision:** Dismissed on 7<sup>th</sup> August

**Link to Inspector's Decision:**

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-852723.pdf?extension=.pdf&id=852723&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

**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

**Appeal Decision:** Dismissed on 1<sup>st</sup> August 2014

**Link to Inspector's Decision:**

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-850547.pdf?extension=.pdf&id=850547&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

**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

**Appeal Decision:** Withdrawn on 22<sup>nd</sup> July 2014

**Link to Inspector's Decision:**

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Correspondence-845959.pdf?extension=.pdf&id=845959&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

**App. Ref:** 14/00658/AR

**Location:** The Cooperative Bristol Road Farrington Gurney Bristol BS39 6TQ

**Proposal:** Display of 3no externally-illuminated fascia signs, non-illuminated window graphics, non-illuminated wall sign, internally-illuminated totem sign and non-illuminated post sign (Resubmission of 13/04038/AR)

**Decision:** Split decision

**Decision Date:** 2 May 2014

**Decision Level:** Delegated

**Appeal Lodged:** 3 July 2014

**Appeal Decision:** Allowed on 19<sup>th</sup> August 2014

**Link to Inspector's Decision:**

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-856908.pdf?extension=.pdf&id=856908&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

**App. Ref:** 14/01950/FUL

**Location:** 3 Rockcliffe Avenue, Bath, BA2 6QP

**Proposal:** Provision of rear dormer and Juliette balcony to facilitate loft conversion

**Decision:** REFUSE

**Decision Date:**

**Decision Level:**

**Appeal Lodged:** 22<sup>ND</sup> July 2014

**Appeal Decision:** Allowed 20.08.2014

**Link to Inspector's Decision:**

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-857155.pdf?extension=.pdf&id=857155&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

### **Forthcoming Inquiry**

**App. Ref:** 13/04880/OUT

**Location:** Boxbury Hill, Paulton

**Proposal:** Outline planning application for a residential development of up to 124 dwellings and associated infrastructure.

**Date of Hearing:** 28<sup>th</sup> and 29<sup>th</sup> August

**Venue:** Guildhall

### **Forthcoming Hearing**

**App. Ref:** 13/03835/FUL

**Location:** King George's Road, Twerton.

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

**Date of Hearing:** 28 August 2014.

**Venue:** The Guildhall, Bath (Aix en Provence Room).