

Democratic Services

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Date: 16 September 2014

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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, 24th September, 2014

You are invited to attend a meeting of the **Development Control Committee**, to be held on **Wednesday, 24th September, 2014 at 2.00 pm** in the **Brunswick Room - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 23rd September 2014 in the Meeting Room, Lewis House, Bath.

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

The agenda is set out overleaf.

Yours sincerely



David Taylor
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact David Taylor who is available by telephoning Bath 01225 - 394414 or by calling at the Guildhall Bath (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 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, 24th September, 2014

at 2.00 pm in the Brunswick Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair will ask the Committee Administrator to draw attention to the emergency evacuation procedure as set out under Note 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: 3RD SEPTEMBER 2014 (PAGES 9 - 40)

To approve as a correct record the Minutes of the previous meeting held on Wednesday 3rd September 2014

9. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 41 - 72)

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 73 - 116)

11. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 117 - 118)

To note the report

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

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

Member and Officer Conduct/Roles Protocol*

Development Control Committee

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

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

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

2. Local Planning Code of Conduct

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

3. Site Visits

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

4. Voting & Chair's Casting Vote

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

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

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

5. **Protocol for Decision-Making**

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

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

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

6. **Officer Advice**

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

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

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

8. **Officer Contact/Advice**

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

1. Maggie Horrill, Planning and Environmental Law Manager
Tel. No. 01225 39 5174
2. Simon Barnes, Principal Solicitor
Tel. No. 01225 39 5176

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

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

Site Visit Procedure

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

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 3rd September, 2014

Present:- Councillor Gerry Curran in the Chair

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

Also in attendance: Councillors Cherry Beath, Anthony Clarke, Nathan Hartley, Eleanor Jackson and Tim Warren

36 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure.

37 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required.

38 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There was an apology for absence from Councillor Martin Veal, whose substitute was Councillor Sally Davies.

39 DECLARATIONS OF INTEREST

Councillor Rob Appleyard declared an interest in the planning application at Hope House, Lansdown Road, Bath (Item 1, Report 10) as he was a Director of Curo. He would therefore not take part in the debate or vote. Councillor Les Kew declared an interest in the application at Parcel 3300 Temple Inn Lane, Temple Cloud (Item 3, Report 10) as he was instrumental in achieving speed limits to Harts Lane, Hallatrow, where he resided and therefore he would not take part in the debate if this was raised.

40 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

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

The Senior Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when reaching their respective items in Reports 9 and 10 on the Agenda. The Chair stated that the time had been extended on Items 1 and 2 on the Main List due to the number of speakers and the nature of the applications.

42 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were none.

43 MINUTES: 30TH JULY 2014

The minutes of the previous meeting held on Wednesday 30th July 2014 were approved as a correct record and signed by the Chair, subject to the following additional wording being included in Minute 32 regarding the Bath Recreation Ground planning application:

“Legal advice was sought on the determination of the application before some Members were willing to take part in the discussion. After discussion, advice given was that it was the duty of this Committee to determine the application irrespective of any other court issues around land use, covenants, ownership, size of developable land or status. Failure to do so would be breaking the law. Members taking part in the discussion would be indemnified by the Council if any legal action was taken against them as a result of their participation in the debate.”

44 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 an application for planning permission etc.
- An oral statement by a member of the public speaking against the proposal, the Speakers List being attached as *Appendix 1* to these Minutes

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

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 (A) authorise the Group Manager, in consultation with the Planning and Environmental Law Manager, to enter into a S106 Agreement to provide/agree various provisos; and (B) on completion of an acceptable S106 legal agreement, grant permission subject to conditions. The Case Officer provided an oral update to the recommendations section of her report to amend the proviso in the S106 relating to the Management Company to state as follows: “to provide by way of management company for the future maintenance of the communal road leading to the dwelling.”

The public speaker made a statement against the proposal which was followed by a statement by the Ward Councillor Cherry Beath against the application.

After receiving a response to a query, Councillor Ian Gilchrist moved that the Officer recommendation be overturned and that permission be refused on the grounds that the mitigation measures were insufficient to compensate for the loss of woodland. It was seconded by Councillor Rob Appleyard.

Members debated the motion. The Case Officer responded to a number of queries by Members including the earlier scheme and the S106 Agreement. It was generally felt that the loss of trees was a significant issue in this sensitive site. However, it was agreed that further reasons for refusal be added, namely, overdevelopment of the site, overlooking and loss of woodland as an area of amenity. Some Members considered that the mitigation measures were sufficient to cover the loss of woodland.

The Chair summed up the debate and put the motion to the vote which was carried, 11 voting in favour and 2 against. Motion carried.

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

The Committee considered

- A report by the Group Manager – Development Management on various applications for planning permission etc.
- Oral statements by members of the public etc. on Item Nos. 1 - 9, the Speakers List being attached as *Appendix 1* to these Minutes
- An Update Report on Item Nos. 1 – 3 and 8, the Report being attached as *Appendix 3* to these Minutes

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

Item 1 Hope House, Royal High School, Lansdown Road, Lansdown, Bath – Residential development of 58 dwellings, including the conversion of Hope House and associated infrastructure and parking following demolition of existing school buildings – The Case Officer reported on this application and her recommendation to (A) authorise the Group Manager, in consultation with the Planning and Environmental Law Manager, to enter into a S106 Agreement to provide/agree various provisos; and (B) on completion of an acceptable S106 Agreement, grant permission subject to various conditions. She referred to various typographical errors regarding the dates of consultation responses in the report and advised members that a revised vehicle tracking plan had been received and was considered acceptable. The Update Report provided further information on the scheme and slightly amended the recommendation.

The public speakers made their statements against and in favour of the proposals. The Ward Councillor Anthony Clarke made a statement on the matter.

Councillor Patrick Anketell-Jones, as Ward Member on the Committee, opened the debate. He commented on the application and referred to the large number of objections received and increased number of houses proposed for the site. He considered that Block C was 30% bigger and could be reduced by a floor. The quality of the design on the lower part of the site was poor and did not contribute to

the setting of the World Heritage site and the Conservation Area. He acknowledged that there were some good aspects of the application.

Members asked questions to which the Case Officer responded. There was some discussion about the affordable housing aspect of the development. It was queried whether the application could be split into two so that some of the application could be approved and the other part refused. The Team Manager – Development Management stated that the application could not be split into two and would need to be considered as submitted. The Senior Legal Adviser supported this view. Councillor Les Kew moved that the Officer recommendation be overturned and that permission be refused on the basis that the design of houses on the lower section of the site was not acceptable and adversely affected the character and appearance of the Conservation Area. The motion was seconded by Councillor Patrick Anketell-Jones.

Members debated the motion. Some Members considered that the total scheme had merit and could be approved.

The Chair summed up the debate and put the motion to the vote. Voting: 7 in favour and 5 against with 1 abstention. Motion carried.

(Note: After this decision at 4.15pm, there was a short adjournment for a natural break)

Item 2 St Saviour's Junior School, Brookleaze Place, Avondale Buildings, Larkhall, Bath – Demolition of existing temporary classrooms and kitchen, extensions to existing school building comprising of a new classroom block and new kitchen to be located off the main hall – The Case Officer reported on this application and her recommendation to grant permission subject to conditions. The Update Report provided further information on the proposal and recommended that a further condition be added.

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

Councillor Dave Laming, as Ward Member on the Committee, expressed concern about various aspects of the proposal and considered that the application should be refused.

It was queried whether the application could be split into two as regards the temporary buildings and the permanent buildings. The Team Manager – Development Management stated that, in this particular instance, it could as the temporary classrooms were already on site and in use and were not dependent on the use of the proposed permanent buildings. Councillor Rob Appleyard felt that there was an issue about consultation but this was an opportunity to move forward and the existing permanent classrooms were in poor condition which affected the learning experience. He therefore moved the Officer recommendation which was seconded by Councillor Sally Davies.

Members debated the motion. It was felt that the proposed development fitted into the area well. The existing conditions were cramped and Members needed to listen to the needs of the users. However, it was also considered that the temporary and permanent buildings could be dealt with separately so as to permit the temporary

buildings and re-examine the need for the permanent buildings. It was also considered that this was an application that was just trying to cover the anticipated bulge class issue over the next 5 years and could be redesigned.

The Chair commented on the proposals and put the motion to the vote which was carried, 7 voting in favour and 4 against with 2 abstentions. Motion carried.

Item 3 Parcel 3300 Temple Inn Lane, Temple Cloud – 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 (internal access, layout, scale, appearance and landscaping reserved for subsequent approval) – The Case Officer reported on this application and his recommendation to (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure various provisos relating to Transport and accessibility; Affordable housing, Education, and Community facilities; and (B) subject to the prior completion of the S106 Agreement, authorise the Group Manager to grant permission subject to various conditions (or such conditions as may be determined). He reported on the various changes to the earlier application considered back in March this year. The Update Report referred to various corrections to the report and the Case Officer circulated a further Update Note to Members clarifying matters relating to the provision of a public footpath link

The public speakers made their statements against and in favour of the development. Councillor Tim Warren as Ward Councillor commented on the proposal.

Members discussed the RA1 status of the village in the Core Strategy and the number of houses that had already been developed or granted permission. It was a different situation to that when the earlier application was considered. It was queried whether this application was reopening the previous application. The Team Manager – Development Management replied that the resolution of the Committee to grant permission had not yet been issued and circumstances had changed in the interim as the Core Strategy had now been adopted by the Council. The adopted Core Strategy now sought a different level of provision of affordable housing and the proposals had been amended to comply with the Core Strategy. He clarified what was being said in the Update Report and Note and further commented that a footpath link to the adjoining estate could be secured in the terms of the S106 Agreement. There was some discussion about the amount of affordable housing that was being provided.

Councillor Bryan Organ moved the Officer recommendation which was seconded by Councillor Dave Laming.

Members briefly debated the motion. The Chair summed up the debate and put the motion to the vote. Voting: 5 in favour and 7 against with 1 abstention. Motion lost.

Councillor Manda Rigby moved that the application be refused permission on the grounds that it was outside the housing development boundary, there was an excessive number of houses being proposed which exceeded the requirements of the RA1 status of the village, and the highway junction was unacceptable for this number of houses with no prospect of improvement. The motion was seconded by Councillor Rob Appleyard.

The motion was put to the vote and was carried, 7 voting in favour and 5 against with 1 abstention.

Item 4 Land adjacent to Tree Tops, Firgrove Lane, Peasedown – Erection of straw bale, timber frame living/work unit (Retrospective) – The Case Officer reported on this application and his recommendation to refuse permission. He commented on further representations received in support of the proposal.

The applicant made a statement in favour of the proposal which was followed by a statement by the Ward Councillor Nathan Hartley in support of the application.

Councillor Rob Appleyard considered that this was a lifestyle choice and that the site needed to be viewed on the ground to consider the impact on its surroundings. On that basis, he moved that the application be deferred for a Site Visit which was seconded by Councillor Les Kew.

The motion was put to the vote and was carried, 10 voting in favour and 1 against with 2 abstentions.

Item 5 Rentokil Tropical Plants, Pipehouse Nursery, Pipehouse, Freshford – Erection of 10 dwellings including access road, car parking and hard standing, landscaping and associated works and services following demolition of existing buildings and structures – The Case Officer reported on this application and his recommendation to (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure various provisos relating to Transport and accessibility, Affordable housing, Open space and recreational facilities, Education, and Protection of boundary hedgerows; and (B) subject to the prior completion of the S106 Agreement, authorise the Group Manager to grant permission subject to various conditions (or such conditions as may be appropriate).

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

Councillor Neil Butters, as Ward Member on the Committee, opened the debate. He referred to the historic nature of the site and moved that the application be deferred for a Site Visit to view the site in the context of its surroundings, highway access and turning space. The motion was seconded by Councillor Les Kew.

The Chair put the motion to the vote which was carried, 10 voting in favour and 0 against with 3 abstentions. Motion carried.

(Note: After this decision at 6.45pm, the meeting adjourned for a Tea break and resumed at 7.15pm).

Item 6 Land opposite Tunley Farmhouse, Wood Lane, Priston – Erection of 2 live/work buildings and re-alignment of highway (Outline) – The Case Officer reported on this application and her recommendation to refuse permission. She reported the comments of Camerton and Dunkerton Parish Councils on the proposal.

The applicants' agent made a statement in favour of the application.

Councillor David Veale (Ward Member on the Committee) had the same view on this application as previously. A Bond could be taken out to build the footpath to the village but he felt that the developer should make a contribution to the cost of the works rather than the total cost.

Councillor Les Kew considered that this development was only 2 live/work units and didn't warrant the full cost of the footpath being met by the developer. He therefore moved that the Officer recommendation be overturned and that Officers be authorised to grant permission subject to the previous terms of the S106 Agreement with a contribution to a maximum of £10k by the developer to the cost of the footpath, and appropriate conditions. The motion was seconded by Councillor Malcolm Lees.

Members debated the motion. It was considered that a lesser amount would be more appropriate. Councillor Kew on reconsideration amended his motion to a specific amount of £5k. This was considered to be more acceptable to Members.

The Chair put the motion to the vote which was carried unanimously.

Item 7 No 72 High Street, Twerton, Bath – Change of use from single dwelling (C3) to house in multiple occupation (C4) – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

The public speaker made a statement against the application.

The Chair, as Ward Member on the Committee, considered that there were special circumstances regarding this part of the High Street particularly with regard to the location of the Foyer building, pubs and shops. It was acknowledged that students can bring diversity to a community and present different issues although residents could see them as detrimental to their amenity. Councillor Vic Pritchard felt that this was not a good location for an HMO and this was only a 3 bed end of terrace family dwelling. He therefore moved that the Officer recommendation be overturned and permission be refused on the basis of the cumulative impact on the community and adverse impact on residential amenity. The motion was seconded by Councillor Les Kew.

After a brief debate, the Chair put the motion to the vote. Voting: 7 in favour and 1 against with 5 abstentions. Motion carried.

Item 8 Land between cycle path and roundabout, London Road East, Bath – Change of use of existing building to residential including external alterations – The Case Officer reported on this application and her recommendation to grant permission subject to conditions. She commented on a further letter of objection.

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

Councillor Sally Davis read a statement on behalf of the Ward Councillor Geoff Ward who supported the objections to the application. She also referred to comments by the other Ward Councillor Martin Veal as regards the history of the site. Councillor Les Kew considered that this was a dangerous location and moved that the Officer recommendation be overturned and that permission be refused on the grounds that

a substantial reconstruction of the building would be required to change it to residential use. The motion was seconded by Councillor Malcolm Lees.

Members debated the motion. The Team Manager – Development Management pointed out that this was not intended to be a holiday let as mentioned in the debate but a residential use.

The Chair put the motion to the vote. Voting: 12 in favour and 1 against. Motion carried.

Item 9 Trinity C of E Primary School, Woodborough Lane, Radstock – Erection of detached timber framed building to provide break out space on school site –

The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

Councillor Deborah Porter, on behalf of Radstock Town Council, made a statement against the proposal. Councillor Eleanor Jackson, as Ward Councillor, made a statement against the application.

Members discussed the proposal. Councillor Vic Pritchard stated that this was an award winning school and the proposal was of a cheap standard not befitting to the school. He therefore moved that the Officer recommendation be overturned and permission be refused on the grounds of poor design. The motion was seconded by Councillor Malcolm Lees.

Members briefly debated the motion which was generally supported.

The Chair put the motion to the vote which was carried, 9 voting in favour and 3 against with 1 abstention. Motion carried.

46 QUARTERLY PERFORMANCE REPORT - APRIL TO JUNE 2014

The report was noted.

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

The report was noted.

The meeting ended at 8.25 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

Date 3rd September 2014

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

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	13/04235/FUL	Hope House, Lansdown Road

REPRESENTATIONS

Consultee Comments

Parks Officer – A review of the contributions required reduces the overall level of requirement for provision to a Total Contribution: of £139,024.86. This is on the basis that all on site provision will be maintained by the developer via a management company at nil cost to the Council.

Ecology Officer additional comments made 13th August 2013 - Further revisions have been made to plans. They do not require any changes to my advice. Natural England have made comments including advice for the LPA to document the screening stage of the Habitats Regulation Assessment, due to the use of the site by greater and lesser horseshoe bats and the proximity of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC). In accordance with Natural England's advice I have therefore undertaken a "Test of Likely Significant Effect" which concludes, subject to securing all necessary bat mitigation measures by condition as recommended in the ecological report and my advice below, that the risk of a "likely significant effect" on the SAC can be ruled out.

Third Party Representations

A letter has been received in relation to the lower site confirming previous objections still stand and in addition raising the following:-

- The planning committee did not enter the site via the bottom gate
- The fire appliance tracking is incorrect
- The development may result in damage to a resident's retaining wall.

In response reasonable steps have been taken to assess access and the highways officer is satisfied with what has been provided. A more detailed assessment will be undertaken under separate Building Control legislation

Councillors undertook a thorough site visit and it is for members to be satisfied that they are sufficiently informed to make the decision on the application.

The development does not directly affect adjoining walls and construction difficulties are not anticipated however any damage during construction would be a private matter between the parties.

A further letter has been received that reiterates previous concerns relating to impact on trees, ecology and highways already addressed in the main report.

Affordable Housing

Since adoption of the core strategy the required level of affordable housing for this postcode area increases from 35-40% as already addressed within the main agenda report. The affordable housing officer is satisfied with the level of provision at 35% as initially secured however some further supplementary explanation of the reason for this has been sought and is set out in the applicant's statement below.

"There are a number of constraints within the grounds of Hope House that have a significant impact upon development costs. The scheme has been engineered to be efficient and work with the levels to minimise its impact on surrounding properties and the Conservation Area as a whole. The site slopes steeply from north to south and subsequently the scheme requires a great many retaining walls and the foundations will need to be piled to stabilise the ground. In addition there are a number of other abnormalities, such as, the redirection of underground springs, the protection of retained trees, as well as the treatment of Japanese knotweed which is located within the grounds. This means that costs associated with the ground works will be very significant, well in excess of potentially any scheme built in Bath. The development will also be built to Code Level 4 and using the highest quality materials reflecting what is expected in a City with World Heritage Status. All buildings including the affordable will be built using Bath stone. It should be noted that the affordable accommodation has been designed and will be built to be compliant with both HAPPI and Lifetimes Homes and this will increase the cost of construction.

Hope House Developments LLP have done their utmost to accommodate the Council's requirement for 35% of on-site affordable housing provision and specifically address the identified need for over 55s accommodation. The increased build costs due to the above constraints my client estimated to be in the region of £4.25m and this has a marked impact on the scheme. Discussions on this site commenced in 2012 with the first pre-application enquiry being lodged in October 2012. Design considerations continued and further pre-application submissions were made in January and June 2013. We submitted the application in September 2013 and discussions have continued to ensure the design is first class and appropriate to the location and also to ensure the affordable housing proposed will meet the requirements of the provider and user. The affordable housing is bespoke to this site to ensure that the specific needs of the over 55 age groups are met which will assist in

enticing these residents from existing homes. You will note the incorporation of mobility scooter parking and charging facilities within Block A (see attached plan) and retention of the disabled parking spaces which we trust satisfies your requirements. Curo have advised that these facilities are welcomed and acceptable. I have also attached an amended elevation to reflect the fact that the lift door has moved to the side of the building rather than being accessed through the parking area.

The very recent adoption of the Core Strategy and subsequent change in affordable housing levels to 40% is of great concern to the viability of my client's scheme. The team has designed the proposed affordable accommodation to the highest of standards complying with HAPPI principles and Lifetime Homes wherever possible. The quality, location and setting of the development we feel will almost certainly attract/entice over 55 affordable residents from larger under-occupied family housing elsewhere in Bath. Freeing up these family sized units in our opinion will more than make up for the 3 units / 5% reduction to this recently adopted policy. On the basis that individuals or couples under occupying a family house would be relocating to the Hope House site this development would not only provide 20 first class purpose built properties but would free up valuable family housing. This represents on average at least 2 additional bed spaces per unit provided on site (e.g. a 3 or 4 bed house would free up 4 spaces) – this represents a significant overall contribution which exceeds policy which can be delivered through the provider. As previously mentioned the waiting list for 1 bedroom properties is considerable and this scheme will help readdress the balance and be focused on a particular age of residents where demand is at its highest.

Further consideration is the design of the properties on site and their location in relation to the functionality of the affordable housing. All affordable must be provided within one block to reduce management cost and also because this age group are vulnerable and would take comfort from the fact that they will be with peers. It is not practical or viable to increase the number of units through dispersing units through the site, as Block B has been designed to meet the bespoke requirements and the other blocks have been designed to meet market requirements. The inclusion of 3 units would result in a redesign of the whole scheme. It is also not appropriate to increase the scale of the existing building either in footprint or height given the site constraints. The levels drop away to the west and so any increase in provision would result in further foundations, retaining walls at greater costs. We also, very importantly, need to be mindful of the residents of St James's Park and any resultant impact on changes which have been carefully considered.

The provision of specific age restricted affordable housing on the Hope House site will release much needed family housing, freeing up under occupied stock back elsewhere in Bath into the community (see under occupation reference in 2013 SHMA page 52). As you know there is much support for over 55s retirement development in the Adopted Local Plan and also in the emerging evidence base including the 2009 and 2013 SHMAs. Paragraph 159 of the NPPF refers LPA to prepare SHMAs to understand the housing need in their

area and requires the need for all types of housing to be addressed including that for older people. Laying the Foundations also refers to the need to make provision for this sector.

The 2013 SHMA identifies that the ageing population is impacting on the need and the “estimated requirement for specialist housing for Older People (market and affordable) represents a potentially significant proportion of the total housing requirement.” (para 12.58). Chapter 9 is relevant and clearly indicates that the need for older people accommodation in B&NES is greater than in England as a whole. Policy CP10 of the Core Strategy also supports housing for older people - “housing developments will also need to contribute to the provision of homes that are suitable for the needs of older people, disabled people and those with other special needs....in a way that integrates all households into the community. The 2009 SHMA identified the split of affordable need in Bath North between family 3/4bed and non-family 1/2 bed as 31% / 69% respectively. The 2008 DCLG household projections showed that between 2008 and 2033 over 50% of the growth across the District will come from the over 65 age group.

Officer assessment

The proposals as submitted are agreed bespoke in particular with regard to the affordable housing provisions. Build quality within the scheme exceeds standards that are generally applied and it is agreed highly unlikely given the longevity and complexity of negotiations leading to this point that an increased affordable housing provision in this case could be secured on the basis of the current scheme and if it were sought it would generate a requirement for a different approach to the development. In this specific case taking account of the affordable housing officers very clear support for the proposed scheme I am satisfied that taking account of the very particular and specific circumstances and constraints in this case it is acceptable to move forward on the basis of the secured 35% affordable housing provision.

Other Matters

The development has been advertised as a departure due to the 5% lower than policy affordable housing provision. No representations on this point have been received.

Recommendation

As per the main agenda with revision to point iii) to secure the parks contribution in line with the revised Parks officer advice as set out in this update.

Drainage

Following the receipt of additional information the Flood Risk Management and Drainage Team no longer require the advice in respect of contacting Wessex Water in respect of drainage prior to commencement. They have however recommended the following condition to be attached:

On completion of the scheme record drawings are to be produced detailing the drainage systems installed (including permeable paving areas) and the point of discharge to the Public sewer system.

Reason:

To allow operation and maintenance of the drainage system in accordance with the initial design for the purpose of flood risk management.

Land contamination

A Desk Study and Ground Investigation and Geoenvironmental Interpretative Report has been submitted and the Contaminated Land Officer is satisfied with the conclusions of the report and confirm that the condition requiring a desk study and preliminary land quality risk assessment has been met. Therefore condition 2 is no longer required and the following document should be added to the approved documents list:

Received 11th August 2014

Ground investigation and geoenvironmental interpretative report (June 2014)
Greenfield Associates

Item No.	Application No.	Address
03.	13/03562/OUT	Parcel 3300, Temple Inn Lane, Temple Cloud

Corrections:

Page 131

Heading 4 - to read as follows: (Additional text in **Bold**, deleted text struck-through.)

4. The provision of a direct public footpath link from the ~~north~~ **south** east corner of the site to Cameley Church of England Primary School and contributions of £20,000 to fund **3rd party compensation**, any associated admin costs and construction costs, any unused funds to be returned to the developer.

Page 132

Heading 2. - To read as follows

"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.~~

Heading 7 - to read as follows:

7. The provision, on site, of ~~30~~ **5%** Affordable Housing the housing mix to be agreed in writing with Bath and North East Somerset Council

Heading 10 - to read as follows:

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.

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
08	14/01237/FUL	Land at London Road East

Since the agenda was published Councillor Geoff Ward has objected to the application and one further letter has been received objecting to the application. Both comments are summarised below.

The applicant does not have access over the vehicular access to the site. New drawings have been submitted, objectors and the parish council have not been reconsulted. The building could be used for employment use.

Officer assessment

The onus is on the applicant to provide the correct information with regards to land ownership. In this case the applicant has signed certificate D. 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 applicant has also supplied a letter from their solicitor stating that they do have a right of access to the site.

Further comments have been made by the highways officer which state that:

I note the correspondence received confirming the right of access from London Road East to the development site, from the Land Registry, dated 12/10/1998. I have also seen the information sent in respect of the stopping-up of public highway and private access, dated May 1993.

Given the information sent in support of the development post-dates the stopping-up notice, it is reasonable to assume that this legally supersedes that previous order and therefore that access exists. Should this not be the case and access does not exist, this would be a civil matter to be resolved outside the planning process.

The applicant has submitted a revised site location plan which has revised the red line to show access to the highway. The council is not under any obligation to reconsult and in this case it was not deemed necessary as it did not substantially alter the proposal.

With regard to planning policy that is relevant to this proposal it should be noted that paragraph 51 of the NPPF states that,

Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

The proposed development would result in the reuse of a currently disused building. Therefore the proposed development is considered to be compliant with the policies set out within the National Planning Policy Framework.

The submitted comments do not alter the officer's recommendation and the application is still recommended for permission.

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

3rd September 2014

SITE VISIT DECISIONS

Item No:	001	
Application No:	13/01733/FUL	
Site Location:	Rockery Tea Gardens Vacant Premises, North Road, Combe Down, Bath	
Ward: Combe Down	Parish: N/A	LB Grade: N/A
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 (Combe Down) Ltd	
Expiry Date:	10th September 2014	
Case Officer:	Rachel Tadman	

DECISION Overturned – Refused on the grounds of overdevelopment, overlooking and loss of residential amenity – full wording to follow

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

3rd September 2014

DECISIONS

Item No:	01	
Application No:	13/04235/FUL	
Site Location:	Hope House, The Royal High School, Lansdown Road, Lansdown	
Ward: Lansdown	Parish: N/A	LB Grade: II
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.	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, Tree Preservation Order, World Heritage Site,	
Applicant:	Hope House Developments LLP	
Expiry Date:	17th September 2014	
Case Officer:	Sarah James	

DECISION REFUSE

1 The proposed development by virtue of the unacceptable design and appearance of the 4 new dwellings on the lower site (accessed from Park Street Mews) would have a harmful impact upon the character and appearance of the conservation area contrary to saved policies D2, D4 and BH6 of the Bath and North East Somerset Local Plan, including minerals and waste policies, 2007

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 and has worked positively with the applicant in bringing forward the proposed development. Notwithstanding the case officers recommendation, for the reason set out within this refusal the Development Control Committee has determined that the development is unacceptable.

Item No:	02	
Application No:	14/02309/REG03	
Site Location:	St Saviours Junior School Brookleaze Place, Avondale Buildings, Larkhall, Bath	
Ward: Lambridge	Parish: N/A	LB Grade: N/A
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	
Case Officer:	Heather Faulkner	

DECISION PERMIT

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

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

2 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.

3 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.

4 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

5 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.

6 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.

7 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.

8 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.

9 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.

10 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.

11 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.

12 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.

13 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.

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 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.

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

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

17 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.

18 On completion of the scheme record drawings are to be produced detailing the drainage systems installed (including permeable paving areas) and the point of discharge to the Public sewer system.

Reason:

To allow operation and maintenance of the drainage system in accordance with the initial design for the purpose of flood risk management.

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:

This decision relates to drawing nos 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) and Arboricultural Report received 20th May 2014, Initial Bat Assessment (July 2014) received 29th July 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 and D001 D Proposed Drainage Plan received 6th August 2014 and Ground investigation and geoenvironmental interpretative report (June 2014) received 11th August 2014.

DECISION MAKING STATEMENT:

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

ADVICE NOTE:

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

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

Item No:	03	
Application No:	13/03562/OUT	
Site Location:	Parcel 3300, Temple Inn Lane, Temple Cloud, Bristol	
Ward: Mendip	Parish: Cameley	LB Grade: N/A
Application Type:	Outline Application	

Proposal:	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).
Constraints:	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,
Applicant:	Mr E Bruegger
Expiry Date:	29th November 2013
Case Officer:	Daniel Stone

DECISION REFUSE

1 The application site lies outside the Housing Development Boundary, defined through the Bath and North East Somerset Local Plan Adopted 2007 and the proposal (for 70 dwellings) would significantly exceed the scale of growth to be accommodated in Temple Cloud, as set out in Adopted Core Strategy policy RA1. As such the proposals are contrary to saved policies HG.4 (i) and SC.1 of the Bath and North East Somerset Local Plan Including Minerals and Waste Adopted 2007, to Policy RA.1 of the Bath and North East Somerset Core Strategy Adopted July 2014 and to the guidance set out in the National Planning Policy Framework.

2 The traffic generated from this proposal would use the junction of Temple Inn lane with the A37. By virtue of the high traffic levels and congestion problems on the A37 and substandard visibility splays, the junction is considered unsuitable to accommodate the increase in traffic from this development and would be likely to lead to additional hazards and conflict with all users of the highway. As such, the proposed development would be contrary to saved policies T.1 (2) and T.24 (i) of the Bath & North East Somerset Local Plan including minerals and waste policies Adopted October 2007 and the guidance set out in the National Planning Policy Framework.

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 0
- PROPOSED SITE ACCESS - DRAWING 12001/200 REV A
- PROPOSED ILLUSTRATIVE SITE SECTIONS - DRAWING 13130/2100
- FLOOD RISK ASSESSMENT
- PLANNING STATEMENT
- ARBORICULTURAL CONSTRAINTS REPORT

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 engaged with the applicant and sought to resolve and address problems with the proposals. Notwithstanding this engagement, the proposals were re-considered following the adoption of the Core Strategy in July 2014, and the Committee resolved that the proposals were unacceptable in principle for the reasons given.

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
Grade:	N/A		LB
Application Type:	Full Application		
Proposal:	Erection of straw bale, timber frame, living/work unit. (Retrospective)		
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt,		
Applicant:	Mrs Zoe Hawes		
Expiry Date:	13th May 2014		
Case Officer:	Andy Pegler		

Deferred awaiting site visit: To allow Members to view the site within its surroundings

Item No:	05
Application No:	14/01495/FUL

Site Location:	Rentokil Tropical Plants Pipehouse Nursery, Pipehouse, Freshford, Bath		
Ward:	Bathavon South	Parish:	Freshford
		LB Grade:	N/A
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		
Case Officer:	Daniel Stone		

Deferred awaiting site visit: To allow Members to view the site and its access

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

DECISION Delegate to PERMIT

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

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 Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. The proposal was considered unacceptable for the reasons given by the case officer in their committee report. However the Planning Committee considered that the proposals were acceptable subject to conditions and a legal agreement and permission was granted.

Item No:	07	
Application No:	14/02663/FUL	
Site Location:	72 High Street, Twerton, Bath, Bath And North East Somerset	
Ward: Twerton	Parish: N/A	LB Grade: N/A
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	

DECISION REFUSE

1 The change of use to a house in multiple occupation will have a detrimental impact on the housing mix of the surrounding area and will harm the amenity of nearby residential occupiers. The proposed development is therefore contrary to saved policy HG.12 and D.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

PLANS LIST:

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				
Ward:	Bathavon North	Parish:	Bathford	LB Grade:	N/A
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				
Case Officer:	Alice Barnes				

DECISION REFUSE

1 The proposed change of use will result in substantial reconstruction of the existing building within the green belt. It is therefore inappropriate development contrary to paragraph 90 of the National Planning Policy Framework and policy CP8 of the Core Strategy for Bath and North East Somerset adopted - July 2014

PLANS LIST:

This decision relates to the 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 and Proposed context elevations PL14 received 14th March 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, 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	
Ward:	Parish:	LB Grade:
Radstock	Radstock	N/A
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	

DECISION REFUSE

1 The design and siting of the proposed classroom building is considered to be unacceptable and have a poor relationship with the design of the school and the surrounding play areas. The application would therefore be contrary saved policies D.2 and D.4 of the Bath and North East Somerset Local Plan adopted 2007 and the Chapter 7 of the NPPF 2012.

PLANS LIST:

This decision relates to drawing nos 10, 11, 12, 13, 14,, 15, 16, 18, 100, 101 and 102 received 15th 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 and the application was assessed and considered acceptable by officers. Notwithstanding the case officers recommendation, for the reason set out within this refusal the Development Control Committee has determined that the development is unacceptable.

**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 3RD
SEPTEMBER 2014**

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
SITE VISIT – REPORT 9		
Former Rockery Tea Gardens, North Road, Combe Down, Bath (Pages 55-73)	Kathryn Harris	Against
MAIN PLANS LIST – REPORT 10		
Hope House, The Royal High School, Lansdown Road, Bath (Item 1, Pages 78-105)	Alice Lennard <u>AND</u> Nick Fraser Alan Pearce, Alder King Planning Consultants (Applicant's Agents)	Against – To share 7 minutes For – Up to 7 minutes
St Saviour's Junior School, Avondale Buildings, Larkhall, Bath (Item 2, Pages 106-122)	Chris Wright 1. Kevin O'Shea, Headmaster 2. Ian Plain 3. Kate Robinson	Against – Up to 4 minutes For – To share 4 minutes
Parcel 3300, Temple Inn Lane, Temple Cloud (Item 3, Pages 123-161)	Clive Wellsford, Cameley Parish Council Maria Musins, Chair, Temple Cloud Residents Association Andy Shepley (Applicant's Agent)	Against Against For
Land adjacent to Tree Tops, Firgrove Lane, Peasedown (Item 4, Pages 161-166)	Zoe Hawes (Applicant)	For
Rentokil Tropical Plants, Pipehouse Nursery, Freshford (Item 5, Pages 167-189)	Nick Stevens, Chair, Freshford Parish Council Ann Ross Martyn Stutchbury, Stutchbury Associates (Applicant's Architects)	Against Against For
Land opposite Tunley Farmhouse, Wood Lane, Priston (Item 6, Pages 190-204)	Mel Clinton, Nash Partnership (Applicants' Agents)	For
72 High Street, Twerton, Bath (Item 7, Pages 205-	Hannah Watson	Against

209)		
Land between cycle path and roundabout, London Road East, Batheaston, Bath (Item 8, Pages 210-215)	David Faulkner Nick Morley (Applicant's Architect)	Against For
Trinity C of E Primary School, Woodborough Lane, Radstock (Item 9, Pages 216-221)	Councillor Deborah Porter, Radstock Town Council	Against

Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	24th 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.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	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
002	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

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

Item No:	001
Application No:	14/01261/FUL
Site Location:	Land Adjacent To Tree Tops Firgrove Lane Peasedown St. John Bath



Ward: Peasedown St John
Grade: N/A

Parish: Peasedown St John

LB

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)

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

Applicant: Mrs Zoe Hawes

Expiry Date: 13th May 2014

Case Officer: 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 application was initially presented at the meeting on 3rd September, when Members resolved to defer in order to make a site visit.

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 lining of straw bales. 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, the ground floor facilitates preparation and living areas. 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. The personal circumstances of the applicant's family are also described.

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 65 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 is criticism of the assessment of the application.

which includes functional and financial tests which, it is argued, are no longer valid. It is further argued that the independent appraisal commissioned by the Council fails to recognise the unique nature of the business, and is not informed by a site visit. It is pointed out that the NPPF presumes in favour of sustainable development. Attention is

drawn to the screening provided by existing landscape features. It is argued that highway concerns could all be addressed by planning condition.

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:

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

This retrospective application describes the building as a live/work unit. and there is no clear delineation of the building's functions. It is however the sole residence of the applicant and her family, and the primary test therefore is for a dwelling.

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. Any assessment of essential need requires the application of relevant functional and financial tests. The adopted approach is entirely consistent with the aims of the NPPF which seeks, inter alia, to avoid new isolated homes unless an essential need is established.

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 relevant 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. The appraisal has had full regard to the somewhat unusual nature of this enterprise. The principles are however no different to any rural enterprise assessed under the relevant tests.

Regard has been had also 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.

Criticisms relating to a failure to undertake site visits are unfounded. Visits by the case officers - informed by the submitted details and the applicant herself - have been carried out. Notwithstanding, the relevant matters to be assessed, i.e. the evidence on functional need; financial need; alternative dwellings; full-time worker and the other tests are not dependent on site-specific factors that cannot be gathered without a site visit. In this case.

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, subject to condition, 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 residential element 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:

PLANS:

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:	002
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

Case Officer: Daniel Stone

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. This application was deferred at the last meeting of the Committee to allow members to visit the site.

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 / cafe / 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

* Freshford & Limpley Stoke have a joint Neighbourhood Plan which is currently in draft and therefore can be afforded limited weight.

* 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.

* 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.

* The Draft Neighbourhood Plan supports the provision of affordable housing on this site.

* 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.

* The need for 1 and 2 bedroom affordable homes is also noted (4.08) again something which this scheme contributes towards.

* 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.

* 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:

* Adequate car parking is provided on site which will protect against parking pressure in the adjoining area (p10 para 3.3);

* 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:

* 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).

* 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.

* 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.

* 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).

* 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.

* 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.

* 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.

* The importance of dry stone walls is an important AONB and local characteristic and should be incorporated at the frontage to the site.

* 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.

* 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.

* The principles outlined in the adopted Sustainable Construction & Retrofitting SPD apply, in particular:

* Hard standing should be permeable and free-draining

* Solar orientation should be considered so that roofs are solar ready and natural light and passive ventilation utilised

* 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.

* All the highways and car parking areas must be provided with street lighting that complies with BS5489:2013.

* 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.

* 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.

* 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.

* 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.

* 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
 - Draft Freshford Neighbourhood Plan.

OFFICER ASSESSMENT

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:

* 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

* 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

* 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

* Purpose 4: At this location the Green Belt does not contribute significantly to the setting and historic character of historic towns

* 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.

DRAFT 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 Charterhouse 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:

* human health,

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

* adjoining land,

* groundwaters and surface waters,

* ecological systems,

* archaeological sites and ancient monuments;

(iii) (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 no's

- Drawing 03989 TCP 29.05.2013 TREE SURVEY
- DRAWING 1402-PL01 SITE LOCATION PLAN
- Drawing 1243-CL02 REV A EXISTING WAREHOUSE BUILDING
- Drawing 1243-CL03 EXISTING WAREHOUSE BUILDING
- Drawing 1402-PL02 REV A CONTEXT PLAN

- Drawing 1402-PL03 REV B BLOCK PLAN
- PROPOSED REVISED SITE LAYOUT - Drawing 402-PL04 REV F
- Drawing 1402-PL05 REV A SITE CROSS SECTION & STREET SCENE
- PROPOSED GROUND FLOOR PLAN - PLOTS 1-4- DRAWING 1402-PL06 REV B
- PROPOSED FIRST FLOOR PLAN PLOTS 1-4- Drawing 1402-PL07 REV B
- PLOTS 1-4 ROOF PLANS DRAWING 1402-PL08 REV A
- PROPOSED FRONT ELEVATION - PLOTS 1-4 Drawing 1402-PL09 REV A
- PROPOSED REAR ELEVATION - PLOTS 1-4 Drawing 1402-PL10 REV A
- PROPOSED GROUND AND FIRST FLOOR PLANS - PLOT 5 - Drawing 1402-PL11 REV B
- PLOT 5 ROOF PLAN - Drawing 1402-PL12 REV A
- PROPOSED ELEVATIONS - PLOT 5 Drawing 1402-PL13 SHEET 1
- PROPOSED ELEVATIONS - PLOT 5 Drawing 1402-PL14 REV B - SHEET 2
- PROPOSED GROUND FLOOR PLANS - PLOTS 6 AND 7 - AMENDED PLAN - 1402-PL15 REV B PLOTS 6
- PROPOSED FIRST FLOOR PLANS - PLOTS 6 AND 7 - Drawing 1402-PL16 REV B
- PROPOSED ROOF PLAN - PLOTS 6 AND 7 - Drawing 1402-PL17 REV B
- PROPOSED ELEVATIONS SHEET 1 - PLOTS 6 AND 7 - Drawing 1402-PL18 REV C
- Drawing 1402-PL20 REV A PLOT 8 GROUND AND FIRST FLOOR PLANS
- Drawing 1402-PL21 PLOT 8 ROOF PLAN
- Drawing 1402-PL22 REV A PLOT 8 ELEVATIONS SHEET 1
- Drawing 1402-PL23 PLOT 8 ELEVATIONS SHEET 2
- Drawing 1402-PL24 PLOT 9 GROUND AND FIRST FLOOR PLANS
- Drawing 1402-PL25 REV A PLOT 9 ROOF PLAN
- Drawing 1402-PL26 REV B PLOT 9 ELEVATIONS SHEET 1
- Drawing 1402-PL27 PLOT 9 ELEVATIONS SHEET 2
- Drawing 1402-PL28 REV A PLOT 10 GROUND AND FIRST FLOOR PLANS
- Drawing 1402-PL29 REV A PLOT 10 ROOF PLAN
- Drawing 1402-PL30 REV A PLOT 10 ELEVATIONS SHEET 1
- Drawing 1402-PL31 PLOT 10 ELEVATIONS SHEET 2
- Drawing 1402-PL32 COVERED CAR PARKING
- Drawing 1402-PL33 SITE CROSS SECTION
- PROPOSED ELEVATIONS SHEET 2 - PLOTS 6 AND 7 - Drawing 1402-PL19 REV A
- REVISED TRACKING DIAGRAM SHOWING REFUSE VEHICLES - Drawing 2014 0493-001 REV B
- ECOLOGICAL IMPACT ASSESSMENT
- LANDSCAPE AND VISUAL IMPACT APPRAISAL
- SUSTAINABLE CONSTRUCTION CHECKLIST

- TRANSPORT STATEMENT
- Drawing 03 Apr 2014 1402-PL06 REV A SUPERSEDED - PLOTS 1-4 GROUND FLOOR PLAN...
- ARCHAEOLOGICAL DESK BASED ASSESSMENT
- GROUND CONDITIONS DESK STUDY
- PLANNING STATEMENT
- TREE SURVEY DATA SHEETS
- 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 100m². 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.

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Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	24th 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	

AGENDA
ITEM
NUMBER

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.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	14/00912/FUL 26 September 2014	Mr & Mrs Linegar The Chase, Rectory Lane, Compton Martin, Bristol, Bath And North East Somerset Erection of single storey extension and alterations to the footprint. (Retrospective).	Chew Valley South	Heather Faulkner	PERMIT
02	14/03180/FUL 5 September 2014	Trevor Osborne Property Group Cleveland House, Sydney Road, Bathwick, Bath, BA2 6NR Erection of a single storey side extension and first floor terrace, including internal alterations, following the demolition of existing single storey extension. (Revised Proposal).	Bathwick	Sasha Coombs	REFUSE
03	14/03181/LBA 5 September 2014	Trevor Osborne Property Group Cleveland House, Sydney Road, Bathwick, Bath, BA2 6NR Internal alterations and external alterations to include the erection of a single storey side extension and first floor terrace, following the demolition of existing single storey extension.	Bathwick	Sasha Coombs	REFUSE
04	14/02756/FUL 26 August 2014	Charlcombe Homes Ltd Land Opposite 199 Bailbrook Lane, Bailbrook Lane, Lower Swainswick, Bath, Erection of two detached dwellings with retained open space	Lambridge	Rebecca Roberts	PERMIT
05	14/01721/OUT 27 June 2014	Mr Karl Royle Abbots Barn, Cameley Lane, Hinton Blewett, Bristol, Bath And North East Somerset Erection of 1No dwelling house. (Outline application with some matters reserved)	Mendip	Rebecca Roberts	REFUSE

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

Item No: 01
Application No: 14/00912/FUL
Site Location: The Chase Rectory Lane Compton Martin Bristol Bath And North East Somerset



Ward: Chew Valley South **Parish:** Compton Martin **LB Grade:** N/A
Ward Members: Councillor V L Pritchard
Application Type: Full Application
Proposal: Erection of single storey extension and alterations to the footprint. (Retrospective).

Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Housing Development Boundary, Water Source Areas,
Applicant:	Mr & Mrs Linegar
Expiry Date:	26th September 2014
Case Officer:	Heather Faulkner

REPORT

Reasons for reporting application to committee

The application has been referred to Committee due to the comments of the Parish Council, who object to the application for the reasons summarised in the representation section below. The Chair of Committee considers that the application should be considered by committee.

Site Description and Application details

The application relates to a property in Compton Martin. The property was originally a bungalow and consent was granted at Committee on 14th May 2013 for the property to be extended to the rear and for an additional storey to be added. This application follows an enforcement complaint being made that the building was larger than on the approved plans. An enforcement officer visited the site and it was found that extension was larger than approved and that some additional works had taken place. This application is a retrospective application to consider the larger and additional extensions.

The application includes the addition of a flat roof single storey extension to the front of the property and the increase in the footprint of the building to the rear. Additional features are also included such as velux windows and a new chimney. Further details have been provided in respect of the sets to the side of the building.

Relevant history:

Planning application 13/00376/FUL for erection of extensions including a first floor extension to create a 1.5 storey dwelling (Revised proposal) - 14th March 2013.

Planning application 12/02072/FUL for the erection of extensions and provision of a first floor was refused on 23rd July 2012 for the following reason:

The proposed extensions, by reason of their height, mass, bulk and detailed design would fail to respond to its local context, would not respect and complement the existing dwelling and would harm the natural beauty of the Mendip Hills AONB. The proposals would therefore be contrary to "saved" policies D.4 and NE.2 of the Bath and North East Somerset Local Plan.

This decision was subsequently appealed and the appeal was dismissed on 28th November 2012.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Objections have been received from 5 neighbouring properties. The following concerns have been raised:

- The development is out of keeping
- The building is too large
- The building is overbearing
- The works have been completed without planning consent
- The impact on the adjacent property is worse than feared in terms of overlooking, lack of privacy and overshadowing

Concerns have been raised in respect of the accuracy and level of details on the plans as well as the fact that a sunlight study has not been submitted. The level of information submitted is considered to be adequate and is the same level of detail as the previous application. This level of information was also considered to be adequate by the Planning Inspectorate when considering the recent appeal. The case officer has also visited the neighbouring property to assist the residents in understanding the drawings.

Compton Martin Parish Council: Object, reasons summarised below:

- Concerns regarding the quality of the plans
- Works have been completed without planning permission.
- The Council's previous concerns about the development 'by reason of their height, mass, bulk and detailed design would fail to respond to its local context, would not respect and complement the existing dwelling and would harm the natural beauty of the Mendip Hills AONB' were correct

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:

CP2 - Sustainable Construction

CP6 - Environmental Quality

DW1 - District Wide Spatial 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

D2 - General Design and public realm considerations

D4 - Townscape considerations

NE.2 - AONB

NE.4 - Trees

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 11: Conserving and enhancing the natural environment

OFFICER ASSESSMENT

This application follows the approval of extensions to the property in May 2013. The works commenced and following an enforcement investigation it was found that the works that were being undertaken were different to what had been approved. The main differences are that a flat roof utility extension has been added to the front of the property and the extension at the rear has increased in depth. The depth of the building approved previously when measured from the front was approximately 12.3 metres and it is now 12.6 metres. There are also some small changes to the dimensions of the flat roof extension to south side of the building. Other alterations also include the additional of a chimney which was not shown on the original drawings.

The key issues to consider here are whether the changes have a significant impact on the appearance of the building and the AONB and whether there are additional impacts on the neighbouring properties.

Appearance and Visual impact

The proposed extension to the front of the property is small scale flat roof addition to the front of the property. A smaller front projection was previously in place at the front of the property and this has been enlarged. The overall impact of this on the appearance of the building is minimal and it does not have a harmful impact.

The increase in the size of the extension is relatively small scale in the context of the whole building. Whilst this increase does add to the mass and bulk of the building it does not overall lead to the building having a significantly more dominant impact on the surrounding area. It is however of note that the footprint of the building constructed is similar to that of the building refused at appeal, however the elevation articulation is different. However, the Inspector acknowledges in his Appeal Decision that a substantial modern house would not be out of place on the plot and his concern related more to the detailed design including window placement of the previous proposal. It is apparent now that the works are nearing completion that the building does not look out of place on the plot and that the overall design previously approved has not been significantly altered. The change to the mass of the building is not so significant to have a harmful impact on the appearance of the wider area or the AONB. Other alterations including the additional of a chimney are also visually appropriate.

Impact on neighbouring properties

As previously reported the impacts on the adjacent neighbours has been acknowledge and has not previously been found harmful by either the Planning Inspectorate or as part of the previous applications.

The increase in the size of the extension to the front would have minimal impact on neighbours. The increase to the rear extension would increase the impact on the neighbour however this impact is not significantly more harmful than previously approved.

The neighbour still raises concerns in respect of light to his property and overlooking however these are not changed to a significant degree that the refusal of the application

would be warranted. Particularly as the building is not as large as the building previously considered by the Planning Inspectorate where the impact on the neighbour was not a reason for rejecting the scheme.

Concerns have also been raised again by the neighbour in respect of the impact on their solar panels and in particular that the chimney is causing greater over shadowing. As previously considered this impact is not one that would harm their amenity as such but there is some weight to be given to this issue on the grounds of sustainability. The solar panels were in place at the time of the previous application and subsequent appeal and the panels were not a reason for the refusal of the application. Whilst it is noted that some light may be lost to these panels in the winter months when the sun is lower in the sky the impact this would have would not result in a significant loss that would warrant the refusal of this application.

The proposals should not harm the existing mature Beech tree on the site and they would therefore accord with Local Plan policy NE.4

Conclusion

The Planning Inspector in her review of the previous case considered that a substantial house would not be out of place in this location. The changes from the approved scheme are considered to be acceptable in terms of the impact on the appearance of the property and the wider area. The impact on the neighbouring property is not considered to be significantly more harmful than the previous proposals.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

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

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

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the side elevations (north east or south west) at any time unless a further planning permission has been granted.

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

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

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

PLANS LIST:

1 This decision is taken on the basis of the following drawing numbers:

Received 27th February 2014

2014/CHASE/01B

2014/CHASE/03A

2014/CHASE/04A

2014/CHASE/05A

2014/CHASE/07A

Received 7th May 2014

2014/CHASE/02 B

2014/CHASE/06A

Received 3rd July 2014

2014/CHASE/09/C

2014/CHASE/08 B

DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The applicant sought pre-application advice prior to this application being submitted. For the reasons given above the application was recommended for approval.

Item No:	02
Application No:	14/03180/FUL
Site Location:	Cleveland House Sydney Road Bathwick Bath BA2 6NR



Ward: Bathwick

Parish: N/A

LB Grade: IISTAR

Ward Members: Councillor Nicholas Coombes Councillor David Martin

Application Type: Full Application

Proposal: Erection of a single storey side extension and first floor terrace, including internal alterations, following the demolition of existing single storey extension. (Revised Proposal).

Constraints: Airport Safeguarding Zones, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Cycle Route, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,

Applicant: Trevor Osborne Property Group

Expiry Date: 5th September 2014

Case Officer: Sasha Coombs

REPORT

REASONS FOR REFERRAL TO COMMITTEE

Councillor David Martin requested for this application to be presented to the full Development Control Committee, if the officers are minded to refuse this application. The application was then referred to the Chairman with recommendation to refuse.

The Chairman decided that the application will need to be presented to the Committee because:

"Local member is supportive of this application but there are other significant objections. This is an interesting and significant building and the issues raised are important".

DETAILS OF LOCATION AND PROPOSAL AND RELEVANT HISTORY:

Cleveland House is a c1817-1820 Grade II* listed building located in the Bath Conservation Area and greater World Heritage Site. It was designed by John Pinch as The Kennet and Avon Canal offices, partly built over the canal tunnel. The plinth, gates, railings and overthrows to Cleveland House are Grade II listed in their own right. This is an important landmark property in Bath. Its standalone commanding silhouette features in a number of key views in the Conservation Area and World Heritage Site - along the Canal, from Sydney Gardens and along Sydney Road.

The building is characterised by its classical architecture and symmetrical design and has generally managed to survive unaltered, with the exception of a small flat roofed 1960's toilet block to its western side. The application seeks to change the use from offices to a dwelling and to replace the 1960s extension with a larger one. The extension would feature a roof terrace surrounded by a glass balustrade, which would be accessed via a door created within the existing blind window. There are also a number of internal alterations proposed.

The proposals are a re-submission of the scheme that was resisted previously. As part of the preceding applications, changes have been negotiated with the applicant to enable grant of planning and listed building consents. The key changes previously included reduction in the height of the extension, omission of a roof terrace, retention of the blind window and preservation of vaults. The currently proposed scheme essentially returns to the original submission.

This planning application is accompanied by an application for listed building consent (Ref: 14/03181/LBA)

PLANNING HISTORY

3718 - Change of use from residential to Royal Air Force Town Centre; and alterations to provide a caretaker's flat; provision of additional sanitary accommodation and new vehicular access from Sydney Road to new car park. Approved 4.12.51

6017/1 - extension to provide additional lavatory accommodation. Approved 5.6.62

6017/3 - Use as a driving test centre and the main building offices for the Ministry of Public Building and Works. No objections raised 6.6.67

6017-8 - Internal alterations to existing single storey toilet block and reinstatement of architectural features to existing building. Approved 22.3.95

DC - 04/00384/LBA - RF - 19 March 2004 - Erection of lettering to front elevation

DC - 05/02609/LBA - CONSSE - 25 October 2005 - Removal of safe room at ground floor level

DC - 12/03404/LBA - WD - 25 September 2012 - External alterations for the display of new signage and internal alterations.

DC - 13/04622/FUL - PERMIT - 24 April 2014 - Change of use from B1 offices to C3 residential, including restoration and extension to the house, demolition of existing additions to Cleveland House.

DC - 13/04623/LBA - CON - 24 April 2014 - Internal and external alterations for the change of use from B1 offices to C3 residential, including extension to the house, following demolition of existing addition to Cleveland House.

DC - 14/03180/FUL - PCO - - Erection of a single storey side extension and first floor terrace, including internal alterations, following the demolition of existing single storey extension. (Revised Proposal).

DC - 14/03181/LBA - PCO - - Internal alterations and external alterations to include the erection of a single storey side extension and first floor terrace, following the demolition of existing single storey extension.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

(Full comments available on file)

CONSERVATION OFFICER - Recommended refusal. The height and bulk of the replacement extension together with the alteration of the first floor dummy window to a door and use of the extension roof as a terrace would cause substantial harm to the significance of the Grade II* listed building and the character and appearance of this part of the conservation area.

ENGLISH HERITAGE - Attached considerable significance to the building; its reuse is the desirable outcome. Once again raised concerns with regards to introduction roof terrace/garden on top of the replacement extension. Current application will be harmful to the architectural composition of the house. The previously secured subservience would be lost; garden on roof would draw attention to the side extension; strong feature of designed blind windows would be lost.

THE GEORGIAN GROUP - Objected. The main concern is the proposed access to the terrace by means of opening the intentionally blind aedicule of the west facade which forms one of the most striking aspects of the building on the approach from Bath. This

involves the loss of both historic fabric and the original architectural composition of the west facade.

BATH PRESERVATION TRUST - Previous revised scheme minimised harm to the heritage asset and wider conservation area. BPT did not object to the principle of providing an extension, but questioned suitability of a roof terrace on the side this building. Expressed concerns over the use of one of the blind windows as a stone door to provide access to the roof terrace.

BATH HERITAGE WATCHDOG - Objected. There is nothing in the submitted documentation that convinces that a roof terrace is required, appropriate or acceptable. The works, by virtue of the loss of original historic fabric, original plan form, and alteration detrimental to a main elevation is considered to be detrimental to the special architectural and historic character and interest of the listed building, adjacent listed structures, the Conservation Area and World Heritage Site

CLLR DAVID MARTIN - Supported. I support this application for internal and external alterations to the listed building Cleveland House in my ward. I would like to request that if the case officer is minded to recommend refusal that the application be determined by the Development Control Committee. My reasons are that the proposals do not constitute any detrimental impact to the building, and that they are in compliance with relevant planning policies including BH2, BH4 BH5 and BH6.

Third Party comments - 2 letters of objections received from the neighbour at Kennet House. Main points raised:

- adverse effects of the proposed roof garden upon the setting of Kennet House and the wider conservation area/World Heritage Site;
- loss of the privacy;
- property value should not be considered as being material to a planning decision

POLICIES/LEGISLATION

Since the issuing of previous decisions, the Core Strategy for Bath and North East Somerset has been 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 - 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.2: Listed Buildings and their setting
BH.4 - Change of use of a listed building
BH.6: Development within or affecting Conservation Areas
HG.4 - Residential Development in the urban areas
HG.12 - Dwelling subdivision, conversion of non-residential buildings and reuse of empty dwellings
T.24: Highways safety
T.26 - Access and parking standards

National Planning Policy Framework (2012) and Practice Guidance (2014)

Planning for the Historic Environment Practice Guide (2010)

OFFICER ASSESSMENT

The main material considerations in relation to this application are:

- the acceptability of the principle of change of use to C3;
- the effect of the proposals upon the living conditions of current and future occupiers
- the effect of the works upon the special architectural and historic interest of the listed building and its setting; and
- the effect of the proposals upon the character and appearance of Bath Conservation Area and Bath World Heritage Site.

The access and parking arrangements will be retained and improved, and the highways authority expressed no concerns with regards to this proposal.

PRINCIPLE OF CHANGE OF USE

It has been noted that the layout of the conversion has been changed and it is now proposed to provide 5 bedrooms (as opposed to the previously approved 7 bedrooms). This is mainly due to the changes within the annex, which previously included 3 bedrooms.

The annex is still designed as a potentially self-contained unit of accommodation that would benefit from its own entrance without any obvious functional connection with the main house, and the doors between it and the main house are indicated as 'lock doors'. However creation of a proportionally modest annexe does not always require a separate assessment as a dwellinghouse, provided the building is occupied by a family member or a member of staff.

If the building is to be used as two or more separate dwellinghouses in future, Section 55(3) (a) of the Town and Country Planning Act 1990 provides that this will involve a material change in the use of the building and will require a separate planning permission.

The building is sustainably located within the designated City Centre of Bath and outside Bath Core Office Area (where the development leading to loss of office floorspace is generally resisted). In such locations Policy HG.4 of the adopted Local Plan supports the principle of residential development. Policy HG.12 sets out criteria for assessing conversion and sub-division schemes to form residential units. It states that such

proposals would be permitted providing they protect the character and amenities of established uses and are not detrimental to the amenity of the future occupants. These matters are considered to be satisfactory.

However, the building partly owes its Grade II* listing to being "a remarkable survival of a purpose-built Georgian office building". In this respect, the thrust of the saved Local Policy BH.4 (proposals for change of use of listed buildings) is to encourage retention/reinstatement of the use for which the building was originally designed, providing there is no adverse impact on the character and setting of such listed building, and, as such, the current office use is the preferred use for this building. This issue has once again been raised by The Georgian Group.

Marketing of the building was explored in detail during the previous application, and it is concluded that the loss of the appropriate historic use of this protected building must be weighed against other material considerations within this application as discussed below.

RESIDENTIAL AMENITY

Objections have been received with regards to the impacts of the proposal on the residential amenity of the occupiers of Kennet House. The revised proposal will indeed create greater levels of overlooking from the western aspect of the building by introduction of an elevated platform, which will be facing towards the front garden of Kennet House. However, the distance between the properties is quite considerable (about 20m to the garden and almost 40m to the house itself). Furthermore, the views towards Kennet House itself would be partially obscured by Bath Orthodontics. There is therefore no justifiable reason for resisting this application on loss of privacy grounds.

IMPACT OF ALTERATIONS ON LISTED BUILDING, CONSERVATION AREA AND WORLD HERITAGE SITE

The principal issue with the current resubmission relates to the harmful impacts on the protected building, its setting and the wider Conservation Area.

Cleveland House is a highly significant grade II* listed building which has important historic as well as architectural value. It is a unique form of development in Bath that visually closes and contributes to an important established key view in the Conservation Area and the World Heritage Site looking south along the canal from the footbridge in Sydney Gardens (which is also a Registered Park and Garden).

The building is characterised by its classical architecture and symmetrical design. The existing mid C20 single storey flat roof extension at the western end of the house is of modest size and appearance which fortunately does not compete with the scale, appearance and dominance of the listed building itself. As with the previous applications its demolition is not objected to.

A key element to making the previous proposals acceptable in planning and listed building terms was the omission of the roof terrace, the reduction in height of the proposed extension, and the omission of opening a blind side window.

These problematic elements have now been reintroduced under these proposals and are discussed below:

- Larger extension:

The proposed flat roof replacement extension is considerably larger than the existing extension and would double its footprint and volume. It also will be about 1.2 metres higher. A glass balustrade protruding above the parapet wall would increase this height from 0.24m along the perimeter up to 1m against the building. The resulting height of the extension is especially of concern here as it would be encroaching on the long established view from Sydney Gardens and cause harm to the symmetry of design and setting of the historic building. The issue of scale was particularly identified by Historic Buildings Team and English Heritage who were anxious to secure the subservience of the extension.

- Roof terrace:

The issue of scale would be further exacerbated by the use of the flat roof as a terrace. Unlike discrete small-scale balconies which are a common characteristic throughout the city, a large terrace area, as proposed, is intended to function as the main outdoor space for the dwelling. It will inevitably attract extensive garden furniture and other such outdoor paraphernalia which would substantially intrude on and harm the character, appearance and setting of the listed building. This would draw attention away from the principal building to the side extension, and also will be visually intrusive within the conservation area and have a harmful effect on its character and appearance.

- Loss of blind window:

The intentionally blind window niches of the west facade form one of the most striking aspects of the building on the approach from the City centre. To achieve a roof terrace it is proposed to replace the most southerly blind window with a taller door to provide access.

The architectural composition of this public and prominent elevation will be substantially compromised and harmed by such an alteration. It is a balanced composition of three equally spaced blind windows with the central axis window emphasised with a pediment. This symmetry and harmony of design will be destroyed by converting the blind window to a door as proposed.

Use of stone cladding for the door is intended to ensure that it 'blends' with the existing stone work, but in reality it is likely to be in the open position for considerable periods of time, whilst the terrace is in use, and will have a visually incongruous appearance, harming the significant character and appearance of Cleveland House.

Furthermore, it is proposed to increase the depth of the window by almost one metre (approx. 900mm), cutting through the paired string course. The string course is another particularly strong feature of this elevation, and its interruption would exacerbate the harm to the symmetry and composition of this elevation and involve significant loss of important original historic fabric and architectural detailing which is unacceptable

BALANCE OF ISSUES / OVERALL CONCLUSION

It is considered that the proposals would result in substantial harm being caused to this important heritage asset and its setting.

NPPF advises that harm to the significance of a designated heritage asset should be weighed against the public benefit of the scheme. Para 132, for example, states that "Substantial harm to or loss of significance of designated heritage assets of the highest significance, notably grade I and II* listed buildings should be wholly exceptional".

It is highly desirable that the building is brought back to use. However the scheme in its current form leads to substantial harm to a nationally protected building, which should only be considered in exceptional circumstances leading to substantial public benefits.

It is not considered that the desire to provide a roof terrace in order to increase property value should be considered as an exceptional situation envisaged by the NPPF, neither it would result in substantial public benefits that outweigh the harm caused as required by the NPPF (para 133). If an outdoor space was paramount, this could be provided in place of the extension/parking or by utilising the existing outdoor space. None of these options have been explored as part of the justification.

It is considered that the satisfactory outcome achieved on the approved applications presented a much more sensitive way of bringing this building back to use, and that it tipped the planning balance in favour of the proposal. On the other hand, the current scheme results in substantial harm and the positive outcomes of the proposals are unfortunately clearly outweighed by this harm. The application is therefore is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed works of alteration lack justification and would lead to substantial harm to the protected building by loss of important architectural features and composition, historic fabric and character. Furthermore the proposal would fail to either preserve or enhance the character and appearance of Bath Conservation Area and would be harmful to the setting of the listed building. For these reasons the proposed works are regarded as not preserving the architectural or historic interest and character of the heritage assets contrary to saved policies BH.2, BH.6 and D.4 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

PLANS LIST:

OS Extract	09 Jul 2014	SITE LOCATION PLANS
Drawing	09 Jul 2014	DOOR AND WINDOW PLANS
Drawing	09 Jul 2014	EXISTING SKIRTING AND EXTERNAL DOOR
Drawing	09 Jul 2014	PRELIMINARY SECTION
Drawing	09 Jul 2014	PROPOSED ELEVATIONS
Drawing	09 Jul 2014	PROPOSED ELEVATIONS
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Drawing	09 Jul 2014	ROOF GARDEN DOOR, STEPS & HANDRAIL

Drawing 09 Jul 2014 SECTIONS
Drawing 09 Jul 2014 SURVEY ELEVATIONS
Drawing 09 Jul 2014 SURVEY PLANS

DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Despite the advice provided during the pre-application stages and the previous applications, the applicant chose to submit the scheme in its current form. The proposals were considered unacceptable for the reasons given and the applicant did not wish to withdraw the scheme. Having regard to the need to avoid unnecessary delay, the Local Planning Authority moved forward and issued its decision

Item No:	03
Application No:	14/03181/LBA
Site Location:	Cleveland House Sydney Road Bathwick Bath BA2 6NR



Ward: Bathwick

Parish: N/A

LB Grade: IISTAR

Ward Members: Councillor Nicholas Coombes Councillor David Martin

Application Type: Listed Building Consent (Alts/exts)

Proposal: Internal alterations and external alterations to include the erection of a single storey side extension and first floor terrace, following the demolition of existing single storey extension.

Constraints: ,

Applicant: Trevor Osborne Property Group

Expiry Date: 5th September 2014

Case Officer: Sasha Coombs

REPORT
REASONS FOR REFERRAL TO COMMITTEE

Councillor David Martin requested for this application to be presented to the full Development Control Committee, if the officers are minded to refuse this application. The application was then referred to the Chairman with recommendation to refuse.

The Chairman decided that the application will need to be presented to the Committee because:

"Local member is supportive of this application but there are other significant objections. This is an interesting and significant building and the issues raised are important".

DETAILS OF LOCATION AND PROPOSAL AND RELEVANT HISTORY:

Cleveland House is a c1817-1820 Grade II* listed building located in the Bath Conservation Area and greater World Heritage Site. It was designed by John Pinch as The Kennet and Avon Canal offices, partly built over the canal tunnel. The plinth, gates, railings and overthrows to Cleveland House are Grade II listed in their own right. This is an important landmark property in Bath. Its standalone commanding silhouette features in a number of key views in the Conservation Area and World Heritage Site - along the Canal, from Sydney Gardens and along Sydney Road.

The building is characterised by its classical architecture and symmetrical design and has generally managed to survive unaltered, with the exception of a small flat roofed 1960's toilet block to its western side. The application seeks to change the use from offices to a dwelling and to replace the 1960s extension with a larger one. The extension would feature a roof terrace surrounded by a glass balustrade, which would be accessed via a door created within the existing blind window. There are also a number of internal alterations proposed.

The proposals are a re-submission of the scheme that was resisted previously. As part of the preceding applications, changes have been negotiated with the applicant to enable grant of planning and listed building consents. The key changes previously included reduction in the height of the extension, omission of a roof terrace, retention of the blind window and preservation of vaults. The currently proposed scheme essentially returns to the original submission.

This planning application is accompanied by an application for planning permission (Ref: 14/03180/FUL)

PLANNING HISTORY

3718 - Change of use from residential to Royal Air Force Town Centre; and alterations to provide a caretaker's flat; provision of additional sanitary accommodation and new vehicular access from Sydney Road to new car park. Approved 4.12.51

6017/1 - extension to provide additional lavatory accommodation. Approved 5.6.62

6017/3 - Use as a driving test centre and the main building offices for the Ministry of Public Building and Works. No objections raised 6.6.67

6017-8 - Internal alterations to existing single storey toilet block and reinstatement of architectural features to existing building. Approved 22.3.95

DC - 04/00384/LBA - RF - 19 March 2004 - Erection of lettering to front elevation

DC - 05/02609/LBA - CONSSE - 25 October 2005 - Removal of safe room at ground floor level

DC - 12/03404/LBA - WD - 25 September 2012 - External alterations for the display of new signage and internal alterations.

DC - 13/04622/FUL - PERMIT - 24 April 2014 - Change of use from B1 offices to C3 residential, including restoration and extension to the house, demolition of existing additions to Cleveland House.

DC - 13/04623/LBA - CON - 24 April 2014 - Internal and external alterations for the change of use from B1 offices to C3 residential, including extension to the house, following demolition of existing addition to Cleveland House.

DC - 14/03180/FUL - PCO - - Erection of a single storey side extension and first floor terrace, including internal alterations, following the demolition of existing single storey extension. (Revised Proposal).

DC - 14/03181/LBA - PCO - - Internal alterations and external alterations to include the erection of a single storey side extension and first floor terrace, following the demolition of existing single storey extension.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

(Full comments available on file)

CONSERVATION OFFICER - Recommended refusal. The height and bulk of the replacement extension together with the alteration of the first floor dummy window to a door and use of the extension roof as a terrace would cause substantial harm to the significance of the Grade II* listed building and the character and appearance of this part of the conservation area.

ENGLISH HERITAGE - Attached considerable significance to the building; its reuse is the desirable outcome. Once again raised concerns with regards to introduction roof terrace/garden on top of the replacement extension. Current application will be harmful to the architectural composition of the house. The previously secured subservience would be lost; garden on roof would draw attention to the side extension; strong feature of designed blind windows would be lost.

THE GEORGIAN GROUP - Objected. The main concern is the proposed access to the terrace by means of opening the intentionally blind aedicule of the west facade which forms one of the most striking aspects of the building on the approach from Bath. This involves the loss of both historic fabric and the original architectural composition of the west facade.

BATH PRESERVATION TRUST - Previous revised scheme minimised harm to the heritage asset and wider conservation area. BPT did not object to the principle of providing an extension, but questioned suitability of a roof terrace on the side this building.

Expressed concerns over the use of one of the blind windows as a stone door to provide access to the roof terrace.

BATH HERITAGE WATCHDOG - Objected. There is nothing in the submitted documentation that convinces that a roof terrace is required, appropriate or acceptable. The works, by virtue of the loss of original historic fabric, original plan form, and alteration detrimental to a main elevation is considered to be detrimental to the special architectural and historic character and interest of the listed building, adjacent listed structures, the Conservation Area and World Heritage Site

CLLR DAVID MARTIN - Supported. I support this application for internal and external alterations to the listed building Cleveland House in my ward. I would like to request that if the case officer is minded to recommend refusal that the application be determined by the Development Control Committee. My reasons are that the proposals do not constitute any detrimental impact to the building, and that they are in compliance with relevant planning policies including BH2, BH4 BH5 and BH6.

Third Party comments - 2 letters of objections received from the neighbour at Kennet House. Main points raised:

- adverse effects of the proposed roof garden upon the setting of Kennet House and the wider conservation area/World Heritage Site;
- loss of the privacy;
- property value should not be considered as being material to a planning decision

POLICIES/LEGISLATION

The primary consideration is the duty placed on the Council under Section 16 of Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework sets out the Government's high-level policies concerning heritage and sustainable development. The recently published National Planning Policy Guidance, as well as The Historic Environment Planning Practice Guide published jointly by CLG, DCMS, and English Heritage provides more detailed advice with regard to alterations to listed buildings, development in conservation areas and world heritage sites.

If the Council is minded to grant consent there is no requirement to notify the Secretary of State before a decision is issued.

OFFICER ASSESSMENT

The principal issue with the current resubmission relates to the harmful impacts on the protected building, its setting and the wider Conservation Area.

Cleveland House is a highly significant grade II* listed building which has important historic as well as architectural value. It is a unique form of development in Bath that visually closes and contributes to an important established key view in the Conservation Area and the World Heritage Site looking south along the canal from the footbridge in Sydney Gardens (which is also a Registered Park and Garden).

The building is characterised by its classical architecture and symmetrical design. The existing mid C20 single storey flat roof extension at the western end of the house is of modest size and appearance which fortunately does not compete with the scale, appearance and dominance of the listed building itself. As with the previous applications its demolition is not objected to.

A key element to making the previous proposals acceptable in planning and listed building terms was the omission of the roof terrace, the reduction in height of the proposed extension, and the omission of opening a blind side window.

These problematic elements have now been reintroduced under these proposals and are discussed below:

- Larger extension:

The proposed flat roof replacement extension is considerably larger than the existing extension and would double its footprint and volume. It also will be about 1.2 metres higher. A glass balustrade protruding above the parapet wall would increase this height from 0.24m along the perimeter up to 1m against the building. The resulting height of the extension is especially of concern here as it would be encroaching on the long established view from Sydney Gardens and cause harm to the symmetry of design and setting of the historic building. The issue of scale was particularly identified by Historic Buildings Team and English Heritage who were anxious to secure the subservience of the extension.

- Roof terrace:

The issue of scale would be further exacerbated by the use of the flat roof as a terrace. Unlike discrete small-scale balconies which are a common characteristic throughout the city, a large terrace area, as proposed, is intended to function as the main outdoor space for the dwelling. It will inevitably attract extensive garden furniture and other such outdoor paraphernalia which would substantially intrude on and harm the character, appearance and setting of the listed building. This would draw attention away from the principal building to the side extension, and also will be visually intrusive within the conservation area and have a harmful effect on its character and appearance.

- Loss of blind window:

The intentionally blind window niches of the west facade form one of the most striking aspects of the building on the approach from the City centre. To achieve a roof terrace it is proposed to replace the most southerly blind window with a taller door to provide access.

The architectural composition of this public and prominent elevation will be substantially compromised and harmed by such an alteration. It is a balanced composition of three equally spaced blind windows with the central axis window emphasised with a pediment. This symmetry and harmony of design will be destroyed by converting the blind window to a door as proposed.

Use of stone cladding for the door is intended to ensure that it 'blends' with the existing stone work, but in reality it is likely to be in the open position for considerable periods of

time, whilst the terrace is in use, and will have a visually incongruous appearance, harming the significant character and appearance of Cleveland House.

Furthermore, it is proposed to increase the depth of the window by almost one metre (approx. 900mm), cutting through the paired string course. The string course is another particularly strong feature of this elevation, and its interruption would exacerbate the harm to the symmetry and composition of this elevation and involve significant loss of important original historic fabric and architectural detailing which is unacceptable

- Internal alterations to the listed building:

As discussed above, the conversion of the blind window to a door will cause substantial harm to the original character and appearance of the listed building.

Further concerns relate to the proposed truncating of the front section of the historic vault to provide a passage link from the garage. Such works would harm the integrity and fabric of the listed building. It is possible to achieve such access in a more sensitive manner, without destroying historic fabric (as demonstrated by the approved scheme). Such alteration to the vault could only be justified if the overall scheme is considered to improve character and appearance and not cause harm. This is not the case here.

There are no objections to the other proposed internal alterations to the listed building.

BALANCE OF ISSUES / OVERALL CONCLUSION

It is considered that the proposals would result in substantial harm being caused to this important heritage asset and its setting.

NPPF advises that harm to the significance of a designated heritage asset should be weighed against the public benefit of the scheme. Para 132, for example, states that "Substantial harm to or loss of significance of designated heritage assets of the highest significance, notably grade I and II* listed buildings should be wholly exceptional".

It is highly desirable that the building is brought back to use. However the scheme in its current form leads to substantial harm to a nationally protected building, which should only be considered in exceptional circumstances leading to substantial public benefits.

It is not considered that the desire to provide a roof terrace in order to increase property value should be considered as an exceptional situation envisaged by the NPPF, neither it would result in substantial public benefits that outweigh the harm caused as required by the NPPF (para 133). If an outdoor space was paramount, this could be provided in place of the extension/parking or by utilising the existing outdoor space. None of these options have been explored as part of the justification.

It is considered that the satisfactory outcome achieved on the approved applications presented a much more sensitive way of bringing this building back to use, and that it tipped the planning balance in favour of the proposal. On the other hand, the current scheme results in substantial harm and the positive outcomes of the proposals are unfortunately clearly outweighed by this harm. The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed works of alteration lack justification and would lead to substantial harm to the protected building by loss of important architectural features and composition, historic fabric and character. Furthermore the proposal would fail to either preserve or enhance the character and appearance of bath Conservation Area and would be harmful to the setting of the listed building. For these reasons the proposed works are regarded as not preserving the architectural or historic interest and character of the heritage assets contrary to Planning (Listed Buildings and Conservation Areas) Act 1990 and National Planning Policy Framework.

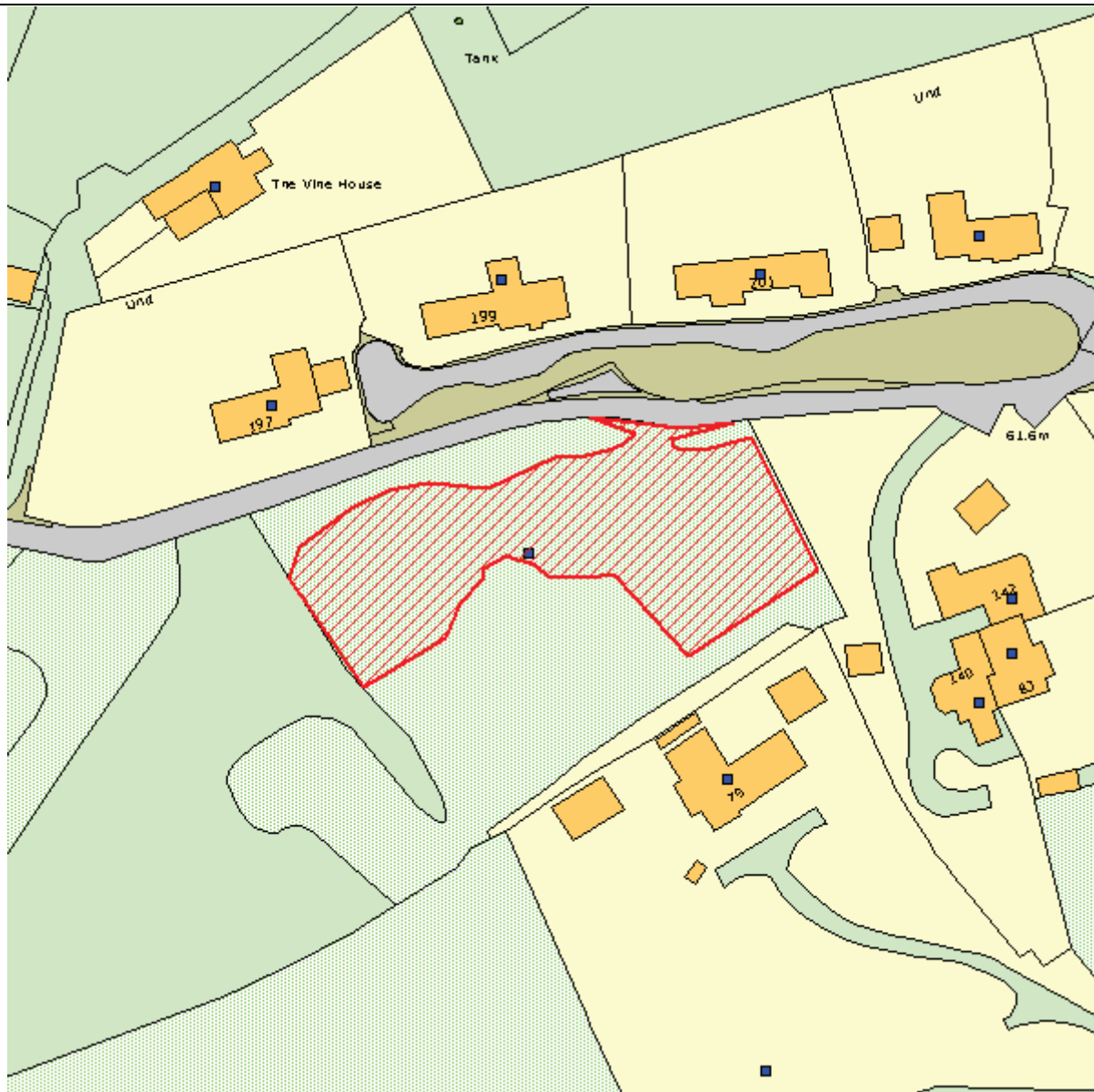
PLANS LIST:

OS Extract	09 Jul 2014	SITE LOCATION PLANS
Drawing	09 Jul 2014	DOOR AND WINDOW PLANS
Drawing	09 Jul 2014	EXISTING SKIRTING AND EXTERNAL DOOR
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Drawing	09 Jul 2014	ROOF GARDEN DOOR, STEPS & HANDRAIL
Drawing	09 Jul 2014	SECTIONS
Drawing	09 Jul 2014	SURVEY ELEVATIONS
Drawing	09 Jul 2014	SURVEY PLANS

DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Despite the advice provided during the pre-application stages and the previous applications, the applicant chose to submit the scheme in its current form. The proposals were considered unacceptable for the reasons given and the applicant did not wish to withdraw the scheme. Having regard to the need to avoid unnecessary delay, the Local Planning Authority moved forward and issued its decision

Item No:	04
Application No:	14/02756/FUL
Site Location:	Land Opposite 199 Bailbrook Lane Bailbrook Lane Lower Swainswick Bath



Ward: Lambridge

Parish: N/A

LB Grade: N/A

Ward Members: Councillor B Chalker

Councillor Dave Laming

Application Type: Full Application

Proposal: Erection of two detached dwellings with retained open space

Constraints: Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Tree Preservation Order, World Heritage Site,

Applicant: Charlcombe Homes Ltd

Expiry Date: 26th August 2014

Case Officer: Rebecca Roberts

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

At the request of Cllr Dave Laming, and with the agreement of the Chairman as the Ward Member objects to the proposed contrary to the officers recommendation.

DESCRIPTION OF SITE AND APPLICATION:

The site comprises a square parcel of land situated on the southern side of Bailbrook Lane, and is located directly to the west of a line of existing residential properties that run along both sides of Bailbrook Lane from the junction with London Road West. The topography of this locality due to the site being on a hillside is sloping, levels increase steeply from south to north. The area of the parcel of land is approximately 0.49 hectares, however the application site outlined in red is approximately . The site has an approximate frontage length along the lane of 105 metres, with its depth ranging from approximately 38 metres to 72 metres. This frontage is formed by a 1.4 metre tall rubble stone wall which acts as a retaining wall to the parcel of land behind; views into the site are further restricted by scrub and trees along the boundary which act as a secondary means of enclosure.

The site is within the Conservation Area and World Heritage Site and lies to the south of the Bath Bristol Green Belt and Cotswolds AONB, these designations are separated from the site by the Redcliffe Housing development to the north of Bailbrook Lane.

The application is a resubmission of a previously refused scheme which was dismissed at appeal for 4 dwellings within the site and was dismissed by the inspector of grounds that 4 houses would harm the character and appearance of the Conservation Area as a result of the loss of undeveloped land which the Inspector considered played a part in the landscape setting of this locality, however the Inspector stated that the harm caused to the Conservation Area was less than substantial. The application has been revised in response to the Inspectors comments. It has reduced the development, enhanced the landscape setting of the site and minimised the impact of development by setting the properties further into the hillside, so that from the streetscene the character of an undeveloped site is preserved.

The proposed development would result in the erection of two bespoke contemporary dwellings built using traditional materials with significant landscaping between the units to reinstate the orchard and preserve the landscape connections that are characteristic of this locality.

The application proposes the erection of 2 detached 5 bed dwellings which are proposed to be graded into the hillside to reflect the local topography. A new access, and hard/soft landscaping are proposed to provide access into the site and movement within the site between the dwellings and further planting to create an orchard which will act as a shared space and will enhance this already green landscape. The proposed development will involve excavation of the upper part of the site to create a level platform on which to construct the dwellings. These dwellings will be constructed on split levels to follow the contours of the site and will sit level or below the boundary wall and will be designed so as not to disrupt the sight line from the dwellings to the north or those using the highway. Furthermore landscape improvements are proposed to the southern boundary and the grading of the properties has been designed so that the sight lines from the proposed dwellings will be above the roofline and will restrict views into the neighbouring site of 79 London Road West.

It is proposed to use a mix of materials to reflect the relationship between the urban and rural landscape, it is proposed to use a smooth faced Bath Stone, coursed random rubble stone and Bath stone coloured render. The roof will be finished with zinc and will be a matt grey colour similar to lead, this can be utilised on low pitched roofs which are proposed.

The application has been supported by the submission of a design and access statement, landscape and visual impact appraisal, arboricultural assessment and an extended phase one habitats survey.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

LANDSCAPE ARCHITECT: No objection subject to conditions. Agree with their findings in terms of the likely impact of the development on the landscape (specifically the conservation area, the AONB and the WHS). I agree that the overall visual impact is likely to be low to neutral. Should the proposal be permitted, then a fully detailed hard and soft landscape scheme will be required. For example, the note (on Drg 5) regarding the choice of species along the northern boundary is misleading.

Would be more appropriate to have more screen planting around the perimeter of the site and less within the site - specifically between units 1 and 2 / 2 and 3. I would also like to see the specimen trees located more generally across the site and not just focussed in one area. There should be more than 6. Detailing of the boundaries is going to be of critical importance and this needs to be looked at very carefully to help minimise impact, especially on immediate neighbours. The cut and fill proposals appear to be highly engineered and these would also need to be softened and made more natural in appearance. The walling could also be made more fluid and curving in appearance.

URBAN DESIGNER: No objection. The reduced scheme and introduction of an orchard is an improved scheme.

ECOLOGICAL OFFICER: An ecological survey and assessment has been submitted, which is reasonably comprehensive, and its recommendations have so far largely been incorporated into the scheme.

ARBORICULTURAL OFFICER: No objection subject to conditions. The trees on the site are protected by virtue of the conservation area designation and a number of trees offsite to the south are protected by TPO 500/47. Agree with the general assessment of the trees on the site.

HIGHWAY DEVELOPMENT OFFICER: No objection subject to conditions. The Highway Authority has previously consistently opposed further development off Bailbrook Lane, due to the restricted width of Bailbrook Lane to the west, and the use of the lane as a rat-run between London Road West and Gloucester Road. Furthermore, highway objections have been raised regarding the sustainability of the site, where the restricted width of the lane and the lack of pedestrian facilities along the length of Bailbrook Lane would not be conducive to walking and cycling, and where local facilities would therefore not be easily accessible by sustainable modes of travel. The application site is, however, located at the eastern end of Bailbrook Lane, where the lane is wider and more pedestrian friendly, and is also close enough to London Road West to provide access to public transport and segregated pedestrian facilities. The proposed access junction with Bailbrook Lane has therefore been designed to discourage access to and from the west, through the provision

of a very tight radius to the western side. The closeness of the site access to the wider sections of Bailbrook Lane to the east, and also to London Road West, is also likely to result in traffic using the eastern end of Bailbrook Lane in preference to the western end.

HIGHWAYS DRAINAGE TEAM: The applicant intends to discharge surface water arising from the proposed development through soakaways. Ground investigations and soakaway testing in accordance with the requirements of the BRE365 Digest should be undertaken to determine if soakaways are a feasible drainage method. Tests and flow rates need to be determined if water is to be discharged into the culvert on site.

ENVIRONMENTAL HEALTH OFFICER: No objection subject to informatives for code of construction and noise.

WESSEX WATER: The developer must provide separate systems of drainage which will be adopted by agreement with Wessex. Any new connection to the public sewerage system under Section 106 of the Water Industry Act 1991, cannot then be made until the applicant has entered into a signed Section 104 Adoption Agreement with the Water Company. No foul drainage has been agreed. The applicant has indicated drainage via SUDs; ground conditions may not be suitable and the applicant may need to explore other options. There must be no surface water connections to the public foul network. There is adequate capacity within the water supply network to serve the proposed development; point of connection may be agreed at design stage.

OTHER REPRESENTATIONS/THIRD PARTIES

Ward Member Cllr Laming - New development overlooking existing - loss of amenity. No account being taken of the ecological and natural environmental damage that may well be caused. Access issues onto side road (Bailbrook) and Main old A4. Junction of Bailbrook and London Road still used as a turning circle by cars trying to go back through the village, and Bailbrook used extensively as a "Rat Run" to avoid the London Road rush hour. Cllr Laming claims that a former Councillor failed the residents by failing to sort out this issue some 5 years ago. Damage to retaining wall and another dangerous access onto Bailbrook Lane from the proposed development site.

Neighbours - 15x objections and 2x general comments have been received and are summarised as

- cars using it illegally as a rat run, development will only increase this problem
- Bailbrook Lane is an 'access only' highway and is a single carriageway for most of its length.
- additional vehicles will add further unacceptable congestion and safety concerns
- a quiet and relatively unspoilt country lane would in effect transform this end of Bailbrook into a suburban estate, with all its associated traffic
- object to the loss of the wall, which is a great feature of the lane.
- proposed would interfere with the flow of the stream that supplies the water to the pond in our garden
- the character of the area cannot support work of this nature: there will be significant and irreparable environmental damage i.e. wildlife will suffer; trees and hedges will be destroyed
- the existing wall is historic and deserves to be repaired not demolished
- new houses are out of keeping with the ambience of Bailbrook

- limited visibility at point of access
- the practice of traffic turning in an easterly direction sounds fine on paper this is not what will happen in practice

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
- CP6 - Environmental Quality
- DW1 - District Wide Spatial 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

- D.2 General Design and Public Realm Consideration
- D.4 Townscape Consideration
- BH.6 Development within or affecting Conservation Areas
- NE.10 Nationally Important Species and Habitats
- NE.11 Locally Important Species and Habitats
- T.24 General Development Control and Access Policy

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

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT:

The site is located within the urban envelope of Bath where in principle new residential development is broadly acceptable providing it complies with the relevant policies of the development plan.

RESIDENTIAL DENSITY:

The NPPF encourages the efficient use of land and promotes good design and sustainable development however does not prescribe set densities for land therefore it is up to the LPA to consider what is appropriate on a site by site basis giving consideration to factors such as prevailing character, design and layout to ensure appropriate levels of housing are achieved. Notwithstanding the current national policy position, the extant policy as set out at HG.7 of the Bath & North East Somerset Local Plan still states that residential developments will only be permitted where the maximum densities are compatible with the site, its location and its surroundings, stating that densities in excess of 30dph will be expected. This policy was derived from and was in line with the superseded PPS.3 however it has not been updated and remains a saved policy in the Draft Core Strategy. It is accepted that this prescription of density goes against the new

national guidance, and indeed against the draft policy B1 of the Core Strategy, however, as this policy is part of the current Development Plan and is saved, density consideration is still of material consideration.

This application relates to a site measuring 0.49ha, based on the advice set out in HG.7 there would be an expectation to see c.15 houses on a site of this size in order to accord with the policy. In this respect it is considered that the proposed represents under-development and is thus contrary to the local policy; this analysis does help dispel the comments received suggesting that this scheme is over-development of the site. Notwithstanding, consideration has to be made to other factors affecting the site. The site is in a semi-rural location close to the main conurbation of Bath and could be argued to be comparatively remote from services, and whilst there is a bus service accessible to the site at the bottom of Bailbrook Lane on London Road West, there are no shops in easy walking distance; (approximately 20 minutes walking), to introduce significant level of houses would allow for more cars and create a greater demand for car borne journeys thus increasing traffic flow on this quiet road. Looking at the context of the site and the character of the surrounding area, to insist on meeting the density requirements would create a form of development at odds with the context of the area.

As set out in the introduction, the character of this area is one of loose knit development set back from the roadside; the plots along the southern side of Bailbrook Lane are large, accommodating predominantly single detached dwellings. Furthermore, the site slopes dramatically from north to south and has far reaching views and is visible from many key vantage points as shown in the Landscape and Visual Impact Appraisal by Nicholas Pearson Associates submitted as part of this application. To intensify the amount of housing in order to conform to the local plan policy would be to allow a level of development that would harm the visual character of the area and be inappropriate in relation to the setting and context of the surrounding properties. In respect of the long range views into the site, and being mindful of the adjoining developments and not overdeveloping this prominent hillside, it is again felt that to add further dwellings to the site would in fact harm the visual character and detract from the setting of the area.

On balance it is felt that whilst the application does not propose sufficient dwellings to comply with the local policy, as stated every application must be judged on its own merits. In respect of the NPPF and emerging policy advice, it is considered that the factors as set out above justify that to achieve the higher density may conflict with other policies (landscape and setting) and would result in a form of development that is deemed inappropriate for this area. It is therefore considered that this scheme is acceptable in terms of the density of development proposed in this location, responding positively to the local context and demonstrating an effective and efficient use of this site.

CHARACTER AND APPEARANCE:

The proposal on this hillside location is visible from many viewpoints, ranging from the Bathampton Plateau to low hillside views from the Bathford to Bradford on Avon road and from the Warminster road and hill top views from public rights of way on Bathampton Down and is highly visible from Bailbrook Lane, when moving towards the site from either end of the road.

The proposal is for the erection of 4 detached dwellings, on the opposite side of Bailbrook Lane a development by Redcliffe Homes was approved for 5 detached dwellings on

appeal and the inspector concluded that 5 dwellings would generally reflect the established loose-knit pattern of development in the immediate area and would be located so as not to intrude into close or distant view, thereby not restricting the character of this part of the Conservation Area. This is also considered to apply to the application site, furthermore this site is lower down the slope closer to the built environment along London Road West and has greater screening along the boundaries by mature trees a number of which are protected by Tree Preservation Orders.

This application shows 4 dwellings designed to reflect the local topography - graduated down the slope. The contemporary buildings are of similar heights to the adjacent properties to the east (by setting into the slope), and reflect a contemporary design approach. In light of the character, landscaping and topography of the site, coupled with the mixed dwelling styles along Bailbrook Lane and London Road West the proposed contemporary approach (which adopts a traditional palette of materials) would not adversely harm the setting of adjacent properties or appear disproportionate to the detriment of the wider area.

The development has been designed to respond to the local topography resulting in a split level design. The front elevation follows a more traditional element of single and two storey, the single storey drops at the rear to a two storey element which uses a mix of timber and glazing, the glass will allow not only for full advantage of the wide ranging vista from the site but creates a simple clean line on the rear elevation so as not to create a visually hard aspect (obtained with stone) which would dominant the skyline distracting from the natural landscape which is important to the character and appearance of this part of the Conservation Area. The timber once oxidised will help soften the appearance of the building but also provides a strong rural link between the built and natural environment. The proposed provides a subtle contrast between the materials which reflects the contemporary nature of the dwelling whilst respecting the local context of the street.

The 4 dwellings are contemporary, described as being an "Italianate style regency villa" design built with a mix of natural stone and render under low profiled slate roofs, this will positively add to the wide range of architectural styles noted along Bailbrook Lane and the northern side of London Road West, and is considered to be an asset to the visual character of the area. All the properties have been designed with fenestration and materials used to attain maximum light and heat gain from natural sources, but with large roof overhangs to reduce the impact of light spill. Overall it is felt that the architectural composition of this proposal works well and the style, design and appearance do not detract from the wider area or the landscape sensitivity within this locality.

The application proposes to create a new opening and re-modelling of part of the existing boundary wall towards the eastern side of the frontage. A stretch of the wall will be removed and set back from the road and re-built using the existing stones and made-good to allow for increased visibility when exiting the site, approx. 7.5 metres of the wall will be removed to create the access into the site, the material will be used in the construction of the front boundary to plot one which is a continuation of the boundary wall.

The wall which runs along the roadside is characteristic of the lane and is an important feature which needs to be retained. The proposed development proposes alterations to the wall and will result in the loss of part of the wall, however the continuation of the wall into the site and the narrow nature of the road would not result in the opening being the

dominant focus along this frontage, the scale of the boundary wall and design of the access will preserve the dominance of this feature within this locality and the alterations to it are not considered to be of detriment to the character and appearance of this locality and Conservation Area.

On balance it is considered that this scheme is not in conflict with the setting of the World Heritage Site, it responds to the local context, drawing on common features and materials with a contemporary twist. The new dwellings add a distinctly attractive feel to the local area and the wider public realm is maintained, it is therefore felt that the scheme is in accordance with Policies D.2, D.4 and BH.1 of the Bath & North East Somerset Local Plan.

Notwithstanding the above, given the design of these properties and the size of the individual plots, it is considered appropriate to remove permitted development rights for the erection of extensions and free standing buildings to as to retain control over how the site may evolve in the future and how any proposed works may impact on both the local and wider area.

RESIDENTIAL AMENITY:

Concern has been raised by neighbouring properties as to the issue of overlooking and loss of privacy. The closest dwelling which has the potential to be affected is that of 79 London Road West, this property is set above the main road and sits close to the line of dwellings along Bailbrook Lane.

No.79 is a contemporary dwelling perched on a ledge on the steep hillside and is predominantly single storey with a two storey element home to the master bedroom/bathroom; this property has an extensive amount of glass to the side elevation which takes advantage of the views and natural light. The rear of no.79 is approximately 6 metres from the boundary with the development site and is set down resulting in the ground level of the development site sitting just above the single storey flat roof of no. 79. It is this close proximity to the lower level of the development site and the sloping topography which opens this site to potential impacts of overlooking and increased sense of enclosure. Rear windows are positioned on the single storey part of the dwelling which runs with the boundary between plots 1 and 2, the proposed development at this point is predominantly garden space along the boundaries of the two plots, however the deck area of plot one faces towards no.79, and is set at first floor level, however due to the drop in levels and separation (approx 28 metres), people using the deck area will not be able to look down into the rear of the site of no.79 but will look directly over the roof. Plot 2 is directly to the rear of the two storey structure of no. 79 and is approximately 23 metres away, the ground floor windows of plot 2 will be level with the flat roof of the two storey structure of no.79. There are no windows within the rear elevation of the two storey structure of no.79, there is however a long strip of glazed units along the south western (side elevation) overlooking the garden, however the location of the dwelling in plot two and the balcony would not result in overlooking of any windows, some overlooking or the sense of being overlooked may arise within the garden of no.79 however the potential level of such is not considered significant enough to warrant a reason for refusal. The plot which raises most concern is that of plot 3, due to the large expanse of glazing and the deck area positioned at first floor level which could look directly towards the side windows of no.79. The side elevation of no. 79 is of an oblique angle to the rear elevation of plot 3, therefore the potential for overlooking from within the proposed dwelling of plot 3 is not

considered significant, however the deck area is set at an angle to the development and has the potential for overlooking and loss of privacy, the proposed is approximately 26 metres from the side elevation of no 79 and has a direct sight line towards the side elevation above the garden room. However this sight line is interrupted by a mature tree within the garden of no.79 close to the boundary, this coupled with the proposed landscaping along the boundary and new specimen trees to be planted would create sufficient screening within this space and the level of overlooking is not considered significant enough to warrant a reason for refusal.

The application site has been established as scrub land for some time, although comments have been made to suggest that the land was once used as an orchard and that would be supported by the existing trees on site which are predominantly fruit trees, aerial photos suggest that the area was more populated with trees a decade ago but in recent times has been cleared, creating a more open site and the development of this has the potential to result in an overbearing presence or increased sense of being enclosed to neighbouring occupiers in particular no. 79 London Road West.

The other neighbouring sites are set above the site or are separated by mature trees that create a natural screen, however the dwelling to the south west of the site is more open and set down, therefore the proposed development will sit above no.79 and will be visible from the property and garden. However as stated above the density level is appropriate and forms a loose knit layout which preserves an element of spaciousness within and between the plots which allows for improved landscaping to restore some of the natural landscape that was lost when the site was cleared.

The dwellings have been set away from the boundary to provide sufficient space between the plots and the neighbouring dwellings, creating a buffer zone of approx. 20 metres around the site and within this area will be improved boundary hedges, new trees and retention of some existing specimens which will create a green cocoon around each plot separating the site into smaller environments via natural screen in the landscape to soften the proposed development which is considered to improve the relationship of dwellings within this built environment and is not considered to cause an overbearing presence, this will have the potential to cause an increase sense of enclosure due to the built development and the proposed landscape, however this is not considered significant enough to warrant a reason for refusal.

The dwelling to the east is well screened by mature trees which are protected under a Tree Preservation order and play an important role in the landscaping setting of the area, these will screen the development, plot one will be in close proximity to the eastern boundary, however given the distance between the dwellings, existing boundary treatments and the graded profile of the proposed dwellings no undue harm will be caused to the amenity of no. 142 Bailbrook Lane.

The Redcliffe development to the north, due to the steep rise in the topography will overlook the roofs of the proposed development avoiding the potential for overlooking, loss of privacy or loss of light and will preserve the visual amenity currently enjoyed.

ECOLOGY:

The application was supported by an ecological survey and arboricultural survey to establish the ecological importance of the site and to identify any protected species that may be present within the site or potentially affected by the proposed development.

The ecological officer stated that there were a few issues that needed to be addressed. Additional information has been received and these will be considered and revised comments provided.

There is a watercourse that runs under the Redcliffe development to the north drops over the hedge and into a culvert which runs under the application site to the north east of the site and into the neighbouring garden of No. 79 London Road West and meanders its way across to 142 Bailbrook Lane where it continuously provides water to ponds and flows back into no.79 where it filters through another set of ponds before entering a culvert which runs beneath London Road West towards the River Avon. These ponds act as mini wildlife havens and there is concern that the development will damage this natural flow or indeed contaminate it. The applicant is aware of this natural feature and acknowledges that this may need to be diverted to facilitate the development and ensure its flow is not interfered; the point at which it crosses along the southern boundary will not be altered. A condition will be attached to ensure the pipe is diverted prior to the commencement of development and it is considered any impact on ecology will remain neutral. However it must also be acknowledged that this watercourse runs through other sites above which are not in the applicant's control, therefore contamination could still occur as a result of changes to the water flow upstream of the site.

The information provided within these assessments provides sufficient information on the ecological value of the site and the likely impacts of development and is considered to comply with policies NE.11 and NE.12

The extensive hedging and trees along the boundary of the site will be maintained where possible and incorporated into a landscape scheme; details of the trees to be retained or removed are addressed in the arboricultural report.

HIGHWAYS:

The means of access to serve the development has been agreed with visibility splays of 2.4m by 25m, to accord with the speed of traffic using the lane, and this would be achieved with the realignment of the existing boundary wall. A pull-in area is proposed to the eastern side of the proposed access, which will aid visibility and provide both a passing area and pull-in for servicing. The layout includes turning facilities within the site, in order to ensure emergency vehicles could access the site, if required. Furthermore, each dwelling will have a separate driveway and turning area, together with the provision of adequate parking within garages and on the driveway.

RECOMMENDATION:

A. Authorise the Planning and Environmental Law Manager to prepare an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure ; - a contribution of #10,849.72 for Highways and #34,268.87 towards education provisions.

B. Upon completion of the Agreement authorise the Development Manager to PERMIT subject to satisfactory comments being received from the Councils Ecologist and Urban Designer and the following conditions:-

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

2 No development shall commence until a sample panel of all external walling and roofing materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

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

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

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

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

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

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected or placed within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a highway without a further planning permission being granted.

Reason: In the interests of the visual amenity and character 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 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.

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 No works or deliveries required to implement this development shall take place outside the hours of 0800 - 1800

Reason: To safeguard the amenity of nearby occupiers.

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 means of access up to the individual private drives and the pull-in area adjoining Bailbrook Lane shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The driveways hereby permitted shall not be occupied until their respective drive and common access have been bound and compacted in accordance with the approved details.

Reason: In the interests of highway safety

11 Before the dwellings hereby permitted are first occupied or brought into use the area between the nearside carriageway edge and lines drawn between a point 2.4m back from the carriageway edge along the centre line of the access and points on the carriageway edge 25m from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 600mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety

12 The development hereby permitted shall not be occupied or the use hereby permitted commence until details of surface water drainage provision for the access drive (so as to mitigate adequately runoff of surface water on to the highway) have been submitted to and approved in writing by the Local Planning Authority and the approved drainage details fully implemented.

Reason: In the interests of highway safety.

13 No development shall commence until details of the diversion of the watercourse culvert/pipe have been first submitted to and approved in writing by the Local Planning Authority and the approved diversion fully implemented.

Reason: to safeguard the natural watercourse and natural environment

14 No development shall take place until a Detailed Arboricultural Method Statement with revised Tree Protection Plan which can be scaled from has been submitted to and approved in writing by the Local Planning Authority and details within that implemented as appropriate. The final method statement shall incorporate supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion where any work will impinge on the root protection areas of any retained trees on or off site. The statement should also include the control of potentially harmful operations such as regrading, the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

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

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

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

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

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

17 The development shall not be commenced until a foul and surface water drainage strategy is submitted and approved in writing by the local Planning Authority. The drainage scheme shall be completed in accordance with the approved details prior to the occupation of the permitted dwellings

Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

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:

1 This decision relates to drawing no's 2, 5, 6, 7, 8, 9, 10, 11 and 12 date stamped 16th June 2014 and 1A date stamped 1st July 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

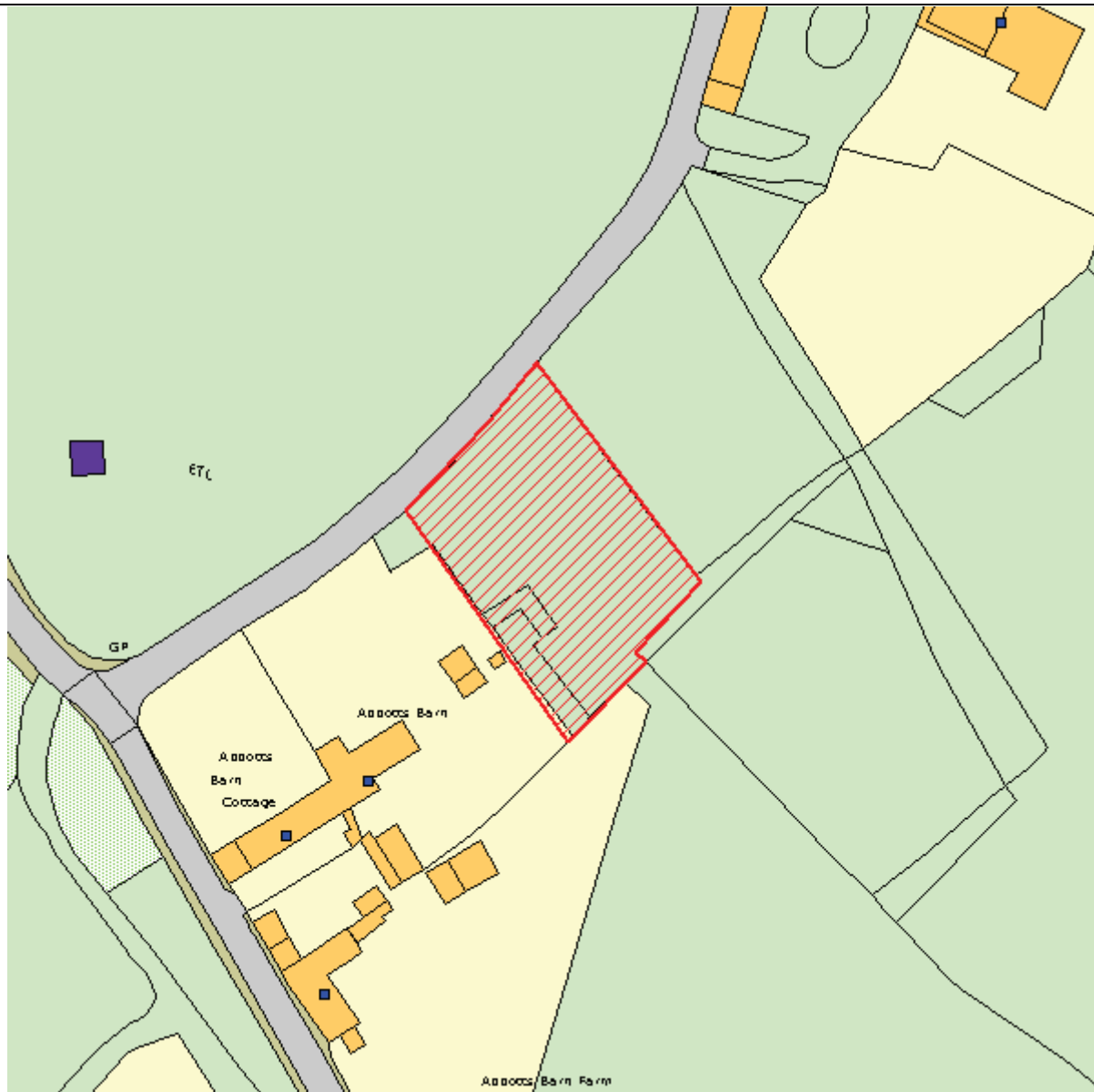
DECISION TAKING STATEMENT

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.

2 ADVICE NOTE:

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

Item No:	05
Application No:	14/01721/OUT
Site Location:	Abbots Barn Cameley Lane Hinton Blewett Bristol Bath And North East Somerset



Ward: Mendip

Parish: Hinton Blewett

LB Grade: N/A

Ward Members: Councillor T Warren

Application Type: Outline Application

Proposal: Erection of 1No dwelling house. (Outline application with some matters reserved)

Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Conservation Area, Forest of Avon,

Applicant: Mr Karl Royle

Expiry Date: 27th June 2014

Case Officer: Rebecca Roberts

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The officer recommendation is contrary to the comments made by the parish council. The Chair has agreed for this application to be considered by Committee as the Parish Council is in favour of this proposal and the local Member is also supportive. The Chair is also of the view that this site could be allocated in the Placemaking Plan.

DESCRIPTION OF SITE AND APPLICATION:

The application site is to the north east of the settlement and is set out on a limb. The site relates to a parcel of land adjacent to Abbots Barn which is bordered on three sides by open land/countryside a field separates the site from Blacknest Farm. The south western boundary forms the edge of the Conservation Area. A public right of way runs through the rear of the site and it is from this path that the adopted Conservation Area Appraisal highlights the setting of the listed Manor House and recognises Abbots Barn Farm as a heritage asset. Therefore the development proposed has the potential to impact upon the setting of the listed building and the character and appearance of the Conservation Area.

The application site is located outside the defined housing development boundary for Hinton Blewett. The Manor forms the boundary line of the housing development boundary. The development would not represent infill development due to its location away from the housing development boundary and is not bordered on three sides by development. The existing site is a greenfield site and appears to form part of an orchard. The site is currently accessed via a side field gate adjacent (90 degrees) to the gated access of Abbots Barn.

The proposal is outline permission with some matters reserved, at this stage only the principle of development and access will be considered although detailed indicative plans have been provided for a 2 storey 3 bed dwelling with double garage.

The dwelling has been sited towards the rear of the site close to the building line of Abbots Barn. A new access will be formed by the creation of a new opening in the random rubble wall which forms the boundary line and extends from Blacknest Farm along the roadside and wraps around Abbots Cottage at the T junction, Random rubble walls are a key characteristic of the village and is the predominant boundary treatment in this locality. Part of the wall will be lost to create the opening and in order to form acceptable visibility splays part of the wall will need to be re-aligned. No justification has been provided as to why the existing access cannot be utilised.

The application has been supported by a design and access statement which does not provide justification for development outside of the housing development boundary.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HINTON BLEWETT PARISH COUNCIL - The village is not a sustainable location however the village has been allocated 10-15 houses under B&NES emerging Core Strategy 2013. Requested that the Place making Plan is a material consideration in considering this application. Although the planning application is for a site outside the housing development boundary and is not one of the sites already identified as having potential for future development, it does fulfil several of the Parish Council's Place making Plan requirements. Single dwelling would have very limited impact on the character of the village. The application would need to respect the public footpath CL1/26 running along the south eastern edge of the property. The Parish Council does however have concern regarding the proximity of a residential dwelling to the 132kv electricity power line which

crosses the property and requests that the access be subject to a Highways Authority audit

PLANNING POLICY: The site is out on a limb away from the main settlement outside of the housing development boundary and is not a site that would be considered in the place making plan as there are other preferable and identifiable sites within the village boundary.

HIGHWAYS: Object. Unsustainable location. There are very limited services available locally and it is noted that the nearest primary schools and shops are located several miles from the village. It is clear that the development would be car dependent and that the potential to use alternative sustainable modes would be severely limited. Visibility of 2.0m x 22m is promoted within the application, and to fully accord with the Manual for Streets guidance a splay of 2.0m x 25m would actually be needed in this case. Having reviewed the Indicative Site Plan, it does appear that this altered splay could be provided in this case. Turning needs to be provided on site and gate would be unacceptable unless a pull in is created.

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:

CP6 - Environmental Quality

CP7 - Green Infrastructure

CP9 - Affordable Housing

CP10 - Housing Mix

DW1 - District Wide Spatial Strategy

RA2 - Development in Villages outside the Green Belt not meeting Policy RA1 Criteria

SV1 - Somer Valley Spatial 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

D.2 - General design and public realm considerations

D.4 - Townscape considerations

HG.10 - Housing outside settlements (agricultural and other essential dwellings)

NE.1 - Landscape character

BH.6 - Development within or affecting Conservation Areas

T.1 - Overarching access policy

T.24 - General development control and access policy

T.26 - On-site parking and servicing provision

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

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT:

Hinton Blewett has been identified as an RA2 settlement within the adopted Core Strategy as it has not got three key facilities and a limited daily public transport service. RA2 settlements will receive approximately 10-15 dwellings over the Plan period of 2011-2029. It is considered that there are sufficient sites within the housing development boundary to accommodate the 10-15 houses required to meet the housing needs identified.

Hinton Blewett Parish are currently working on the B&NES Placemaking Plan sequential site search process. This process will enable Hinton Blewett village to grow incrementally, in the most viable and appropriate places, by allowing development opportunities to come forward at a scale in keeping with the size of the existing settlement. The place making plan will identify the preferred sites and the density of development per site, however the place making plan focuses on development within the housing development boundary unless a rural exception site can be found which does not conflict with the Conservation Area and landscape setting of the village. However, this cannot be given any significant weight at this stage as this has not gone through any formal process and is yet to be assessed or adopted. A single dwelling would not be considered as a rural exception site but if approved would encroach into the open countryside beyond the boundaries of the settlement boundary and the Conservation Area boundary.

Outside of a designated housing development boundary, new residential development is generally resisted

CHARACTER AND APPEARANCE:

Retaining the distinctive quality of rural communities is important, and no new properties should be located where they visually dominate their setting and assume a prominence. Even where dwellings are set in a secluded location their access-ways, boundary treatments and entrances can have a significant impact on the landscape.

Objections are raised as the proposed development would not retain the distinctive character of this edge of settlement location and does not follow the historic plan form (nuclear) of this medieval village.

It is not considered that the buildings visually connect to the village successfully due the lack of development surrounding the site. Although this application is outline, any proposal would result in the loss of a section of the boundary wall which would further impact upon the rural character of area as the boundary wall which extends along the road is an intrinsic characteristic of this locality. The associated development, and domestic paraphernalia would result in visual harm when approaching Hinton Blewett from the north east as it would result in loss of trees within this site which fails to enhance or preserve the landscape character of this rural lane.

An indicative layout and elevations have been provided as part of this submission, but it is noted that this application is outline with some matters reserved, and as such this will not be considered in detail as part of this application.

Overall the proposed development is considered to result in considerable harm to the rural character of the area and the setting of the Conservation area due to its encroachment into the countryside and could establish a precedent for further development.

HIGHWAYS:

The proposed development is located in a relatively isolated village location. There are no regular bus services routed via the village and the settlement is connected to the strategic highway network via narrow (in some places single track) and unlit rural lanes. There are very few dedicated pedestrian facilities within the village, although it is acknowledged that traffic flow levels are generally low and speeds were observed to be significantly below the posted speed limit.

There are very limited services available locally and it is noted that the nearest primary schools and shops are located several miles from the village. It is clear that the development would be car dependent and that the potential to use alternative sustainable modes would be severely limited.

Therefore the site is considered unsustainable and fails to comply with the aims and objectives of the NPPF in promoting sustainable development and policy T.1 of the Local Plan which forms part of the adopted Development Plan

The current access fails to comply with the manual for streets guidelines and does not provide sufficient visibility, it is possible that the required visibility splays can be achieved.

RESIDENTIAL AMENITY:

It is considered that a residential development could come forward that would not harm the residential amenity of any neighbouring occupiers and would provide satisfactory living conditions for future occupiers of the development.

CONCLUSION:

The principle of development outside of the designated housing development is considered unacceptable and would fail to preserve or enhance the rural character of this locality. No justification has been provided to support the application or to demonstrate that there are no other sites within the settlement boundary that could accommodate development to meet the RA2 objectives for 10-15 dwellings and this proposal has the potential to conflict with the place making plan.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 This application proposes the development of a greenfield site beyond the Housing Development Boundary for Hinton Blewett. The proposed development would be of limited benefit that would be greatly outweighed by the significant harm to and loss of a very attractive undeveloped space and the harm to the setting, character and appearance of the adjoining Conservation Area, contrary to Policies D.2, D.4, HG.10, BH.6 and NE.1 of the B&NES Local Plan 2007, which are saved policies in the adopted Core Strategy and policy RA2 of the Bath and North East Somerset adopted Core Strategy 2014.

2 The proposed development is located in a position that is remote from services and employment opportunities and is poorly served by public transport, it is therefore contrary to the key aims of Policy T.1 of the Bath & North East Somerset Local Plan (2007) which

is a saved policy in the adopted Core Strategy (2014) and the National Planning Policy Framework, which seek to facilitate the use of sustainable modes of transport.

PLANS LIST:

1 This decision relates to drawing no's 8756-01, 8756-02, 8756-03, 8756-04 and 8756-05 date stamped 2nd 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 Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	
RESPONSIBLE OFFICER:	Mark Reynolds, Group Manager, Development Management (Telephone: 01225 477079)
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

APPEALS LODGED

App. Ref: 14/01652/FUL
Location: Horseshoe House 51 Sydney Buildings Bathwick Bath
Proposal: Erection of two storey replacement side extension (garage with bedroom over) following demolition of single storey side extension (garage) - (Resubmission).
Decision: REFUSE
Decision Date: 17 July 2014
Decision Level: Delegated
Appeal Lodged: 10 September 2014

App. Ref: 14/01653/LBA
Location: Horseshoe House 51 Sydney Buildings Bathwick
Proposal: Internal and external alterations to include the demolition of single storey side extension (garage) and construction of two storey replacement side extension (garage with bedroom over).
Decision: REFUSE
Decision Date: 17 July 2014
Decision Level: Delegated
Appeal Lodged: 10 September 2014

Appeals decided

App. Ref: 14/01458/AR

Location: Co op Wells road Westfield

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: 25.07.2014

Appeal Decision: Dismissed 12th September 2014

Link to Inspector's Decision:

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-862990.pdf?extension=.pdf&id=862990&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

App. Ref: 14/00091/FUL

Location: 7 Hornbeam Walk

Proposal: Erection of 1no. dwelling adjacent to 7 Hornbeam walk

Decision: Refuse

Decision Date: 6th March 2014

Decision Level: Delegated

Appeal Lodged: 12.06.2014

Appeal Decision: Dismissed 1st September 2014

Link to Inspector's Decision:

<http://idox.bathnes.gov.uk/WAM/doc/Appeal%20Decision-859719.pdf?extension=.pdf&id=859719&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>