

**Democratic Services**

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Date: 3 March 2015

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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, 11th March, 2015**

You are invited to attend a meeting of the **Development Control Committee**, to be held on **Wednesday, 11th March, 2015 at 2.00pm** in the **Council Chamber - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 10<sup>th</sup> March 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. A Tea will be provided for Members in the Dome Room at an appropriate point in the meeting for an adjournment.

The agenda is set out overleaf.

Yours sincerely



David Taylor  
for Chief Executive

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

*This Agenda and all accompanying reports are printed on recycled paper*

## NOTES:

1. **Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact David Taylor who is available by telephoning Bath 01225 - 394414 or by calling at the 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** - Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

**For Councillors and Officers** papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

## 4. Recording at Meetings:-

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

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

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

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

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

**7. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

**Development Control Committee - Wednesday, 11th March, 2015  
at 2.00pm in the Council Chamber - Guildhall, Bath**

**A G E N D A**

1. EMERGENCY EVACUATION PROCEDURE

The Chair will ask the Committee Administrator to draw attention to the emergency evacuation procedure as set out under Note 7

2. ELECTION OF VICE CHAIR (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

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

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

(b) The nature of their interest.

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

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

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

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

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

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

7. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

8. MINUTES: 11TH FEBRUARY 2015 (PAGES 9 - 50)

To approve as a correct record the Minutes of the previous meeting held on Wednesday 11<sup>th</sup> February 2015

9. PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 51 - 142)

10. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 143 - 150)

To note the report

11. CHANGE OF DATE OF MAY MEETING

To note that the meeting arranged for Wednesday 6<sup>th</sup> May has been brought forward to Wednesday 29<sup>th</sup> April in view of the Elections being held on Thursday 7<sup>th</sup> May

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

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

# **Member and Officer Conduct/Roles Protocol\***

## **Development Control Committee**

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

### **1 Declarations of Interest (Disclosable Pecuniary or Other Interest)**

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

### **2. Local Planning Code of Conduct**

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

### **3. Site Visits**

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

### **4. Voting & Chair's Casting Vote**

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

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

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

## **5. Protocol for Decision-Making**

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

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

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

## **6. Officer Advice**

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

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

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

## **8. Officer Contact/Advice**

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

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

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

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

### **Site Visit Procedure**

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



**DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING**

**BATH AND NORTH EAST SOMERSET**

**MINUTES OF DEVELOPMENT CONTROL COMMITTEE**

Wednesday, 11th February, 2015

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

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

Also in attendance: Councillors Colin Barrett, Cherry Beath, Liz Hardman, David Martin, Ben Stevens and Roger Symonds

**104 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

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

A Vice Chair was not required

**106 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There was an apology for absence from Councillor Bryan Organ whose substitute was Councillor Brian Webber

**107 DECLARATIONS OF INTEREST**

Councillor Rob Appleyard declared an interest in the planning application at the MoD site, Foxhill, Combe Down, Bath (Item 5, Report 9) as a Director of Curo (the applicants). He would therefore leave the meeting for its consideration.

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

There were no items of urgent business. However, at the Chair's request, the meeting held a minute's silence for those who died in the recent accident involving a runaway lorry in Lansdown Lane, Weston, Bath.

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

The Senior Democratic Services Officer stated that (1) notice had been given of a statement to be made by the Bath Preservation Trust relating to cumulative impact in the World Heritage Site which would be heard shortly; and (2) various people had registered to speak on planning applications and that they would be able to do so when reaching their respective items in Report 9.

Caroline Kay, Chief Executive of the Trust, read out her statement which the Committee noted. The Chair stated that Officers would respond to the statement in due course.

## **110 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

There was none

## **111 MINUTES: 14TH JANUARY 2015**

The Minutes of the previous meeting held on Wednesday 14<sup>th</sup> January 2015 were approved as a correct record and were signed by the Chair

## **112 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.
- An Update report by the Group Manager on Item Nos. 3-6, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Item Nos. 1-7 and 9, a copy of the Speakers List being attached as *Appendix 2* to these Minutes

**RESOLVED** that, in accordance with their delegated powers, the applications be determined as set out in the Decisions List attached as *Appendix 3* to these Minutes

**Item 1 Pinesgate, Lower Bristol Road, Bath – Erection of an office building (Use Class B1) with basement parking, associated infrastructure and landscaping following demolition of existing office building** – 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 for various provisions; and (B) on completion of the above Agreement, grant permission subject to conditions. She referred to the sample panels of facing materials which had been the subject of a Technical Briefing for Members and which were now on display at this meeting. The Panel numbered 2 was preferred by the applicants and was recommended by Officers.

The public speakers made their statements against and in favour of the proposals. The Ward Councillor Ben Stevens made a statement on the benefits of the scheme.

The Ward Member on the Committee, Councillor Ian Gilchrist, supported the scheme and moved the Officer recommendation with the recommended sample panel numbered 2 which was seconded by Councillor Rob Appleyard.

Members debated the motion. Councillor Les Kew considered that the details of windows and doors and the proposed facing materials that had a similar hue to Bath stone were now acceptable. However, there should be a condition that a large sample panel of the facing material should remain on site until completion of the work. Councillor Manda Rigby, with some other Members, did not feel that the facing

material was acceptable and would not support the motion. Councillor Patrick Anketell-Jones agreed with Councillor Kew that the facing material was acceptable. However, there was some doubt concerning the weathering process and he felt that a condition should be added for a 10 year monitoring of the facing materials to maintain its appearance. There should also be a condition to make the building gull proof. Some Members agreed with these proposed amendments. The Group Manager advised that a 10 year survey would not be reasonable but gull proofing could be added as a condition. The mover and seconder agreed to amend the motion accordingly. The matter of the large sample panel was covered in the recommended Condition 3 and could be delegated to Officers to ensure it was in accord with the small panel provided by the applicants. Councillor Brian Webber was content with the proposed materials but expressed concern about the height of the building. He indicated that he would not vote against the motion on the grounds of the height of the building.

After a full discussion on the proposed scheme and the facing materials, the motion was put to the vote. Voting: 6 in favour and 6 against with 1 abstention. The Chair used his second and casting vote against the motion and therefore the motion was lost, 6 voting in favour and 7 against.

The Chair therefore moved that the application be refused as the proposed facing materials and height of the building would have a detrimental impact on the area and this part of the World Heritage Site and were not in accord with the Bath Western Riverside Supplementary Planning Document. This was seconded by Councillor Dave Laming. The motion was put to the vote. Voting: 6 in favour and 6 against with 1 abstention. The Chair used his second and casting vote in favour of the motion which was therefore carried, 7 in favour and 6 against.

**Item 2 MoD Warminster Road, Bathwick, Bath – Demolition of existing buildings, erection of 204 dwellings, 2 accesses from Warminster Road, vehicular parking, open space, landscaping (including tree removal), pumping station, and associated engineering works** – The Team Manager – Development Management reported on this application and the recommendation to (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure various provisions relating to (i) Affordable Housing, (ii) Education, (iii) Public Open Space and Recreation, (iv) Public Transport, Walking and Cycling provision, (v) Conservation Management Plan, and (vi) Maintenance of Canal Towpath; and (B) subject to the prior completion of the above Agreement, authorise the Group Manager to grant permission subject to conditions. He reported on late objections received and recommended 2 further conditions relating to garages and land for education/public footpath and an Informative.

The public speakers made their statements against and in favour of the development. The Ward Councillor David Martin made a statement against the proposed scheme.

Members asked questions about the scheme to which the Team Manager responded. Discussion covered various aspects of the scheme including affordable housing, landscaping, education land etc. Councillor Rob Appleyard referred to the fact that he could see the site from his property but felt that his participation in the debate and vote was reasonable. Councillors Manda Rigby, Dave Laming and Patrick Anketell-Jones stated that they could also see the site from a distance and

therefore each declared a similar interest but they all considered their participation in the item to be reasonable. Councillor Ian Gilchrist considered the proposed development was acceptable and moved the Officer recommendation which was seconded by Councillor Vic Pritchard.

Members debated the motion. They discussed various issues including the number of houses, affordable housing, rainwater goods etc. It was generally felt that the scheme provided much needed housing of a quality design on a brownfield site and would dramatically improve the existing appearance. The Group Manager stated that the benefits of the scheme outweighed any drawbacks when considered as a whole. Councillor Ian Gilchrist considered that the street furniture should be of a good quality as indicated in the drawings provided by the architect. The Chair summed up the debate and put the motion to the vote. Voting: 10 in favour and 3 against. Motion carried.

(Note: There followed a 5 minute adjournment for a natural break)

**Items 3&4 The Colonnade beneath Grand Parade, Bath – Change of use of vault and undercroft spaces below Grand Parade to restaurants and ancillary facilities (A3), with works to allow pedestrian access to Boat Stall Lane and The Colonnade and to facilitate access to Slippery Lane. Alteration to the public highway, the creation of pedestrian space, the realignment of bus and service parking capacity along Grand Parade and towards Orange Grove, provision of a new loading bay and construction of vertical reception and service receptions (Applications Ref Nos. 14/01772/REG03 and 14/01773/REG13)** – The Case Officer reported on these applications and her recommendations to (1) grant permission with conditions and that (2) regarding the application for listed building consent (A) the application be referred to the Secretary of State to give him the opportunity to consider whether to exercise his call-in powers in accordance with the Town and Country Planning (Consultation) (England) Direction 2009; and (B) subject to the Secretary of State not calling in the application, to authorise the Group Manager to grant consent subject to conditions. She referred to the receipt of comments from English Heritage and the added Condition (relating to protection of the structure of Pulteney Bridge) and Plans List referred to in the Update Report. In relation to Item 3, the recommended Condition 22 of the application for planning permission could now be deleted as it was better covered under condition 16 of the Operational Statement. She referred to further representations from statutory consultees on the matter. She informed the meeting that there were various references in the Report on Item 4 (at pages 117 to 121 of the Agenda) to “planning application/planning permission” whereas these should read “listed building application/listed building consent” and confirmed that the report has had special regard to the desirability of preserving the Grade II listed Colonnades and its setting and that of the surrounding listed buildings as well as paying special attention to the preservation of the character of the surrounding Conservation Area. She explained that this had been given full consideration as detailed within the Report. Whilst it had been accepted that the development would result in harm to the setting of the listed buildings and the Conservation Area, full attention had been given to the duty of the Council to consider the necessary issues within the Planning (Listed Buildings and Conservation Areas) Act.

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

Councillor Manda Rigby, as one of the Ward Members on the Committee, welcomed the use of The Colonnade and it being opened up but could not support the recommendations. She agreed with English Heritage and references in the NPPF that there would be harm to Pulteney Bridge. The building-out of the pavement could prevent a number of events that were planned for Grand Parade. She therefore moved that permission and consent be refused on the grounds that the proposed development would cause substantial harm and would provide little public benefit and that it would be detrimental to the character and appearance of Pulteney Bridge and this part of the Conservation Area and the World Heritage Site. The motion was seconded by Councillor Martin Veal.

Councillor Brian Webber, the other Ward Member on the Committee, considered that there were some benefits of the scheme but had concerns about access and the appearance of the kiosks. He gave some of the history of the site and felt that there was little demand for more restaurants. The Group Manager made reference to the consultation responses from English Heritage and advised that it was unclear if English Heritage thought the harm in question fell to be considered under NPPF 133 or 134. The difference between the two paragraphs and the tests contained therein was significant to the decision to be made. The Group Manager advised that clarification should be sought from English Heritage as the consultation report before the Committee was not clear – he therefore felt that it would be better if the application was deferred.

Members debated the motion and had regard to the advice from the Group Manager. Most Members agreed that the principle of opening up the Colonnades was beneficial but could not accept the design of the kiosks and the effect on this part of the City. Members considered that, notwithstanding the advice of the Group Manager, the proposal constituted substantial harm to the setting of Pulteney Bridge and that it should therefore be refused. The motion was therefore put to the vote and was carried, 12 voting in favour and 0 against with 1 abstention.

(Note: After this decision at 5.15pm, the Committee adjourned for Tea until 5.40pm)

**Item 5 Former MoD Premises, Foxhill, Combe Down, Bath – Outline planning permission for up to 700 dwellings, up to 500 sq. m retail (Use Classes A1-A5), up to 1000 sq. m employment (Use Class B1), up to 3500 sq. m community/education (Use Class D1), single form entry primary school, open space and all associated infrastructure** – 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 provisions relating to (i) Transport, (ii) Open Space, (iii) Affordable Housing, (iv) Education, (v) Community Services, and (vi) Economic Development; and (B) subject to the prior completion of the above Agreement, to authorise the Group Manager to grant permission subject to conditions. He updated the meeting on further representations being received and details of further planning proposed.

The public speakers made their statements against and in favour of the application. The Ward Councillors Cherry Beath and Roger Symonds made statements in support of the scheme.

Councillor Neil Butters considered this to be a good scheme and moved the Officer recommendation. He enquired about the highway layout at the junction of Entry Hill and Bradford Road. The motion was seconded by Councillor Ian Gilchrist.

Members asked questions about the development to which the Officer responded. Councillor Vic Pritchard referred to the building-out of the pavement on the southern side of the proposed roundabout on Bradford Road at the main entrance to the site and felt that painted white lines would be preferable. The Highways Officer responded that this could be considered. Members discussed various aspects of the scheme. The Group Manager referred to various aspects that would be included as Reserved Matters. The Chair stated that the Entry Hill junction would be given appropriate consideration. He summed up the debate and put the motion to the vote which was carried unanimously (Note: Councillor Brian Webber had left the meeting before this application was considered and Councillor Rob Appleyard was not present for its consideration in view of his interest declared earlier in the meeting).

**Item 6 The Wharf, Greensbrook, Clutton – Erection of 15 dwellings following demolition of existing workshop and stone shed** – The Case Officer reported on this application and his recommendation to (A) authorise the Planning and Environmental Law Manager to secure an Agreement under S106 of the Town and Country Planning act 1990 to secure various provisions relating to (i) affordable homes, (ii) a financial contribution towards improvements to pedestrian facilities and/or traffic management, and (iii) a financial contribution towards Primary School Places and Youth Provision; and (B) upon completion of the Agreement, authorise the Group Manager to grant permission subject to conditions. The Update Report recommended an increase in the amount of financial contribution towards Primary School Places and Youth Provision.

The Chairman of Clutton Parish Council made a statement in support of the application.

Councillor Les Kew explained the circumstances of the application and moved the Officer recommendation which was seconded by Councillor Dave Laming. The motion was put to the vote and was carried, 11 voting in favour and 0 against with 1 abstention.

**Item 7 Lansdown Mazda, 59 High Street, Weston, Bath – Erection of single storey front extension to car showroom (Revised proposal)** – The Team Manager reported on this application and the recommendation to refuse permission.

Councillor Malcolm Lees read from a statement prepared by the objector who was due to speak at the meeting but was too unwell to attend. The applicant made a statement in favour of the scheme. The Ward Councillor Colin Barrett then made a statement in support of the proposal.

Councillor Malcolm Lees made a statement as Ward Councillor requesting that a Site Visit be held and then left the meeting for its consideration having taken a decision not to participate in the vote.

Councillor Rob Appleyard considered that the scheme was acceptable. On the basis that the scheme would not affect the character of the Conservation Area, it would not significantly affect the amenities of the adjoining neighbour and would not unduly

affect the highway, he moved that the recommendation be overturned and that permission be granted. The motion was seconded by Councillor Martin Veal.

Members debated the motion. Some Members considered that this was a small extension to the showroom and would be an improvement to the street scene. Reference was made to the parking of cars on the forecourt being in contravention of a condition of an earlier permission. The Chair stated that the effect on listed buildings and local residents needed to be taken into account. The Group Manager stated that no weight could be given to the applicant's financial situation or to the fact that cars were being parked on the forecourt as the latter was in breach of a planning condition on a previous permission. The Group Manager noted that the technical advice from the Highways Officer was that there would be problems for traffic and pedestrians emerging onto the High Street. Members would need to consider whether the development would preserve or enhance the Conservation Area. He advised that the motion would need to be amended to delegate Officers to grant permission subject to appropriate conditions which was accepted by the mover and seconder. Some Members considered that the development would have a detrimental impact on the street scene and affect this part of the Conservation Area.

The motion was put to the vote and was carried, 7 in favour and 4 against.

**Item 8 Parcel 4645 Bath Road, Farmborough – Construction of vehicular access and hard standing for round bale silage storage (Retrospective)** – The Case Officer reported on this application and his recommendation to grant permission subject to conditions. The Officer provided an oral update to the Committee in relation to the impact of the development on the character of the area. He stated that, due to the limited size of the hard standing, the limited length of the hedgerow lost and the fact that the development was on the edge of the settlement, the Officer view was that the impact on landscape character was not significant.

Councillor Les Kew stated that it was unfortunate that this was a retrospective application but considered that permission should still be granted and he therefore moved the Officer recommendation which was seconded by Councillor Vic Pritchard. The motion was put to the vote and was carried unanimously (Note: Councillors Malcolm Lees and Martin Veal were not present for consideration of this application).

**Item 9 No 28 Brummel Way, Paulton – Erection of dwelling house and associated car parking following demolition of existing garage** – The Team Manager reported on this application and the recommendation to grant permission subject to conditions. He gave an oral update to the Report which noted that the Council's Core Strategy had been adopted.

The applicants' agent made a statement in support of the development. The ward Councillor Liz Hardman made a statement against the proposed development.

The Group Manager advised Members that loss of property value was not a material planning consideration.

Councillor Vic Pritchard considered that there were practical problems with the scheme and moved that permission be refused on grounds of overdevelopment and poor vehicular access. The motion was seconded by Councillor Rob Appleyard.

Members debated the motion. A Member considered that, with the extension already approved and the little amount of traffic generated from 1 additional property, there would not be a problem. There was a contrary view that a poor standard of amenity would ensue from the development. The Group Manager advised that it would be difficult to defend reasons of overdevelopment at any appeal but stated that grounds of harm to amenity, whilst not supported by Officers, were grounds which Members might decide to be harmful enough to warrant refusal. A refusal based on highways reasons would also be difficult to defend when taking into account the Inspector's comments as mentioned in the Report. Councillor Vic Pritchard considered that there would be potential conflict with 2 adjoining families in this small space at the end of a cul de sac. On advice, he amended the reasons for refusal of his earlier motion to that of over intense use of the site and poor vehicular access and egress. The seconder agreed.

The motion was then put to the vote and was carried, 6 voting in favour and 4 against with 1 abstention (Note: Councillors Malcolm Lees and Brian Webber were absent for consideration of this item).

### **113 TREE PRESERVATION ORDER - MIDMAR, RICHMOND ROAD, BEACON HILL, BATH**

The Committee considered (1) a report by the Senior Arboricultural Officer on an objection received to a Tree Preservation Order made on 23<sup>rd</sup> September 2014 on a Silver Birch in the front garden of the above property, which tree made a contribution to the landscape and visual amenity of the Conservation Area; and (2) an oral statement by the son-in-law of the owner against the Order.

The Senior Arboricultural Officer gave a presentation on the matter. Members considered the recommendation to confirm the Order without modification. Councillor Patrick Anketell-Jones (Ward Member on the Committee) felt that the tree was out of proportion to the garden and house and therefore could be reduced in size. A replacement tree would be more appropriate.

The Officer responded to various queries by Members regarding potential works to the tree or its felling and replacement by trees of a different species. The Group Manager – Development Management emphasised that this was a significant tree situated within the Conservation Area and its visual amenity made it worthy of a Tree Preservation Order. Councillor Vic Pritchard considered that the Order gave the Council control over the tree and that there would be a substantial loss of amenity if the tree was felled. He therefore moved the Officer recommendation for the Order to be confirmed without modification which was seconded by Councillor Rob Appleyard.

Members debated the motion. As there had been some discussion regarding works to trees in the Conservation Area, it was considered that it would be useful if a guidance note could be produced explaining the difference between this and works to trees covered by a Tree Preservation Order. The Senior Arboricultural Officer stated that she would circulate a Note in due course. The motion was put to the vote and was lost, 4 voting in favour and 6 against with 1 abstention.

Councillor Manda Rigby therefore moved that the Order not be confirmed which was seconded by Councillor Les Kew. The motion was put to the vote and was carried, 7 voting in favour and 3 against with 1 abstention.



**114 QUARTERLY PERFORMANCE REPORT - OCTOBER TO DECEMBER 2014**

The report was noted. The Chair, on behalf of the Committee, extended his thanks to Officers on their performance during this Quarter.

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

The report was noted

The meeting ended at 8.30pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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## **BATH AND NORTH EAST SOMERSET COUNCIL**

### **Development Control Committee**

#### **Date**

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

#### **ITEM**

#### **ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
04 and 05	14/01772/REG03 14/01773/REG13	Colonnades Grand Parade Bath

#### **Comments received from English Heritage**

These can be summarised as follows:

This proposal is a prime opportunity to bring back to use the Grade II listed undercrofts. Concern has previously been raised with regards to the discordant nature of the access beacons within the context of Grand Parade and in particular of the harm caused to the setting of Pulteney Bridge and the Outstanding Universal Value of the World Heritage Site. However, there have been a number of amendments to the beacons that have improved them visually. Consequently, although it is believed there will still be some harm from them, this harm has been partly ameliorated and will need to be weighed up against the overall benefits of restoring and reusing this neglected part of the city's historic environment. The current proposal should be considered under Paragraph 133 of the NPPF.

This significant alteration of materials for these pods will remove the discordant appearance of the previous glass version and contribute towards harmonising these new structures with the surrounding historic environment. An element of refinement such as the introduction of a simple plinth or recess within the masonry is suggested in order to enhance their design.

Whilst the physical alterations are acknowledged, the northerly of the two shafts will still be harmful, primarily due to its size and proximity to Pulteney Bridge. EH also note their disappointment that the access shaft on the southern end of Grand Parade has not been incorporated into the existing structures along the Park's northern boundary rather than erected as a detached entity on the pavement of Grand Parade.

Should these applications be granted Consent, it will be important to ensure that there are conditions imposed to protect the foundations of the neighbouring listed buildings, in particular Pulteney Bridge.

The above comments have been considered and are broadly in line with the officer assessment of this application. Given the comments an additional condition is recommended on application ref 14/01772/REG03;

No development shall commence until a schedule of engineering works to monitor and if necessary support and protect the structure of Pulteney Bridge during the carrying out of the approved development has first been submitted to and approved in writing by the Local Planning Authority. The approved protective measures shall be kept in place in accordance with the details so approved

Reason: To ensure that the development does not have an adverse impact on the structural integrity of Pulteney Bridge.

The plans list was omitted from the committee report and is as follows:

13063(D)103c, 13063(D)104b, r13063(D)105b, 13063(D)201d, 13063(D)303c, 13063(D)304b, 13063(D)305b, 13063(D)401b, 13063(D)402b, 13063(L)5c, 13063(L)6f, 13063(L)8e, 13063(L)12b, 13063(L)13b, 13063(L)17a, 13063(L)20, 13063(L)302e, 13063(L)303d, 13063(L)306a, 13063(L)304d, 13063(L)1000a, 13063(L)2000c, and 13063(L)3000a received 15<sup>th</sup> April 2014, 13063(L)301f, 13063(L)7k, 13063(L)400a, 13063(L)401a , received 23<sup>rd</sup> September 2014 and 13063(D)101g, 13053(D)102g, 13063(D)501f, 13063(D)502f, 13063(L)9i, 13063(L)10h, 13063(L)11h, 13063(L)14f, 13063(L)15f, 13063(L)16k, 13063(L)21c, 13063(L)18d, 13063(L)305f, 13063(L)307h, 13063(L)308h received 23<sup>rd</sup> January 2015

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
06	12/00293/FUL	The Wharf, Greensbrook, Clutton

### **Representations from Clutton Parish Council**

Since completion of the Committee report the Parish Council have advised that the Housing Development Boundary is currently under review in Clutton as part of the Placemaking Plan.

At the Parish Council meeting, due to be held on Monday February 16th it will be recommended that the Housing Development Boundary be extended in certain places around the village. The application site is one such site that will be likely to be included within the revised development boundary.

### **Representations from Children Services**

Children Services have advised that based on the proposed housing mix the financial contribution towards education is calculated at £18,561.55 (Committee report states £16,313.51). Recommendation A(iii) of the Committee report (s.106 Heads of Terms) should be amended accordingly.

## **Observations for the Committee update:**

### **Item No.5 – Former Ministry of Defence Foxhill Premises, Bradford Road, Combe Down – 14/04354/EOUT**

Four further comments have been received raising the following points;

- Concern that the proposed roundabout on Bradford Road is not large enough to allow vehicles to use it to undertake a U-turn.
- The Cotswolds Conservation Board have provided additional comments raising concerns that the height of development proposed is such that the boundary landscaping will be insufficient to screen it from the AONB particularly at night. Suggest that the proposal should be reduced in height and that conditions limiting building heights landscaping and lighting be imposed if the application was subsequently approved.
- Transition Bath have submitted a further letter maintaining their objection to the application on the basis of lack of onsite provision of allotments and the development achieving only minimum levels of energy efficiency.
- The Councils Landscape Officer has provided further comment on the update Advance Planting Plan. Whilst welcoming the intention of the plan there are a number of detailed concerns. Concern that there is over reliance on the existing off site planting to provide screening. Proposed planting on site is limited and restricted in some parts so will provide insufficient screen. Inclusion of Giant Firs is inappropriate, other species would be more appropriate including Oak, Lime and Beech. Smaller Mulberry trees are susceptible to disease and an alternative hedge mix is suggested to include a wider variety of native species. Suggest landscaping needs to be revised and requires LEMP to be provided to ensure suitable future management.

#### **Officer comments:**

In respect of the roundabout, the size and design is sufficient to accommodate vehicles wishing to U turn, including buses and refuse vehicles. The applicant has provided tracking of such movements to demonstrate this.

In considering the Cotswolds Conservation Board comments, these matters have been carefully considered in the officer's report. The proposed maximum height of buildings is considered to be acceptable and conditions are proposed in respect of restricting building heights. Conditions are also proposed in respect of future control of lighting and the provision of landscaping, including the proposed 'Advance Planting' in the northern part of the site.

Matters relating to allotments and energy efficiency are addressed in the officer's report. In relation to allotments in particular, whilst onsite provision is preferable the Planning Obligations SPD allows for a contribution to be made

to provide allotments offsite. In this instance it has been agreed that offsite provision is acceptable and a contribution in line with the SPD will form part of the S106 Agreement.

Proposed condition 9 requires the implementation of the Advance Planting Plan submitted by the applicant. Given the comments of the landscape officer it is suggested that the condition is revised to require an Advance Planting Plan to be agreed with the Local Planning Authority prior to commencement of development to allow further enhancements to be made. Revised condition 9 to read:

Notwithstanding the details shown in the 'Advance Planting Plan' ref: MXX-XX-DR\_9000 Rev B, a revised Advance Planting Plan accompanied by a timetable for implementation and management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall thereafter proceed in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development and to enhance the existing tree belt on the northern part of the site which contributes to the green setting of the City of Bath.

An LEMP and general landscaping conditions are already proposed in the report.

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

**MEMBERS OF THE PUBLIC ETC WHO MADE STATEMENTS AT THE MEETING  
OF THE DEVELOPMENT CONTROL COMMITTEE HELD ON WEDNESDAY 11<sup>TH</sup>  
FEBRUARY 2015**

<b>SITE/REPORT</b>	<b>NAME/REPRESENTING</b>	<b>FOR/AGAINST</b>
<b>ITEMS FROM THE PUBLIC – ITEM 6</b>		
Cumulative impact in the World Heritage Site	Caroline Kay, Chief Executive, Bath Preservation Trust	Statement
<b>PLANS LIST – REPORT 9</b>		
Pinesgate, Lower Bristol Road, Bath (Item 1, Pages 28-55)	Caroline Kay, Bath Preservation Trust <u>AND</u> Roger Houghton  Rebecca Collins, GVA (Applicants' Agents)	Against – To share 3 minutes  For
MoD Warminster Road, Bath (Item 2, Pages 55-87)	1.Chris Beaver, PlanningSphere (representing objectors) 2.Rob Faulkner 3.Caroline Kay, Bath Preservation Trust 4.Virginia Williamson, Transition Bath  1.Jim Tarzey, Pegasus Group (Applicants' Agents) 2.Robert Adam, Adam Architecture (Applicants' Architects)	Against – To share 8 minutes      For – To share 8 minutes
The Colonnade beneath Grand Parade, Bath (Items 3&4, Pages 88-124)	Caroline Kay, Bath Preservation Trust <u>AND</u> Anne Robins  Edward Nash (Applicants' Architect)	Against – To share 6 minutes  For – Up to 6 minutes
MoD Foxhill, Combe Down, Bath (Item 5, Pages 124-179)	1.Mark O'Sullivan 2.Virginia Williamson, Allotments Association  1.Victor da Cunha, Chief Executive, Curo 2.Victor Da Cunha (on behalf of David Stubbs, Chairman, Foxhill Stakeholders Forum)	Against – To share 6 minutes   For – To share 6 minutes
The Wharf, Greensbrook, Clutton (Item 6, Pages 180-200)	Rosemary Naish, Chairman, Clutton Parish Council	For
Lansdown Mazda, 59 High Street, Weston, Bath (Item 7, Pages 201-206)	Councillor Malcolm Lees (on behalf of Carol Brazukas  Danny Sacco (Applicant)	Against  For

28 Brummel Way, Paulton (Item 9, Pages 212-216)	Peter Webster (Applicants' Agent)	For
<b>TREE PRESERVATION ORDER – REPORT 10</b>		
Midmar, Richmond Road, Beacon Hill, Bath	Keith Rowe (on behalf of Mrs Payne)	Statement against TPO



**BATH AND NORTH EAST SOMERSET COUNCIL**  
**DEVELOPMENT CONTROL COMMITTEE**

**11th February 2015**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	14/02619/FUL	
<b>Site Location:</b>	Pinesgate, Lower Bristol Road, Westmoreland, Bath	
<b>Ward:</b> Widcombe	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of an office building (use class B1) with basement parking, associated infrastructure and landscaping following the demolition of existing office building.	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, British Waterways Major and EIA, Flood Zone 2, Flood Zone 3, Forest of Avon, General Development Site, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,	
<b>Applicant:</b>	Pinesgate Investment Company Ltd	
<b>Expiry Date:</b>	27th February 2015	
<b>Case Officer:</b>	Rachel Tadman	

**DECISION REFUSE**

1 The proposed development, by reason of the materials and height, would have a detrimental impact on the character and appearance of the area and result in harm to the Outstanding Universal Value of the World Heritage Site. This would be contrary to Policies D2 and D4 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007, Policy B4 and CP6 of the Bath and North East Somerset Core Strategy, adopted July 2014, and the Bath Western Riverside Supplementary Planning Document, adopted March 2008.

**PLANS LIST:**

This decision relates to drawing nos 1669/P/001 P1, /002 P1, /011 P3, /012 P3, /020 P1, /021 P1, /051 P1, /052 P1, /061/ P1, /062 P1, /063 P1, /064 P1, 071 P1, /072 P1, /100 P3, /101 P3, /102 P3, /103 P3, /105 P3, /107 P3, /301 P3, /302 P3, /321 P3, /322 P3, /323 P3, /324 P3, /421 P3, /422 P3.

Informative:

SuDS Approval Bodies have not been established and it is unclear when they will be set-up. As such Bath & North East Somerset Council will not adopt SuDS features, therefore the applicant should detail the long-term maintenance of the drainage system. The ownership and maintenance responsibility of the SuDS features should be explained as

part of the drainage strategy. (Model legal agreements that provide a mechanism for SuDs maintenance can be accessed from Ciria (Publication 626))

## Flood Warning and Evacuation

The site lies within a Flood Warning area. The Environment Agency does not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users.

## DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the revised proposals was taken and 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](http://www.planningportal.gov.uk).

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

<b>Item No:</b>	02	
<b>Application No:</b>	14/02272/EFUL	
<b>Site Location:</b>	Ministry Of Defence, Warminster Road, Bathwick, Bath	
<b>Ward:</b> Bathwick	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application with an EIA attached	
<b>Proposal:</b>	Demolition of existing buildings, erection of 204 no. dwellings; 2 no. accesses from Warminster Road, vehicular parking; open space; landscaping (including tree removal); pumping station; and associated engineering works.	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Agric Land Class 3b,4,5, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Interest, World Heritage Site,	
<b>Applicant:</b>	Square Bay (Bath) LLP	
<b>Expiry Date:</b>	1st December 2014	
<b>Case Officer:</b>	Daniel Stone	

## DECISION

Delegate to PERMIT - Await further conditions and subject to a S106 Agreement

<b>Item No:</b>	03
<b>Application No:</b>	14/01772/REG03
<b>Site Location:</b>	Colonnade Beneath Street, Grand Parade, City Centre, Bath
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Regulation 3 Application
<b>Proposal:</b>	Change of use of vault and undercroft spaces below Grand Parade to restaurants and ancillary facilities (A3), with works to allow pedestrian access to Boat Stall Lane and The Colonnade and to facilitate access to Slippery Lane. Alteration of the public highway, the creation of pedestrian space, the realignment of bus and service parking capacity along Grand Parade and towards Orange Grove, provision of a new loading bay, and construction of vertical pedestrian and service receptions.
<b>Constraints:</b>	Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Cycle Route, Flood Zone 2, Flood Zone 3, Forest of Avon, Listed Building, MOD Safeguarded Areas, Public Right of Way, Sites of Nature Conservation Interest, World Heritage Site,
<b>Applicant:</b>	Bath And North East Somerset Council Property Services
<b>Expiry Date:</b>	27th August 2014
<b>Case Officer:</b>	Sarah James

## DECISION

Overtaken - Refused for the following reasons: No public benefits and substantial harm to the Grade 1 Pulteney Bridge.

<b>Item No:</b>	04
<b>Application No:</b>	14/01773/REG13
<b>Site Location:</b>	Colonnade Beneath Street, Grand Parade, City Centre, Bath
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Regulation 13 Application
<b>Proposal:</b>	Change of use of vault and undercroft spaces below Grand Parade to restaurants and ancillary facilities (A3), with works to allow pedestrian access to Boat Stall Lane and The Colonnade and to facilitate access to Slippery Lane. Alteration of the public highway, the creation of pedestrian space, the realignment of bus and service parking capacity along Grand Parade and towards Orange Grove, provision of a new

	loading bay, and construction of vertical pedestrian and service receptions.
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, , Cycle Route, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, Prime Shop Front, Public Right of Way, Sites of Nature Conservation Interest, World Heritage Site,
<b>Applicant:</b>	Bath And North East Somerset Council Property Services
<b>Expiry Date:</b>	27th August 2014
<b>Case Officer:</b>	Sarah James

## DECISION

Overturned - Refused for the following reasons: No public benefits and substantial harm to the Grade 1 Pulteney Bridge.

<b>Item No:</b>	05		
<b>Application No:</b>	14/04354/EOUT		
<b>Site Location:</b>	Former Ministry Of Defence Foxhill Premises, Bradford Road, Combe Down, Bath		
<b>Ward:</b> Combe Down	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Outline Application with an EIA attached		
<b>Proposal:</b>	Outline Planning Permission for up to 700 dwellings, up to 500 sqm retail (Use Class A1, A2, A3, A4, A5) up to 1,000sqm employment (Use Class B1), up to 3,500 sqm community/education (Use Class D1), single form entry primary school, open space and all associated infrastructure.		
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, General Development Site, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Tree Preservation Order, Water Source Areas, World Heritage Site,		
<b>Applicant:</b>	Curo Enterprise Ltd		
<b>Expiry Date:</b>	26th January 2015		
<b>Case Officer:</b>	Simon Metcalf		

## DECISION

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

- Transport, contributions towards public transport, sustainable transport measures, provision of off-site highways works, improvements to Pope's Walk and a Travel Plan.
- Open Space, financial contributions towards green space and provision of allotments. Financial contributions for ongoing maintenance of open space / management and maintenance by a management company.

- Provision of 30% affordable housing
- Education - provision of a 210 place primary school on site designed in agreement with the Council. Provision of 70 place Early Years facility in agreement with the Council.
- Community Services - provision of community space, contribution towards youth services, library services and lifelong learning.
- Economic Development - participation in Targeted Recruitment and Training Management Board and commitment to delivery of employment floorspace.

B) Subject to the prior completion of the above agreement, authorise the Group Manager to PERMIT subject to the following conditions

1 (a) No part of the Outline Application hereby permitted shall be commenced unless and until an application or applications for the matters reserved by this planning permission in respect of that part of the Development have been submitted to and approved in writing by the Local Planning Authority and the reserved matters application or applications shall include detailed plans, sections and elevations showing:

- Layout
- Scale
- Appearance
- Landscaping

(b) Application(s) for approval of the matters reserved by this planning permission must be made not later than the expiration of 5 years from the date of this decision notice

(c) The Outline Application hereby approved shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and to avoid the accumulation of unimplemented planning permissions.

2 All reserved matters applications shall be accompanied by a Design Statement identifying how they align with the Area Wide Design Principles and Design Principles for the Character Area/s in which they are located, as set out in the submitted Design and Access Statement (as amended) prepared by HTA dated September 2014. The Design Statement shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the character and appearance of the area and to ensure the effects of the development accord with that assessed.

3 This outline planning permission relates solely to the description of development set out above and in the Application Plans and Documents attached to this planning permission. All reserved matters applications shall accord with the following approved parameter plans

forming part of the application except where specific listed conditions in this permission require otherwise:

- Amount and Access - MXX-XX-DR\_0110 Rev E
- Scale - MXX-XX-DR\_0112 Rev F
- Landscaping - MXX-XX-DR\_0113 Rev D

Reason: To ensure that the amenities of the site and the impact of the development on the surrounding area are safeguarded and appropriately mitigated.

4 All floorspace figures, building heights (based on AOD levels) and housing numbers stated in the application plans and documents attached to this permission are hereby deemed as maximum parameters used for the Environmental Impact Assessment. They shall not be exceeded and this permission shall not be deemed to guarantee that those maximum development parameters are achievable at the reserved matters stage.

Reason: To ensure the effects of the development accord with that assessed.

5 Details of the finished site levels and floor levels (based on AOD levels) shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To ensure that the amenities of the site and the impact of the development on the surrounding area are safeguarded and appropriately mitigated.

6 No development shall commence within any individual part of the development until a schedule and sample of all materials to be used in the construction of the external surfaces including elevations, windows, doors, roofs of buildings of that part of the development have been first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

7 No development shall commence within any individual part of the development until details of hard landscape materials for that part of the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include all walls, fences and other boundary treatments/means of enclosure and finished ground levels; details of the surface treatment of the open parts of the site; roads, footpaths, cycleways and driveways and a programme of implementation. The development shall thereafter be carried out only in accordance with the details so approved.

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

8 No development shall commence within any individual part of the development until details of the open spaces and the planting scheme for that part of the development have been first submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all trees, hedgerows and other planting which are to be

retained; 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.

9 Notwithstanding the details shown in the 'Advance Planting Plan' ref: MXX-XX-DR\_9000 Rev B, a revised Advance Planting Plan accompanied by a timetable for implementation and management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall thereafter proceed in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development and to enhance the existing tree belt on the northern part of the site which contributes to the green setting of the City of Bath.

10 All hard and/or soft landscape works shall be carried out in accordance with the approved details. The landscape works for approved shall be carried out prior to the occupation of that part of that 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 5 years from the date of the scheme being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

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

11 No development shall take place until an arboricultural method statement with tree protection plan identifying measures to protect the trees during access construction has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation (including clearance and removal of hard surfacing). The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, and movement of people and machinery.

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

12 No development activity shall commence on any individual part of the development until the protective measures as stated in the approved Arboricultural Method Statement, for that part of the development, and tree protection plan have been implemented. The local planning authority is to be advised in writing two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

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



13 No built 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) Details of exclusion zones to be shown on a scale plan and details of specifications for all exclusion fencing. The LPA must be notified of when fencing is installed and photographic evidence supplied
- (ii) Details of all necessary ecological update survey findings and pre-commencement checks for example to check for new badger activity
- (iii) Details of all other necessary wildlife protection measures and confirmation with photographic evidence once these are in place, including confirmation of commissioning of named ecological watching brief, provision of tool box talks, as applicable

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: to avoid harm to protected species and wildlife habitats

14 Any application for reserved matters that includes development within 100m of the northern boundary of the site shall be accompanied by a detailed lighting scheme to be submitted to the Local Planning Authority for approval. The scheme shall be based on the principles established through the approved Itdoes Lighting Strategy titled (Notes regarding bat mitigation and design choices for Mulberry Park, Bath) and shall include:

- A detailed lighting plan that demonstrates that lighting levels within the vegetated zone along the northern boundary would be 1 lux or below;
- Details and specifications to demonstrate that the interior lighting to residential properties and exterior residential lighting include such measures to avoid the possibility of lightspill from residential properties bringing any part of bat corridor to levels which are greater than 1 lux;
- A dimming regime for night hours to be agreed with Natural England, B&NES Ecological Officers and the Local Planning Authority
- Use of back shields or other equivalent measures to reduce light levels to 1 lux or below within the vegetated zone
- Details of a timetable to be agreed for implementation of the lighting scheme

The approved Lighting Scheme shall be implemented and thereafter maintained as specified unless otherwise agreed in writing with the Local Planning Authority.

Reason: To avoid harm to bats and bat activity

15 No development shall take place until full details of a Landscape and Ecological Management Plan have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) Details of all wildlife friendly landscape planting and habitat provision, to also be shown on all relevant plans and drawings
- (ii) Details of proposed long term management specifications, duration, method, timing and frequency of works, and responsibilities and resourcing, for all areas of habitat which must also be clearly shown on a plan
- (iii) Details of proposed long term monitoring of ecological measures, bat activity and light level compliance monitoring



All works within the scheme shall be carried out in accordance with the approved details and an agreed timetable unless otherwise approved in writing by the local planning authority

Reason: To secure long term provision maintenance and monitoring of ecological and protected species mitigation measures in line with the approved ecological assessment

16 No development shall take place within the site until the implementation of a programme of archaeological work has occurred in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works within areas A and B as shown on the submitted site plan (drawing number EDP 2103/22, dated 01/12/14), with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

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

17 No part of the development shall commence until further soakaway testing has been undertaken for that part of the development to demonstrate the infiltration feasibility for the proposed soakaways. Tests should be undertaken in the presence of suitable officer of Bath and North East Somerset Council Drainage and Flooding Team officer and the results shall be submitted to approved in writing by the Local Planning Authority prior to any soakaways being constructed. Where tests results preclude the use of soakaways, an alternative method for dealing with surface water discharge in line with the objectives of delivering a sustainable urban drainage solution for the site will need to be submitted to and agreed with the Local Planning Authority.

Reason: In the interests of Flood Risk and Drainage Management

18 No part of the development shall commence until Electronic Micro Drainage files (.mdx files) for that part have been submitted to the Local Planning Authority so that the performance of the proposed system can be simulated. These simulations should demonstrate that no flooding to property will occur on site up to the 1 in 100 year (+30% for climate change) rainfall events. Details of the existing surface water runoff rates and volumes should be presented, illustrating that the proposed method of drainage will as a minimum result in no increase in these rate and where feasible reduce them.

Reason: In the interests of flood risk management.

19 No part of the development shall commence until plans showing overland flow routes with flood depths and velocities for that part have been submitted to and approved and approved in writing by the Local Planning Authority. Development shall thereafter proceed in accordance with the approved details.

Reason: In the interests of Flood Risk and Drainage Management

20 No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological

and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should be in accordance with the Flood Risk Assessment (Hydrock, November 2014 Ref R/C12549/001.02). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include details of how the scheme shall be maintained and managed after completion.

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

21 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water, whether direct or via soakaways.

Reason: To prevent pollution of the water environment.

22 No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

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

23 Prior to the commencement of development a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The

scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

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

25 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 22, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 23, 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 24.

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

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

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

27 The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker

- o a drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing,
- o the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

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

28 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

29 No development falling within Use Class A3, A4 or A5 shall commence until a scheme for treating fumes and odours, so as to render them innocuous before their emission to the atmosphere, has been submitted to and approved in writing by the Local Planning Authority and the means of treating the fumes and odours shall be installed and be operational before the development is brought into use or occupied and maintained as such thereafter.

Reason: To ensure that any concentration of air pollutants in the vicinity is minimised and to protect the amenity of the locality, especially for people living and working nearby or a nuisance is not caused in accordance with Local Planning Policy.

30 Any development falling within Use Class A1 shall be open to customers only between the hours of 7.00 - 22.00 Monday to Saturday and 08.00 - 20.00 on Sundays. No deliveries to commercial uses shall be taken at or dispatched and no delivery vehicles shall park within the application site outside these hours

Reason: To protect the amenity of the locality, especially for people living nearby.

31 Any development falling within Use Class A3, A4 or A5 shall not be open to customers outside the hours of 07.00 - 23.00 on any day and no customer shall be served or remain on the premises outside those hours.

Reason: To protect the amenity of the locality, especially for people living nearby

32 No part of the development shall commence until full details of the following works to the highway have been submitted to and been approved in writing by the Local Planning Authority:

- o The Main Site Access on Bradford Road (Drawing FMW1555 SK01 Rev D)
- o The secondary Site Access Junctions on Fox Hill (Drawing FMW1220 Figure 5.2)
- o Fox Hill Bradford Road Junction Improvement (Drawing FMW1220 SK08)

The development hereby permitted shall not be occupied until these works have been completed in accordance with the approved details and a timetable to be agreed with the Local Planning Authority. The works shall be retained thereafter.

Reason: To ensure that all highway works associated with the proposed development are to a standard approved by the Local Planning Authority and are completed at an appropriate juncture to serve the development.

33 Any application for reserved matters shall include details of the street lighting and street furniture for that part of the development . The development shall thereafter be carried out only in accordance with the details so approved by the Local Planning Authority and shall be retained thereafter

Reason: To ensure that the roads and public highway are designed, laid out and constructed to an adoptable standard.

34 No part of the development shall be occupied until junctions on the internal access roads serving that part of the development have been constructed with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall therefore be maintained free of obstruction at all times.

Reason: In the interests of highway safety

35 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access

36 No part of the development hereby permitted shall be occupied until details of pedestrian/cycle links for that part of the development have been provided and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The links shall thereafter be maintained free of obstruction at all times.

Reason in the interests of amenity and sustainable development

37 No individual plots shall be occupied until their access and parking provision has been laid out using a properly consolidated surface material.

Reason: In the interests of the appearance of the development and highway safety.

38 No commercial development shall be occupied until car parking to serve it has been constructed and laid out in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The car parking area shall thereafter remain solely for use as parking in perpetuity.

Reason: To ensure adequate provision and in the interests of highway safety.

39 All applications for reserved matters shall provide details of the number, type and location of cycle parking facilities. The details approved by the Local Planning Authority shall be implemented and thereafter maintained.

Reason: In the interest of sustainable development and to ensure the satisfactory location of cycle parking.

40 No development shall be occupied until or unless a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority, such a plan shall include; a School Travel Plan to cover school uses, a commercial Travel Plan to cover employment uses and a residential Travel Plan to cover residential uses.

Reason: in the interest of sustainable development

41 Before any dwelling is first occupied new residents Welcome Packs, the content of which shall have been submitted to and approved in writing by the Local Planning Authority, shall be issued to occupiers of the property. The Packs should include information of bus and train timetable information, information giving examples of fares / ticket options, information on cycle routes, a copy of the Travel Better, Live Better publication, car share, car club information and sustainable travel voucher to encourage residents to use public transport and travel sustainably.

Reason: in the interest of sustainable development.

42 No part of the development hereby permitted shall be occupied until details of a proposed bus route through the site and a programme for its implementation have been submitted to and approved in writing by the Local Planning Authority. The route shall ensure all new dwellings are located within 400m of a bus stop or 5 minutes walk, whichever is the greater. The approved bus route should thereafter be maintained free of obstruction at all times.

Reason: In the interests of amenity and sustainable development

43 Prior to commencement of development a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan



shall be adhered to throughout any demolition works, site preparation and construction works unless otherwise agreed in writing by the Local Planning Authority. The plan shall provide for:

- Parking of vehicle of site operatives and visitors
- Routes for construction traffic
- Hours of operation for working and deliveries
- Details of control measures and monitoring during construction to minimise noise and dust resulting from works
- Onsite storage areas.
- Method of prevention of mud being carried onto highway
- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions
- Arrangements for turning vehicles
- Diversion of existing bus service

Reason - In the interests of safe operation of the highway and to safeguard the amenity of residential properties.

44 No development shall commence until details of refuse storage for that part of the development have been submitted to and approved in writing by the Local Planning Authority. That part of the development shall not be occupied until the refuse storage has been provided in accordance with the details so approved, and thereafter shall be retained solely for this purpose. No refuse shall be stored outside the building(s) other than in the approved refuse store(s).

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

45 No development shall commence until a phasing plan for delivery of the approved development shall be submitted to and approved in writing by the Local Planning Authority. The phasing shall thereafter take place in accordance with the agreed plan.

Reason: In the interests of ensuring that infrastructure is in place to meet the needs of the development.

46 No development shall commence until a programme for the provision of the approved community space has been first submitted to and approved in writing by the Local Planning Authority. The community space shall thereafter be provided in accordance with the agreed programme.

Reason: In order to ensure that the community facility which is required as part of this development is delivered.

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

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

## PLANS LIST:

Plans list:

This decision relates to drawing nos - Site Plan MXX-XX-DR\_0001, Amount and Access - MXX-XX-DR\_0110 Rev E, Scale - MXX-XX-DR\_0112 Rev F, Landscaping - MXX-XX-DR\_0113 Rev D, Advance Planting Plan' ref: MXX-XX-DR\_9000 Rev B, Proposed Site Access Roundabout FMW1555 SK01 Rev D, Secondary Site Access Junctions FMW1220 Figure 5.2, Fox Hill Bradford Road Junction Improvement FMW1220 Figure 8.4 SK08

<b>Item No:</b>	06		
<b>Application No:</b>	12/00293/FUL		
<b>Site Location:</b>	The Wharf, Greensbrook, Clutton, Bristol		
<b>Ward:</b> Clutton	<b>Parish:</b> Clutton	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of 15no dwellings following demolition of existing workshop and stone shed		
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Forest of Avon, Tree Preservation Order,		
<b>Applicant:</b>	Mr Jeffrey Bromilow		
<b>Expiry Date:</b>	17th May 2012		
<b>Case Officer:</b>	Gwilym Jones		

## DECISION

1 (A) Authorise the Planning and Environmental Law Manager to secure an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure:

i). The provision of 5 dwellings as affordable homes comprising:

Social Rent

2 x 1 bed flats

1 x 2 bed house

1 x 3 bed house

Shared Ownership

1 x 3 bed house

ii). A financial contribution of £6037.51 towards improvements to pedestrian facilities and/or traffic management in the village of Clutton.

iii). A financial contribution of £18,561.55 towards Primary School Places and Youth Services.



(B) Upon completion of the Agreement authorise the Development Manager to PERMIT the application subject to the following conditions:

2 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.

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

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

4 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.

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

Reason: In the interests of sustainable development.

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

Reason: In the interests of amenity and highway safety.

7 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall include (but not limited to) the pre and post construction hard standing areas calculations; the pre and post construction discharge rates from the site; details of surface water discharge points; a site layout drawing with details of suds features and the overall drainage strategy; how potential pollution from the site will be removed and controlled. Any drainage calculations carried electronically should be submitted in an electronic format.

Reason: In the interests of highway safety.

8 All houses in the development shall be designed to achieve level 3, or better, of the Code for Sustainable Homes.

Reason: To ensure that the development is constructed as specified in the application and to secure the sustainable development of the site.

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

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

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

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

10 Where required a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, 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 11.

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

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

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

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

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

14 Prior to commencement of development an intrusive site investigation survey of the site shall be undertaken in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority.

In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these works shall be undertaken prior to commencement of development.

Reason: Coal mining legacy potentially poses a risk to the proposed development and intrusive site investigation works are required to establish the impact on the safety and stability of the proposed development and the need, if required, for remedial works.

15 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 that implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway and surface water drainage locations and movement of people and machinery.

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

16 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 the trees are protected from potentially damaging activities.

17 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 to the local planning authority on completion.

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

18 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) Finalised details of badger mitigation including findings of pre-commencement checks for new badger activity; mapped location and specifications for fencing; confirmation that fencing is in place; details of licence application

- (ii) Details of proposed street lighting and external lighting demonstrating retention and provision of dark corridors to enable continued passage across the site and use of the site and adjacent woodland edge by bats for commuting and foraging
- (iii) Specifications and location for bat roost provision to be shown on soft landscape scheme
- (iv) Specifications and location for reptile mitigation to be shown on soft landscape scheme
- (v) Details to be incorporated into soft landscape scheme of wildlife-friendly and native species planting, including boundary planting, to maximise wildlife benefit and minimise impacts of the development on ecological value on adjacent land
- (vi) Details of ecological enhancements as appropriate

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.

19 No development shall commence until details of the proposed: estate road(s); footways; footpaths; verges; junctions; street lighting; sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays; accesses; carriageway gradients; drive gradients; car parking; street furniture and programme of implementation shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out other than in accordance with the approved details and programme of implementation without the prior written approval of the Local Planning Authority.

Reason: In the interests of highway safety.

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

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

21 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.

22 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.

## **PLANS LIST:**

L100, L101, L102, L103 Rev.B, L105, L106 Rev. G, L107 Rev. B, L109, L110, L111, L112, L115, sk 32 Rev. B, sk 35 Rev.A, HT 5-1 Rev. A, HT 5-2 Rev. A, HT 7-1 Rev. A, HT 7-2 Rev. A, HT 8 Rev. A, HT 8-2, HT 15 Rev. A, HT 19, HT 25-1, HT 25-2, HT 26, HT 26b, HT 28, A201.

## **REASONS FOR APPROVAL**

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

The proposed development is located outside the Housing Development Boundary as defined in the adopted Bath and North East Somerset Local Plan (including minerals and waste policies) 2007 and therefore contrary to policy HG.4 (Residential development in the urban areas and R.1 settlements) of the Local Plan and to policy RA1 of the Draft Core Strategy (Development in the villages meeting the listed criteria). However this is outweighed by guidance set out in the National Planning Policy Framework in respect of promoting sustainable development and ensuring an adequate supply of land for housing.

Subject to conditions and a s.106 agreement secured in accordance with policies IMP.1 (Planning obligations), by virtue of site area and number and tenure mix of the proposed dwellings the development is in accordance with policy HG.8 (Affordable housing on allocated and large windfall sites) and CF.3 (Contributions from new development to community facilities) of the Local Plan. It is considered that the scale, layout and design of the proposed buildings is acceptable and would not materially affect the amenities of the neighbours in accordance with Policy D.2 (General design and public realm considerations) and D.4 (Townscape considerations). Subject to implementation of measures to safeguard trees and protected species the development is in accordance with policies NE.4 (Trees & woodland conservation), NE.10 (Nationally important species and habitats) and NE.11 (Locally important species and habitats). The site adjoins the Green Belt however by virtue of the siting, design and materials of the development it will not be visually detrimental to the Green Belt nor impact negatively on its openness in accordance with policy GB2 (Visual amenities of the Green Belt). The proposed site access and layout is considered acceptable and subject to a planning obligation in respect of improvements to pedestrian facilities and/or traffic management the development is in accordance with Policy T.24 (General development control and access policy) of the Local Plan. Subject to site investigations (and, if required, mitigation and remediation) the development is in accordance with policies ES.14 (Unstable land) and ES.15 (Contaminated Land) of the Local Plan.



**Advice Note:-**

The applicant is advised that the existing railway weighbridge and associated building currently on the site should be dismantled in a manner suitable for its relocation and reassembly on another site. Prior to dismantling the weighbridge and building should be made available for inspection by a railway heritage organisation (such as the North Somerset Heritage Trust) and, if they so request, it is made available to them for removal to another site.

<b>Item No:</b>	07	
<b>Application No:</b>	14/05232/FUL	
<b>Site Location:</b>	Lansdown Mazda , 59 High Street, Upper Weston, Bath	
<b>Ward:</b> Weston	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of single storey front extension to car showroom (Revised proposal)	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Lansdown Mazda	
<b>Expiry Date:</b>	8th January 2015	
<b>Case Officer:</b>	Alice Barnes	

**DECISION**

Overtaken - Delegate to PERMIT with appropriate conditions,

<b>Item No:</b>	08		
<b>Application No:</b>	14/02927/FUL		
<b>Site Location:</b>	Parcel 4645, Bath Road, Farmborough, Bath		
<b>Ward:</b> Farmborough	<b>Parish:</b> Farmborough	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Construction of vehicular access and hard standing for round bale silage storage. (Retrospective)		
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Hazards & Pipelines, Public Right of Way, Special Area of Conservation (SAC), SSSI - Impact Risk Zones,		
<b>Applicant:</b>	Mr F J Reakes		
<b>Expiry Date:</b>	28th February 2015		
<b>Case Officer:</b>	Martin Almond		

## **DECISION PERMIT**

1 Within 3 months of the date of decision the entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 12m from the carriageway edge.

Reason: In the interests of highway safety.

2 Within 3 months of the date of decision details for a properly bound and compacted access (not loose stone or gravel) constructed between A39 Bath Road and the gates shall have been submitted to and approved in writing by the Local Planning Authority. The approved access shall then be constructed within 2 months of approval in accordance with the approved details.

Reason: In the interest of highway safety.

3 Within 3 months of the date of decision a turning area shall be provided within the site, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To allow vehicles to enter and leave the site in a forward gear, in the interest of highway safety.

4 The access hereby approved shall be used for agricultural purposes only.

Reason: In the interest of highway safety.

5 Within 3 months of the date of decision infiltration test results and soakaway design calculations to BRE Digest 365 standard should be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of flood risk management.

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

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

### **PLANS LIST:**

This decision relates to 1:2500 location plan dated as received 21st November 2014, drawing 00765 Rev B dated as received 18th November 2014, drawing 766 dated as received on 16th October 2014 and drawing 761 dated as received 25th June 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 the delegated report, a positive view of the submitted proposals was taken and permission was granted.

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

**ADVICE NOTE:**

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

<b>Item No:</b>	09	
<b>Application No:</b>	14/04625/FUL	
<b>Site Location:</b>	28 Brummel Way, Paulton, Bristol, Bath And North East Somerset	
<b>Ward:</b> Paulton	<b>Parish:</b> Paulton	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of dwelling house and associated car parking, following demolition of existing garage.	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr & Mrs Ian Burton	
<b>Expiry Date:</b>	5th December 2014	
<b>Case Officer:</b>	Mike Muston	

**DECISION REFUSE**

1 The proposed development would result in the unacceptable intensification of the use of the site which would be uncharacteristic of this area. The increased use of the site, including the associated highway movements, in close proximity to the neighbouring occupiers would be harmful to their amenity and would result in a severe threat to highway safety. The development would therefore be contrary to policies D2, D4, and T24 of the Bath and North East Somerset Local Plan, including Minerals and Waste Policies 2007 and policy C6 of the Bath and North East Somerset Core Strategy 2014.

**PLANS LIST:**

Drawings P-BW-1.0 Rev B, 1.1 Rev B, 1.3 Rev A, 1.4 Rev A, 1.6 Rev B and 1.8 Rev B, received 11 December 2014.

Drawings P-BW-1.2, 1.5, and 1.7, received 10 October 2014.

**DECISION TAKING STATEMENT**

In determining this application, the Local Planning Authority has complied with the aims of paragraphs 186 and 187 of the National Planning Framework by moving forward and issuing a decision to refuse the application after the Council's Development Control Committee found the proposal unacceptable.

Bath & North East Somerset Council		
MEETING:	Development Control Committee	AGENDA ITEM NUMBER
MEETING DATE:	11th March 2015	
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)	
TITLE: APPLICATIONS FOR PLANNING PERMISSION		
WARDS:	ALL	
BACKGROUND PAPERS:		
AN OPEN PUBLIC ITEM		

## BACKGROUND PAPERS

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

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

### **The following notes are for information only:-**

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

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

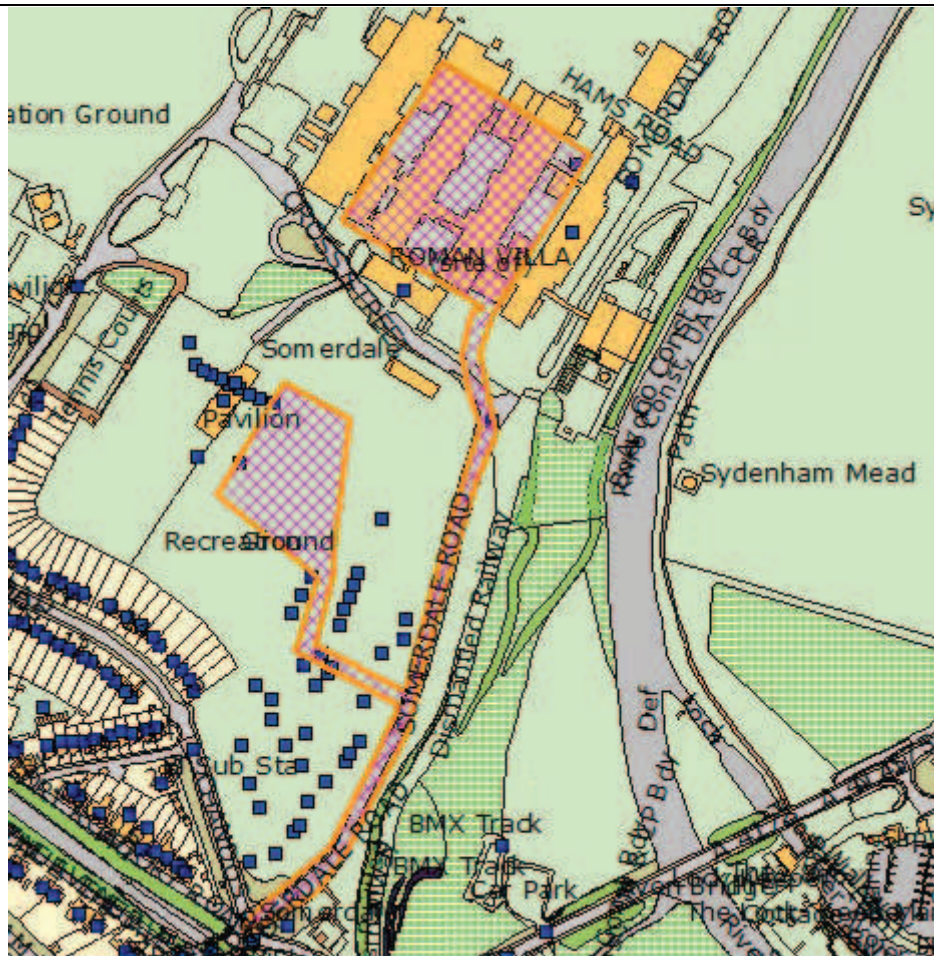
## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	14/05811/EFUL 21 April 2015	Freeman Retirement Living And Taylor Wimpey UK Limited Former Cadbury Factory, Cross Street, Keynsham. Full planning permission for the partial demolition, change of use and extension of Building B to a 135 unit care home use (C2, the partial demolition, extension and use of Block C for employment use (B1) alongside the erection of 30 dwellings (open market and affordable) at the site of a previously approved care home including the use of existing basements for car parking (Buildings B and C), associated surface level parking, access roads, landscaping and associated infrastructure. Works altering planning approval 13/01780/EOUT as approved on 19th February 2014.	Keynsham North	Gwilym Jones	PERMIT
02	14/02426/FUL 31 March 2015	Bath & Southwest Developments Limited The Poplars To Be Demolished, Bath Road, Farmborough, Bath, Erection of 12no. one and two storey dwellings (including 4no. affordable housing) and construction of vehicular and pedestrian access following demolition of existing bungalow.	Farmborough	Rachel Tadman	Delegate to PERMIT
03	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	Tessa Hampden	PERMIT

04	14/04081/FUL 19 November 2014	Nitor Investments Ltd 2 Hermitage Road, Lansdown, Bath, Bath And North East Somerset, BA1 5SN Erection of 1no five bedroom dwelling following demolition of existing bungalow.	Lansdown	Tessa Hampden	PERMIT
05	15/00100/FUL 10 March 2015	Mr Tim Warren Sawyers Mill , Hunstrete, Marksbury, Bristol, BS39 4NT Erection of 2no five bed dwellings and detached garages following demolition of existing commercial buildings and subdivision of land.	Farmboroug h	Alice Barnes	PERMIT
06	14/04418/REM 5 February 2015	Mr & Mrs Reginald & Janice Gore Cheriton Cottage, Springfield, Peasedown St. John, Bath, Bath And North East Somerset Removal of condition 2 of application 13/04071/FUL to use garage parking space as ancillary accommodation. (Erection of a dwelling and double garage in garden of Cheriton Cottage (Revised resubmission))	Peasedown St John	Victoria Griffin	PERMIT
07	14/05807/FUL 13 February 2015	Mr P Tanner The Lodge, 1 London Road West, Lower Swainswick, Bath, Bath And North East Somerset Erection of extension following removal of existing lean-to.	Lambridge	Sasha Berezina	REFUSE
08	14/05342/FUL 2 February 2015	Mrs P A Bond Green Acres, Wick Lane, Stanton Wick, Bristol, BS39 4BX Conversion of recreational building to dwelling (Renewal of application 04/01778/FUL).	Clutton	Rae Mepham	REFUSE
09	14/03989/FUL 21 November 2014	On Behalf Of The Executors Of J H BATH Sunnyside, Whistley Lane, West Harptree, Bristol, Bath And North East Somerset Proposed new vehicular access.	Mendip	Rae Mepham	PERMIT
10	14/05308/FUL 14 January 2015	Mr Symes Densley View, Bath Road, Tunley, Bath, BA2 0DP Erection of a first floor rear extension and loft conversion (Resubmission of 14/03470/FUL).	Bathavon West	Rae Mepham	REFUSE

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

<b>Item No:</b>	01
<b>Application No:</b>	14/05811/EFUL
<b>Site Location:</b>	Former Cadbury Factory Cross Street Keynsham



<b>Ward:</b>	Keynsham North	<b>Parish:</b>	Keynsham Town Council	<b>LB Grade:</b>	N/A
<b>Ward Members:</b>	Councillor Brian Simmons Councillor C D Gerrish				
<b>Application Type:</b>	Full Application with an EIA attached				
<b>Proposal:</b>	Full planning permission for the partial demolition, change of use and extension of Building B to a 135 unit care home use (C2, the partial demolition, extension and use of Block C for employment use (B1) alongside the erection of 30 dwellings (open market and affordable) at the site of a previously approved care home including the use of existing basements for car parking (Buildings B and C), associated surface level parking, access roads, landscaping and associated infrastructure. Works altering planning approval 13/01780/EOUT as approved on 19th February 2014.				
<b>Constraints:</b>	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, General Development Site, SSSI - Impact Risk Zones,				
<b>Applicant:</b>	Freeman Retirement Living And Taylor Wimpey UK Limited				
<b>Expiry Date:</b>	21st April 2015				
<b>Case Officer:</b>	Gwilym Jones				

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE

Councillor Gerrish has requested that the application is reported to the Development Control Committee on the grounds of overriding public interest.



## DESCRIPTION OF SITE, PLANNING HISTORY AND APPLICATION

This application relates to part of the site of the former Cadbury factory complex and associated land and facilities ('Somerdale') located to the north of Keynsham. Specifically, the application relates to two of the former factory buildings (referred to as 'B' and 'C') plus adjacent land, and a site to the south within the wider Somerdale site. Access to the application site is via the existing road from the junction of Station Road and Chandos Road and new internal site roads being laid out as part of the current development of the wider site.

In February 2014 planning permission was granted (subject to conditions and s.106 agreement) for the comprehensive development of the Somerdale site. The planning permission is for a mix of uses including up to 700 homes, up to 11,150m<sup>2</sup> of B1 space, a local centre to include crèche and medical facility, retail and cafe/restaurant, care home, new Fry Club and associated sports pitches, and 1-form entry Primary School. In addition there are a range of landscaping works and off-site highways works. A new junction layout at Station Road is to be implemented later this year as part of that permission.

Taylor Wimpey are the lead developers and have commenced development of the first phase of the scheme. They have since sold part of the site (former factory buildings A, B and C and adjoining land) to MF Freeman, a commercial and residential development company who propose to convert the three former factory buildings for a mix of B1 space, Care Home and residential flats. The factory buildings are not listed however there are significant archaeological remains of a Roman town (Trajectus) within open space to the west of the factory buildings (The Hams). There is also a Grade II listed well between buildings B and C.

The Hams is within Flood Zone 3 with the remainder of the site generally in Zone 1 or 2. The Avon river corridor which forms the outer boundary of the wider Somerdale site is designated a Site of Nature Conservation Importance (SNCI) and several trees on the site are the subject of a Tree Preservation Order including two rows of mature horse chestnut trees lining the main site access road.

Building A already has planning permission for conversion to residential use under the 2014 planning permission and the current application relates only to Buildings B and C and land elsewhere on the site with planning permission for a care home. The application proposes:

Building B - conversion to a 135 unit Care Home comprising 105 1-bed care home and 25 1 and 2-bed 'Extra Care' flats. Works include the erection of a roof extension, provision of balconies, parking for 30 cars and associated landscaping.

Building C - refurbishment and roof extension to provide 10,865m<sup>2</sup> of B1 space. Works include the erection of a roof extension, provision of balconies, basement and surface parking for 261 cars and associated landscaping.

Site with outline planning permission for care home - construction of 30 dwellings including 9 affordable.

The application is supported by a Design and Access Statement, Statement of Community Involvement, Environmental Statement Addendum, Transport Assessment.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Environment Agency - no objection subject to conditions

Avon And Somerset Police Crime Prevention Design Advisor - no objection but recommendation on details of design/layout/operation of the development

English Heritage - no response

Planning Policy - no objection

Housing - no objection but recommend Care Home/Extra Care is registered with the Care Quality Commission

Transportation - no objection subject to conditions. The application is supported by a Transport Statement and this reviews the approved traffic generation levels against that now proposed. This analysis demonstrates that there is unlikely to be a significant change in the total number of vehicle movements generated within each of the peak hours. Given the alterations to the proposed land uses, there will be changes to 'in' and 'out' flow levels, but this should not have a significant impact on the operation of the signalised access junction that will serve the site. A 'Car Parking Strategy' document has been submitted to consider the potential impact of the land use changes on the parking availability. The applicant is proposing that the parking for the B1 and care home element will be managed to ensure that spaces are shared between the different users. This approach is supported, however, it is requested that further information should be provided when the management plan is decided. A parking accumulation calculation would help the applicant to determine how the parking area could accommodate peak demands. A condition to cover this requirement is recommended. The parking proposed for the additional dwellings is in accordance with the level of parking previously approved. Additionally, there are no objections to the site layout as proposed. Given the limited impact of the proposed changes to the approved development, it is agreed that the highway and transport elements of the previously agreed Section 106 agreement would continue to be acceptable.

Transportation and Highways (Drainage) - no objection subject to conditions

Development and Regeneration - no response

Scientific Officer Contaminated Land - no objection subject to conditions

Children Services - there is sufficient capacity locally for Early Years (age 0-2 and age 3-4), Primary and Secondary, however the additional 30 dwellings give rise to additional demand for Youth Services and financial contribution of £5,202.60

Urban Design - no response

Archaeology - no objection subject to conditions

Landscape - no comment

Environmental Health - no response

Keynsham Town Council - support

NHS England - object to lack of provision of a doctors surgery

14 responses have been received objecting to the development due to the lack of a doctors surgery.

## **POLICIES/LEGISLATION**

The development plan comprises the Adopted Core Strategy and Saved policies from the Bath and North East Somerset Local Plan including minerals and waste policies (2007). The Core Strategy was formally adopted by the Council on 10th July 2014 and will be given full weight in the determination of planning applications.



Core Strategy policies of particular relevance to this application are:

KE1 - Keynsham Spatial Strategy  
KE2 - Town Centre/Somerdale Strategic Policy  
CP2 - Sustainable Construction  
CP5 - Flood Risk Management  
CP6 - Environmental Quality  
CP9 - Affordable Housing  
CP10 - Housing Mix  
CP13 - Infrastructure Provision

The following saved policies of the Bath and North East Local Plan, are also of particular relevance to the determination of this application:

D.2 and D.4 - General design and townscape considerations

Also of relevance is the Planning Obligations Supplementary Planning Documents (2009) and Placemaking Plan Options Report (2014).

National Planning Policy Framework (NPPF) March 2012 including accompanying Technical Guidance and National Planning Guidance. The NPPF presumes in favour of sustainable development (having regard to economic, social and environmental considerations). It states, inter alia, that decisions should be taken in accordance with the development plan. The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies.

## **OFFICER ASSESSMENT**

**ENVIRONMENTAL IMPACT ASSESSMENT** - when considered cumulatively with the development approved on the wider site, of which it forms an integral part, the proposed development is considered to constitute EIA development under Schedule 2 development under Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The application is accompanied by an Environmental Statement Addendum ('ES Addendum') that identifies the environmental effects of the development as well as measures to mitigate those impacts where appropriate. Officers consider the ES Addendum to appropriately assess the impact of the proposed development and conclude that compared with the impacts assessed in the ES for the wider site no new or materially different effects on the environment will arise as a consequence of the current proposals.

## **PLANNING CONSIDERATIONS**

This application raises a number of key issues:

1. The principle of use of one of the former factory buildings as a care home and provision of employment space on the site
2. The layout and design of the development including landscaping
3. The provision of affordable housing
4. The impact of the proposed development on the local area
5. Highways impact
6. Other considerations including the impact on the historic assets of the site

## **1. PRINCIPLE OF THE DEVELOPMENT**

The Somerdale site is identified in the adopted Core Strategy (Policy KE2) for regeneration through a residential-led development to deliver a "new high quality,

exemplar, mixed-use quarter at Somerdale providing significant employment floorspace, new homes, leisure and recreational uses."

The development granted planning permission in 2014 proposed an acceptable form of development of the site. This includes up to 700 homes; up to 11,150m<sup>2</sup> of B1 space; a local centre to include crèche and medical facility; retail and cafe/restaurant; care home; new Fry Club and associated sports pitches; and 1-Form Entry Primary School. Under that planning permission two of the three retained former factory buildings were to be used for B1 purposes (following part demolition and conversion) with the third converted for residential use for up to 113 flats. Development of the site has commenced with progress being made on the new housing and replacement Fry Club building. Works have yet to start on the former factory buildings.

The current application, made jointly by Taylor Wimpey and MF Freeman, seeks approval for an alternative form of development on part of the site comprising:

- part demolition and conversion (including roof extension) of one of the retained former factory buildings (Building 'B') to a 105 bed care home with 30 extra care flats
- part demolition and conversion (including roof extension) of one of the retained factory buildings (Building 'C') to provide B1 space
- development of land identified for a 60-70 unit care home to provide 30 dwellings

The Core Strategy recognises that there is an ageing population and the importance of providing for the needs of older people including the need for specialist housing as the population ages. Policy CP10 (Housing Mix) states that "housing developments will 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 (including supported housing projects), in a way that integrates all households into the community." Policy CP10 also notes that the specific accommodation needs of older people will be addressed through the Placemaking Plan, including considering the allocation of appropriate sites. Emerging Policy Approach H1 in the draft Placemaking Plan identifies the need to provide housing and facilities for the elderly, people with other supported housing or care needs although no sites are specifically identified, however Emerging Policy Approach SK2 allocates the Somerdale site for development in line the scheme granted permission in 2014 ( which includes accommodation for older people on the site. The proposed development will increase the number of bed spaces from 60-70 to 105 bed spaces plus 30 Extra Care flats with overall housing numbers increasing from 700 to 730 however the proposals are not considered to raise conflicts with relevant planning policies.

This application proposes specialist accommodation for older people in need of care as well as 'extra care' flats for people who are in need of care but who are also able to lead more independent lives. A feature of the accommodation is that all residents will have a minimum level of care and support services provided (with the option to 'top up' depending on individual needs) and will also have communal facilities such as a restaurant. These elements distinguish this type of accommodation as Class C2 'residential institution' from C3 'dwelling house' and should planning permission be granted it is recommended that this distinction is defined through the s.106 agreement (which will also cover other matters discussed below). The proposed care home development is in substitution for B1 space (rather than C3 residential) and includes the provision of 30 dwellings on the land identified for a care home in the 2014 planning permission. This is in addition to the up to

700 dwellings allowed for under that permission, with 9 (30%) of the additional dwellings being affordable.

The current application proposes 10,865m<sup>2</sup> (GIA) of B1 space within Building C. Core Strategy Policy KE2 makes provision for, amongst other things, development for up to 700 dwellings and a mixed-use quarter "providing significant employment floorspace". This is less specific than Emerging Policy SK2 in the draft Placemaking Plan which proposes "At least 11,000m<sup>2</sup> of B1 office use". However as emerging policy that is subject to consultation only limited weight can be given to the policy compared to those in the adopted Core Strategy. As noted above Policy KE2 requires significant, but an unspecified quantum of employment floorspace and of no particular Use Class. In the circumstances although it is proposed that Building 'B' will be used as a care home (rather than for B1 purposes), there is only a slight reduction in B1 floorspace on the site with the current application resulting in a net reduction in B1 floorspace on the site from that approved in 2014 from 11,500m<sup>2</sup> (gross internal area) to 10,865m<sup>2</sup>.

In terms of employment opportunities, although the amount of B1 space on the site will reduce by 635m<sup>2</sup>, when the jobs in the care home are taken into account the applicant estimates that the proposals will result in approximately the same number of jobs than under the 2014 planning permission, and potentially more. This will include a significant number of B1 jobs as well as a range of jobs in the care home including nurses, managers, physiotherapists, activity managers, care assistants, domestics cleaners, porters and kitchen staff. Using the same multipliers and employment floorspace ratios for the B1 space as for the original application and the applicant's estimates for the care home based on experience of other care home facilities the total estimated employment figures are:

Employment (FTE)	B1	Care Home
2014 Permission	948	65
Current Application	924	105

No written objection has been received to the proposed change in employment types that would be available on the site and the applicant has confirmed that they would commit to the undertakings given in the original s.106 in respect of employment and training as well as to the refurbishment of the former factory building for B1 use. These would be secured through the s.106 agreement. On this basis the proposals are considered to be acceptable and will provide the significant employment floorspace referred to in Policy KE2.

Whereas under the existing planning permission Taylor Wimpey were to carry out only very limited refurbishment of the buildings, MF Freeman have undertaken to refurbish the buildings to a significantly greater extent as part of their general scope of works. The fit out of the floorspace would be to a 'shell and core' standard and be undertaken before occupation of the care home building, thus ensuring that the building was able to be occupied with more limited further fit out work by potential occupiers than was proposed by Taylor Wimpey. Tenant specific fit out would also be undertaken by MF Freeman prior to occupation of the building. This aspect of the proposal is welcomed and is likely to assist in finding occupiers for the building as final fit out will be less extensive and therefore quicker and less costly at the time of occupation. The shell and core fit out of the B1 space (linked to occupation of the care home) will be secured through the s.106

agreement. It is considered that the current proposals offers greater prospect of the job forecasts being realised than under the Taylor Wimpey scheme and in the circumstances the proposals are considered acceptable. The Council's Development and Regeneration team have been consulted on the application and subject to the provisions in the existing s.106 in respect of training and employment applying to the current application they raise no objection to the proposed use.

Objection has been raised to the application by NHS England as well as a number of individual respondents on the grounds that the application does not include a doctors surgery. It is relevant to note that the 2014 planning permission allows for up to 1,000m<sup>2</sup> of space for a medical facility, to be provided as part of a 'local centre' in a building located to the west of Building C. This lies outside the current application boundary however the current proposals do not remove or otherwise impact on this aspect of the original planning permission. Therefore should terms be agreed between Taylor Wimpey and a doctors surgery then this could still come forward on the site. MF Freeman have indicated that alternatively a doctors surgery could be provided within Building C however this does not form part of the current application and would need to be the subject of a separate application. Accordingly, the potential to provide a doctors surgery on the Somerdale site remains.

Whilst NHS England have not withdrawn their objection it is understood that given the scope to accommodate a medical facility as part of the overall development of the Somerdale site they support the relocation of a local practice onto the site, whether as a part of the wider housing development as envisaged under the original planning permission or as part of the development proposed by MF Freeman. As part of the s.106 agreement with the 2014 planning permission the Council has secured £87,333 to support the provision of additional medical services either on-site or in the wider area and this obligation remains in place. Questions have also been raised about the potential impact of the proposed Care Home on local services notably doctors. The applicant has advised that as a nursing home, there will be nurses and medical professionals on site and many procedures can be carried out here without reference to external services.

## 2. LAYOUT, DESIGN AND LANDSCAPING

The proposed development comprises a number of alterations and extensions to the existing buildings comprising:

Building B - part demolition, replacement/reinstatement of windows, creation of an atrium within the block and erection of a roof extension, provision of balconies and solar shading, provision of surface level parking and landscaping.

Building C - part demolition, replacement/reinstatement of windows, erection of a roof extension, provision of balconies and solar shading, provision of two levels of basement plus surface level parking and landscaping.

Creation of new access road to the north of Buildings B and C from the site access road to the surface level parking level.

Erection of 30 additional dwellings on the site (in place of approved care home) including 9 affordable dwellings comprising:

Market

2B/4P house 6

3B/5P house 6  
3B/6P 4 4  
4B/6P 5 5

Affordable  
1B/2P flat 4  
2B/4P house 3  
3B/5P house 2

The works to the factory buildings involve the demolition of 7 of the existing 18 bays (rather than 11 as proposed as part of the scheme granted planning permission in 2014) and the removal of the existing link blocks between Buildings B and C and related staircase towers. The reduction in the amount of Buildings B and C being demolished means that they will be closer to new housing to the north, approximately 30m. Whilst this (and the proposal for roof extensions to both buildings) will have a greater impact on these new homes (including overshadowing) the distance between the retained and new buildings and the removal of the link blocks between Buildings B and C allowing light and views through is considered to be an acceptable layout which would safeguard the amenities of the future occupiers.

The majority of the original buildings will be retained and significantly improved in appearance with bricked-up windows being reinstated. The roof extensions will have glazing on the east and west elevations to match the building below. The north and south elevations are largely blank however subject to the submission of materials the principle is considered acceptable in design terms. In addition balconies are proposed to Building B on the east, west and north elevations. These are in selected locations rather than all window bays and given the overall scale of the buildings these additions are not considered inappropriate or to detract from the overall appearance or design quality of the factory buildings. Window design and materials will match the existing and a condition is proposed to agree samples prior to commencement of works of replacement/reinstatement or new build elements.

The application proposes surface parking between and to the north of Buildings B and C, as well as two levels of basement parking under Building C. The levels within the site vary with a proposed access road to the north of the retained buildings (accessing the car park deck between them) being approximately 2m lower than the ground level to the south. This requires a vehicle ramp and associated retaining wall along the northern edge of the application site. The retaining wall is approximately 2.5m at its highest with a railing on top and reduces to approximately 1m at its eastern end. Ventilation grills to the basement car park are provided in the northern face of the retaining wall and ventilation slots are also included around the perimeter of the surface parking. The variable site levels around the buildings necessitate this arrangement and subject to the detailing of the retaining wall being acceptable then the overall layout is considered to offer a practical solution to accommodating parking within the application site.

The former factory buildings are not listed however they are iconic in their scale and design and are an important legacy of Keynsham's history. As such they represent non-designated heritage assets. The effect on the significance of the buildings of partial demolition, extensions to, and conversion of the former factory buildings was considered as part of the development granted planning permission in 2014 and considered to be



acceptable. The current proposals do not materially change the scope of works to the buildings and it is considered that, on balance, the scale of harm on the significance of the heritage asset is acceptable and outweighed by the economic benefits from bringing them back into use.

Landscaping around the buildings and within the area of surface parking is limited however it softens the edges of the buildings and it is considered that a reasonable balance has been struck between the need for operational and visitor parking, particularly for the B1 space, and the setting of the buildings which has historically been hard surfaced. This part of the site is also close to a central area of open space and a relatively short distance from the riverside walk and Hams area of open space.

The application also includes the construction of 30 new dwellings on the site permitted (in outline) in the 2014 planning permission for a 60-70 bed care home. This site is located to the south of Buildings B and C and effectively forms part of Phase 1 of the development. These dwellings continue the design approach already approved for Phase 1 with a mix of 'garden suburb' type housing (reminiscent of the original Somerdale Housing that exists on Chandos Road and other local streets) and town houses that have been approved as part of Phase 1. The layout has been amended to address concerns regarding an 'internal' street which is now more a 'mews' type layout and overall the proposals are considered to be acceptable.

#### HOUSING INCLUDING AFFORDABLE HOUSING

The application proposes an additional 30 dwellings from that approved in 2014 i.e. a total of up to 730 dwellings compared with 700. These will be located on the land identified in the 2014 planning permission for a care home. This is a marginal increase and is not considered to give rise to significant policy issues or on/off-site impacts. Children Services have advised that the increase in pupil yield can be accommodated within existing facilities including the new Primary School that is to be provided as part of the 2014 planning permission.

The additional housing is subject to Policy CP9 regarding affordable housing (in this location at 30%) and the application proposes that 9 of the 30 dwellings are affordable, comprising:

- 4 x 1B/2P flat
- 3 x 2B/4P house
- 2 x 3B/5P house

The level of provision, unit size mix, tenure split is consistent with that being provided on the wider site and is considered acceptable.

In the Council's Adopted Planning Obligations SPD "Extra Care housing" (self contained accommodation which provides care and support arrangements for the elderly whilst allowing them to maintain a level of self dependence) is regarded as affordable housing. On this basis part of the 30 extra care flats to be provided within Building B should be being provided as affordable housing. However a review of a number of appeal decisions have determined that the consideration of whether extra care accommodation is Class C3 (i.e. dwelling houses and therefore subject to Core Strategy Policy CP9) or C2 (residential institution and not subject to Policy CP9) is based on the level of care provided, the age of residents eligible to occupy the properties and the provision of communal facilities. It is

proposed that occupancy of the extra care flats is limited to one or more residents being of pensionable age, there is a contractual requirement to pay for a minimum level of care, and whilst the flats are self-contained there are communal facilities available. This would be secured through a planning obligation and subject to these requirements being maintained then it is considered the proposed use of Building 'B' is Class C2.

#### **IMPACT OF THE DEVELOPMENT ON THE SURROUNDING AREA INCLUDING TRAFFIC**

The application is supported by a Transport Statement that assess the change in trips arising from the care home and additional 30 dwellings compared to the approved B1 space and care home. Transportation and Highways have advised that there is unlikely to be a significant change in the total number of vehicle movements generated within each of the peak hours. In addition they have advised that whilst there will be changes to 'in' and 'out' flow levels, this should not have a significant impact on the operation of the signalised access junction that will serve the site. In terms of on-site parking Transportation and Highways advise that the proposed parking management to ensure that spaces are shared between the different B1 and Care Home users is supported in principle but that further information, secured by condition, should be provided.

#### **OTHER CONSIDERATIONS**

The application site includes land previously used for industrial purposes and the Council's Contaminated land Officer has recommended that conditions are imposed to ensure that any land contamination, should it exist, is appropriately remediated. In addition, notwithstanding the extensive land disturbance that occurred when the factory buildings were first constructed, there is a record of a Roman Well between buildings B and C and there may be areas of undisturbed land within those sites where appropriate archaeological investigations are considered appropriate. This will be secured by condition.

#### **RECOMMENDATION:**

(A) Authorise the Planning and Environmental Law Manager to secure a Deed of Variation to the existing s.106 Agreement to secure:

1. Affordable Housing - 9 dwellings to be constructed to Council's adopted design standards.
2. Employment Space - fit out and delivery to agreed specification and programme. Commitments to employment targets and skills training.
3. Education - contribution to Youth Services (£5,202.60)

(B) Upon completion of the Agreement authorise the Development Manager to PERMIT the application subject to the following conditions:

#### **RECOMMENDATION**

##### **PERMIT**

##### **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 part of the development hereby approved shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces including roofs of buildings have been submitted to and approved in writing by the Local Planning Authority. The development of that part shall thereafter be carried out only in accordance with the details so approved.

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

3 No work hereby permitted, including demolition and site preparation work, shall be undertaken other than in accordance with the Construction Environmental Management Plan (ver.9 dated 13/05/2014).

Reason: To safeguard the amenities of adjoining residential properties and ensure the safe operation of the highway.

4 The Development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by WSP dated 15/03/2013

Reason: In the interests of flood risk management

5 No part of the development shall commence until detailed drainage proposal including drawings showing the layout, points of discharge into receiving system, flow rates at the critical storm durations for the 1:1, 1:30 & 1:100+climate change, events have been submitted to and approved by the Local Planning Authority. A Microdrainage model should be provided to verify the above flow rates and prove the performance of the drainage network within the plots at the above return periods, in line with the FRA there should be no flooding up to and including the 1:100+climate change event (i.e. all flows to be kept within the drainage system).

Reason: In the interests of flood risk management

6 No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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



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

7 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 6 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, 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 8.

10 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

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

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

Reason (9-13): In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

11 No part of the development shall commence until details including samples of materials to be used in the hard landscaping scheme, and a planting specification to include numbers, density, size, species and positions of all new trees and shrubs have been submitted to and approved by the Local Planning Authority.

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

12 All hard and/or soft landscape works shall be carried out in accordance with the approved details. The landscape 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 scheme being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

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

13 The approved residential development including the Care Home shall be constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 30dB LAeq,T for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not exceed 45dB L<sub>Amax</sub>.

Reason: To protect the amenity of residents and the locality.

14 New plant and equipment to include kitchen ventilation and extraction systems and any new refrigeration/air conditioning plant should not exceed the recommended noise emission criterion of 5dB below the 'good' internal noise level.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

15 No demolition, site clearance or remediation works shall take place within the site until the applicant, or their agents or successors in title have produced detailed drawings and/or method statements detailing the extent and depths of these works and that these have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

17 No development shall take place (including the demolition and site clearance phase) until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been first submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or

features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

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

18 Where evaluation has established the potential for archaeological remains no development shall take place within that area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation for that area which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide (a) the controlled strip of modern overburden or topsoil under archaeological supervision to identify the full extent of any significant archaeological deposits and features within the footprint of the development, and (b) the controlled archaeological excavation of all significant deposits and features which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

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

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

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

20 The Development shall not commence until details of the proposed estate roads, footways, footpaths, verges, street lighting and street furniture have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To ensure that the roads and public highway are designed, laid out and constructed to an adoptable standard.

21 The Development shall not be occupied until junctions on the internal access roads serving that Phase have been constructed with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

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

Reason: To retain adequate off-street parking provision.

23 The proposed parking and turning areas for each dwelling shall be constructed in such a manner as to ensure that before it is occupied each dwelling shall be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

24 No part of the development identified on the submitted plan for shared parking and turning shall be brought into use unless details of their construction have been submitted to and approved in writing by the Local Planning Authority. Thereafter they 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.

25 The development shall be occupied until details of secure and covered parking for cycles for uses other than residential has been submitted to and approved by the Local Planning Authority and shall not be used other than for cycle parking. The cycle parking shall be implemented in full within one month of first occupation of any non-residential space.

Reason: In the interests of sustainable development.

26 Prior to the occupation of the development, a parking management plan shall be submitted to and approved in writing by the Local Planning Authority and shall include, but not exclusively the following: staff parking, visitor parking and deliveries.

Reason: To ensure the safe operation of the highway.

27 Before any dwelling is first occupied new residents Welcome Packs, the content of which shall have been approved in writing by the Local Planning Authority, shall be issued to occupiers of the property. The Packs should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Better, Live Better publication, car share, car club information, to encourage residents to use public transport.

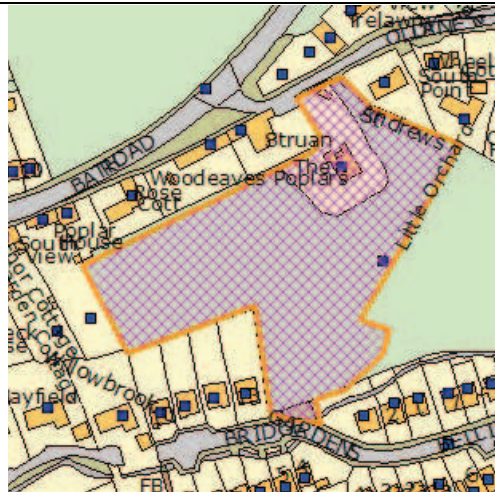
Reason: In the interests of sustainable development.

28 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:**

<b>Item No:</b>	02
<b>Application No:</b>	14/02426/FUL
<b>Site Location:</b>	The Poplars To Be Demolished Bath Road Farmborough Bath



<b>Ward:</b> Farmborough	<b>Parish:</b> Farmborough	<b>LB Grade:</b> N/A
<b>Ward Members:</b>	Councillor S Davis	
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of 12no. one and two storey dwellings (including 4no. affordable housing) and construction of vehicular and pedestrian access following demolition of existing bungalow.	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Tree Preservation Order,	
<b>Applicant:</b>	Bath & Southwest Developments Limited	
<b>Expiry Date:</b>	31st March 2015	
<b>Case Officer:</b>	Rachel Tadman	

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

The consultation response from Farmborough Parish Council raises an objection to the application and a request has been received from Councillor Sally Davis for the application to be referred to the Development Control Committee (DCC). The Chair has agreed for the item to be considered by the DCC.

### DESCRIPTION OF SITE AND APPLICATION:

The application relates to a site located within the Farmborough housing development boundary. The site forms part of a large open field which is bounded by residential development to the north, west and south. The application seeks outline planning permission for the erection of twelve dwellings and the construction of an access road. The layout, appearance and landscaping are indicated to be reserved matters with access and scale to be determined at this stage.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

### CONSULTATIONS AND REPRESENTATIONS:

### OTHER REPRESENTATIONS / THIRD PARTIES



Highways Development Officer: No objections subject to the S106 requirements previously secured under 12/04318/OUT and conditions.

Urban Design: No objections subject to conditions on materials.

I am satisfied that these represent a meaningful reduction in the visual impact of the proposals from both neighbouring properties and longer views and in relation to neighbouring street frontages (ref plot 14/15).

Together with removal of direct overlooking issues highlighted, I consider the proposal is sufficiently in line with the principles of the existing consent in terms of height and has addressed proximity issues.

The contemporary approach to the appearance will add a new element of character to its existing mixed styles, but will not harm it due to its location and reduced massing.

Plot 14/15 has been significantly amended to create a far better end unit to the row, picking up on gable character whilst connecting with development above.

Flood risk and drainage: No objections subject to conditions.

In terms of flood risk we are satisfied that the change in storage tank volume will not have a detrimental effect on flood risk from this site.

It would appear that the flow control and storage area for Area 2 (a site to the north of the development) is proposed to be adopted by the sewerage undertaker (Wessex Water).

Written confirmation from the sewerage undertaker (Wessex Water) that they agree to adopt the proposed surface water system is still awaited. A clear understanding of who will adopt the proposed surface water system and its component parts should be made clear prior to construction.

Wessex Water: No objections subject to an advice note.

Affordable Housing: The affordable housing mix meets with our expectations as set out in the S106.

Although there was no clarity of tenure in the application, on a site of this size and with the agreement of the Registered Provider we would be happy to accept all the units as social rent.

We would expect that the flats Plots 9&10 are Lifetime Home (LTH) compliant. We do not expect a 10% wheelchair provision.

There needs to be demonstration that the affordable housing units will meet CSH Code 3, minimum space standards, design, layout and construction requirements as set out in the B&NES Affordable Housing SPD 2009.

Arboricultural Officer: No objection subject to conditions.

Ecology Officer: No objection subject to conditions.

Landscape Officer: No objections.

Parks and Open Spaces: A contribution request for formal green space of £21,446.25 and allotment provision of £977.55. The total contribution request is: £22,423.80

Education Services: A total contribution request of £62,553.45 is made for school places and youth provision.

Farnborough Parish Council: Object in principle for the following reasons:

1. The application does not correspond with the outline permission already approved.
2. No reference is made to any S106 agreement on the remaining open land running down to the Timsbury Road as was in the outline permission.
3. Completely out of character with the local vernacular particularly with regard to materials.
4. The development will significantly increase the risk of Conygre Brook flooding due to the high level of hard surfacing.
5. Harmful impact on residential amenity of existing and recently approved dwellings including Struan.
6. The dwellings will have a major visual impact on the village.
7. Although described as 'backland' the site is clearly visible from Timsbury Road and in long range views from the Green Belt.
8. Poor level of information regarding surface water drainage poor.
9. Highway access along Old Lane is unsustainable and would have a harmful impact on highway safety and the submitted information underestimates the current level of traffic using this lane.
10. The new access would look out of place in a village setting.

Reference has also been made to the Farnborough Placemaking Plan Character Assessment.

Local Representations: A total of 76 letters of representation have been received, of which 63 object and 7 make general comments. The concerns raised are summarised below:

1. Contemporary and urban style design, including materials, is out of context and would have a detrimental impact on this prominent site and surrounding area.
2. Development is too close to existing boundaries and will have an overbearing impact and cause overlooking.
3. Loss of parking and additional cars using Bridge Gardens will be harmful to highway safety
4. Additional traffic using Old Lane will be harmful to Highway Safety
5. Garden rooms could be used for business
6. Affordable housing is provided in two areas which is not pepperpotting.
7. Loss of amenity land/visually important open space
8. Impact on Site of Nature Conservation Interest at Conygre Brook
9. The drainage scheme is inadequate
10. Remaining part of the field will be fenced off

11. Additional pressure on Conygre Brook which will increase the risk of it flooding
12. The solar panels will be unsightly
13. Impact on nesting birds
14. Impact on party wall and cess pit/septic tank.

A total of 6 letters of support have been received.

## **POLICIES/LEGISLATION**

### **RELEVANT PLANNING HISTORY:**

12/04318/OUT - Permit - 24 January 2014 - Erection of 12no dwellings and construction of vehicular and pedestrian accesses following demolition of bungalow

11/05112/OUT - Refuse - 6 February 2012 - Erection of 8no. bungalows and construction of access.

11/05123/OUT - Refuse - 8 February 2012 - Erection of 2no. dwellings and formation of access (adjacent to 13 Bridge Gardens).

### **POLICY CONTEXT:**

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

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

The following policies of the Core Strategy are relevant to the determination of this application:

- Policy SD1 - Sustainable Development
- Policy RA2 - Development in Villages outside the Green Belt not meeting Policy RA1 Criteria
- Policy CP5 - Flood Risk Management
- Policy CP6 - Environmental Quality
- Policy CP9 - Affordable Housing
- Policy CP10 - Housing Mix
- Policy CP2 - Sustainable Construction
- Policy CP3 - Renewable Energy
- Policy CP6 - Environmental Quality
- Policy CP7 - Green Infrastructure

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 SC.1: Settlement classification
- Policy D.2: General design and public realm considerations
- Policy D.4: Townscape considerations
- Policy T.24: General development control and access policy
- Policy T.26: On-site parking provision
- Policy BH15: Visually important open space
- Policy NE.1: Landscape character
- Policy NE.4: Flood Risk
- Policy NE.9: Site of Nature Conservation Interest
- Policy SR.3: Provision of recreational facilities to meet the needs of new development

Planning Obligations SPD

National Planning Policy Framework

## **OFFICER ASSESSMENT**

### **PRINCIPLE OF THE DEVELOPMENT:**

The site lies within the Farmborough housing development boundary and it is recognised that Farmborough does not meet the criteria of policy RA1 as there is currently no local convenience shop or post office within the village. Policy RA2 should therefore be considered instead which confirms that new residential development is acceptable in principle within the housing development boundary.

Furthermore an extant outline approval (12/04318/OUT, dated January 2014) exists for this site, and as such development in principle, site access and the demolition of the existing dwelling is accepted.

Concerns have been raised that the small detached garden rooms may be used for business use. However due to the size of the buildings and the fact that the application is for residential development there is no reason to believe that the buildings would be used as anything other than a garden room, or potentially as a study or as a homeworking room which is considered to be acceptable and would be very unlikely to either trigger, or represent, a change of use to Use Class B1 (Offices).

### **DESIGN AND LAYOUT OF THE PROPOSED DEVELOPMENT AND IMPACT ON THE SURROUNDING AREA :**

The site forms part of an open field which is bounded by residential development to the north, south and west and is bound to the east by the curtilage of two properties which have recently been completed following planning permission being granted in 2010 (ref: 09/04896/FUL).

The topography of the surrounding landscape slopes down from north to south and the development area within the field has been defined in response to these contours utilising the plateau to the northwest corner.

The proposed development comprises of 3 different types of dwelling, Plots 1 - 8 which form the main element of the housing within the field, Plots 9 and 10 located at the entrance to the development and Plots 14 and 15 to the south of the site would be constructed between the existing rows of properties on Bridge Gardens and Bellifants. Each element will be dealt with in turn below.

Plots 1-8 are proposed to be located within the main field element of the site and have been designed using a contemporary approach. Originally the development proposed a mono pitch roof design, however this raised concerns regarding the visual impact of the development in conjunction with its impact on neighbours and a revised scheme was received to replace them with flat roofs with solar panels attached.

Whilst each dwelling uses the same contemporary approach, each dwelling is individually designed to use the sloping site to its advantage. The dwellings comprise a mixture of one and two storey dwellings and are to be constructed of a mixture of materials including natural cedar boarding and render with flat roofs, solar panels and timber/aluminium framed windows.

Plot 1 uses the sloping nature of the site to provide a mainly single storey dwelling but with an area of accommodation at lower ground level at the point the house starts to step down the hill. Within the garden is a single storey detached garden room and also a detached double garage.

Plot 2 is located on arguably the steepest sloping area of the site and as such, the accommodation is laid out on three floors with one of the floors at lower ground level as the house steps down the hill. This dwelling has a detached double garage.

Plot 3 has undergone some revision to move the south eastern elevation away from the boundary and to ensure that it steps down the hill rather than rises above. It is now located approx. 3m from the boundary and is single storey, albeit split over two levels, with a detached garage. Within the garden, is proposed a single storey garden room adjacent to the boundary with Orchard Way to the west.

Plot 4 is laid out over two storeys and is located in the top corner of the site bound on two sides by Poplar House, Rose Cottage and Orchard Way, all off Bath Road. This dwelling is on the most level part of the site and has a detached double garage within its grounds. Plot 4 is located, at its closest, approx. 2m from the north western boundary with Poplar House but is laid out at an angle to the boundary.

Plots 5, 6 and 7 are all laid out using a similar approach along the north western edge of the development site. The dwellings single storey with garages at the lower ground floor level. At their closest the dwellings are located between approx 2-2.5m from the boundaries with the dwellings located on Bath Road.

Plot 8 is laid out over two storeys with a detached double garage located directly adjacent to the access road. The dwelling is located approx. 2m from the boundary with Struan.

Overall the use of a contemporary design approach is supported in this location as the site forms a backland location where a new approach to design can be accommodated. Nevertheless, a significant number of objections have been received with particular

reference to the design of the dwellings and how they do not fit within the existing context of Farnborough and would have a harmful impact.

Whilst these concerns are appreciated it is the case that the development of Farnborough as a village has evolved over time, with each decade providing a new parcel of development that is of its time with regard to design. Therefore, when the village is viewed as a whole the existing housing stock has a range of designs and styles that are representative of the age within which they were developed and that this development, although very contemporary, can be considered to form the next 'phase' of design within the village.

Finally, and of significant importance, is the fact that the site, due to its backland location, does not have a 'street scene' within which it would fit and therefore it is difficult to argue that the design, when considered on its merits, would have such a harmful impact on the surrounding area as to make the development unacceptable.

The site is not prominent in any public viewpoints although it is clearly visible from Timsbury Road and also from Bridge Gardens/Bellifants. From all other views, there are some open views but most are fleeting glances of the site from between buildings and in any case are more longer range.

From Bridge Gardens/Bellifants most direct views of this area of the site will be blocked by Plots 14 and 15 and would be further softened by landscaping. Furthermore, whilst the development will be clearly visible from Timsbury Road, it is considered that it would not be prominent and would, again, be softened by the proposed landscaping.

The solar panels located on the roofs of the dwellings, due to the sloping nature of the site will not be prominent, or potentially even visible, from the street level within the development. However although they are likely to be visible in longer range views of the site this is not considered to be of particular concern as they would not be prominent and would not have a detrimental impact on the surrounding area.

9 and 10 are located on Old Lane and form a corner building at the entrance to the main part of the development. The building is two storeys with a pitched roof and is positioned on the boundary with the adjacent dwelling Struan's parking/garden area and has a rounded corner on its Northern elevation allowing the building to turn the corner with the road. It would be constructed of a mixture of white lias stone, render and natural cedar boarding with a natural slate roof. The building comprises 2 no one bed flats, one on each floor, with a small area of amenity space and parking area for three cars. The use of the rounded corner adds an interesting element to the building and would fit well within the existing street scene of Old Lane. Overall its design and size is considered to be acceptable.

Turning to Plots 14 and 15, the original design of the dwellings used a contemporary approach which was not considered appropriate considering they would sit within the context of existing dwellings and the street scene. Following revisions, these now comprise a pair of semi detached two storey dwellings designed to appear more as one dwelling but actually comprising two. This approach to the design and scale is now considered to be acceptable in this context and would be consistent with the existing properties adjacent to the site. The provision of four parking spaces laid out

across almost the entire frontage of the plots is relatively out of character with the parking layout on adjacent dwellings which, in the main, use a tandem parking approach. Whilst disappointing, it is not considered to be unacceptable.

Overall it is considered that the design and layout of the development optimises the developable area of the site and takes full advantage of its sloping nature to provide an interesting and attractive place to live. It is not considered to have a detrimental impact on the surrounding area and would not be prominent or have a harmful impact on views of the site. The scheme provides a landscaped footpath which facilitates connectivity for pedestrian movement through the site within an appropriate landscape setting.

#### IMPACT ON RESIDENTIAL AMENITY:

As the site currently comprises a green field surrounding by existing houses it is unavoidable that its development for housing will have an impact on the residential amenity of neighbouring occupiers either through harm to their outlook, through overlooking or overbearing impact.

However whilst the principle of the redevelopment of this site has already been agreed through outline planning permission granted in January 2014 (12/04318/OUT) this proposal does include a detailed layout and therefore the impact on neighbours has required careful consideration. The development has, been subject to significant objections from neighbouring residents.

To follow the same sequence as the design was considered, Plots 1-8 would each have varying degrees of impact depending on the plots design, layout and relationship with its neighbour and is detailed below:

Plot 1 is located in relative close proximity to its neighbouring dwellings of St Andrews and Little Orchard. As St Andrews is located at an elevated position to the dwelling, and in conjunction with the distances between the dwellings it is considered that the impact would be very limited. Furthermore, with regard to Little Orchard, it is considered that, although there are existing windows looking towards Plot 1, due to the proposed layout of the dwelling as well as the wider plot, there is unlikely to be any significant overlooking or overbearing impact on either the existing or future occupiers.

Plot 2 is adjacent to the boundary of No 13 Bridge Gardens but due to the distances involved and the heavy landscaping on this boundary it is unlikely that there would be any adverse impact caused.

Plot 3 is also adjacent to the rear boundary of dwellings on Bridge Gardens and there were initial concerns about the impact on residential amenity and overbearing impact on the gardens. Due to the steeply sloping nature of the gardens in Bridge Gardens a number are terraced with a level usable area at the north westernmost point and therefore directly adjacent to the boundary. The existing hedging in this location is varied with some areas limited to just fencing. As a result of concerns raised Plot 3 and its garage, as well as the garage to Plot 2, have been moved away from the boundary to lessen the impact. Furthermore the building has been stepped down to also reduce the impact. Whilst there are still some windows that face the boundary, and which would cause a low level of overlooking, these are at ground floor level and would be obscured by fencing and

boundary treatments. In light of this it is considered that, whilst Plot 3 will have an impact on the rear gardens, and to some extent, the dwellings on Bridge Gardens, it is low level and is not unacceptable.

Plot 4 is considered to be the most problematic with regard to impact on neighbouring occupiers due to its height at two storeys, its layout and also the existing features surrounding. The proposed building is, at its closest, approx. 2m from its boundary with Poplar House to the North West but is laid out at angle to the boundary meaning that, although it would be 6.2m in height at this point, the impact of the building would be reduced as it moves away from the boundary to the south west and north east. The distance between the rear elevation of Poplar House and Plot 4 would be 11.2m. Furthermore at this point Poplar House, and its garden, has an open aspect onto the development with only a low level boundary wall. Therefore it is clear that there will be an impact on the residential amenity of the existing residents, although this is not considered to so significant as to be unacceptable.

To the north of Plot 4 also, is the existing dwelling of Rose Cottage which also has a relatively open aspect onto the site, however due to the increased distances between the Plot and the dwelling and its garden it is considered that the impact would not be significant.

Although there is one window at ground floor level looking towards the garden of Poplar House this is at an oblique angle and would in any case only overlook the lower parts of the neighbouring garden. In light of this is not considered to have a unacceptable impact on the residential amenity of neighbouring occupiers and could be overcome through the suggested boundary treatment condition. At first floor level there is a bedroom window that looks towards the same direction but would cause a relatively low level of overlooking to the lower levels of the garden of South View, Bath Road.

In addition, the relatively recently developed dwelling of Orchard Way is located around 2m from the boundary of the Plot on its south western site with a low 1.2m wall between. On the elevation facing Plot 4 there are three windows at ground floor level that directly overlook the garden area of the proposed dwelling. From research it appears that the window to the southern part of the elevation is to a bedroom which also has another window facing south. The middle window is to a bathroom and the final western window is the only window to a bedroom. In order to address the overlooking that would be caused it is proposed to erect an additional fence on top of the existing wall to bring the boundary up to 2m in height. Whilst this fence would remove all overlooking from the southernmost window it would only partially 'cover' the northernmost window, however, due to the angle it would reduce overlooking to an acceptable level. However as the fence would be less than 2m from the southernmost window it is considered that this would have an unacceptable overbearing impact on that room. In light of this it is considered that the boundary fence should be moved further into the garden of Plot 4 which will allow an excess of 2m between the window and the fence thereby achieving an acceptable balance between the impact on the room and the overlooking impact on the future residents. This can be dealt with by condition.

Plots 5, 6, 7, whilst located close to the boundary with the existing dwellings to the North West, are only single storey in height which, in conjunction with the lower level of the



development site, would not have an adverse impact on the existing dwellings due to overlooking or overbearing impact.

With regard to the impact on the future occupiers of the dwellings, overall the development has been designed to ensure that any overlooking etc. has been kept to a minimum and, due to the relatively elevated location of the existing dwellings on Bath Road, in conjunction with the boundary treatments, it is unlikely that any significant overlooking will be experienced from this direction. Rose Cottage, one of the dwellings to the North West, does have a first floor balcony but it is also considered that this would not have a significant overlooking impact.

Plot 8 is two storeys in height and, similar to Plot 4, is located at an angle with a corner of the building within approx. 2m from its boundary with Struan. As the building is laid out at angle to the boundary it again means that the impact of the building would be reduced as it moves away from the boundary to the south west and north east. Furthermore due to level changes between the two sites Plot 8 would appear as single storey as only the first floor would be visible.

At first floor level there is a bedroom window that would look at an oblique angle towards the lower corner of Struan's garden, due to the height of the window in relation to the boundary walling/fencing it is unlikely that the level of overlooking would be unacceptable.

Plot 9 and 10 is two storeys in height and is located directly on the boundary with the adjoining neighbour Struan and objections to the development have been received in this regard. The elevation facing Struan does not include any windows.

The impact of these dwellings on Struan has been considered carefully, as has the cumulative impact on this dwelling especially as it will be enclosed on two sides by new development, and, despite the concerns raised, it is considered that the impact is acceptable. The impact of the side elevation located on the boundary will, to some extent, be mitigated by the existence of a double garage directly adjacent within the grounds of Struan and is not considered to have an overbearing impact and the overall impact on the residential amenity on the residents of Struan is considered to be acceptable.

Plots 14 and 15 are also considered to have a very minimal impact on the residential amenity of any existing neighbouring occupiers, despite objections raised, and will provide a good level of amenity for the future occupiers.

On a wider point a neighbour to the site has objected to the location of the path running between the development and Bridge Gardens for the reason that it will cause overlooking to the garden and rear rooms of No 3 Bridge Gardens. Having considered these concerns it is concluded that it is unlikely that the level of overlooking to the rear rooms will be significant due to the distances involved and whilst users of the path will have views into the rear garden, it is considered that this would not be significant and would not have a unacceptable impact on the residential amenity of the occupiers.

With the exception of Plot 4 it is considered that the development has been designed and laid out to have an acceptable impact on the residential amenity of both the existing and the future occupiers.

However, with regard to Plot 4, it is the case that the layout of the plot, and height of the dwelling, would not only have an overbearing impact on the rear ground floor room and lower garden area of Poplar House but it would also result in overlooking to the lower parts of the garden of South View.

#### ECOLOGY, LANDSCAPE AND TREES:

Following initial objections by the Arboricultural Officer regarding the impact of the development on a number of trees, a revised arboricultural report has been submitted which includes a number of sections through the proposed site and several visualisations. It is considered that the revised information is sufficient to overcome the concerns of the Arboricultural Officer

Turning to ecology, an ecological and bat survey has been submitted, with outline proposals for bat mitigation measures. No further bat surveys are stipulated nor the need for an EPS licence, although roosting opportunities at the site, including an area possibly used in the past as a night time feeding perch, will need to be changed. In light of this it is recommended that replacement bat roosting locations are incorporated into the scheme, the final details of which can be secured as part of an overall ecology condition.

The Conygre Brook to the south of the site is a Site of Nature Conservation Interest, however the Ecologist has raised no concerns with regard to any impact the development may have.

The development may have an impact on nesting birds and as such a condition has been attached in this regard.

In landscape terms the proposed development has been found to be acceptable by the Landscape Officer. However there have been concerns raised by both residents and the Parish Council that the area of land to the south of the red line boundary is not to be retained as a multi-functional wildlife area and that the development does not relate well to the space.

Whilst the concerns are understood it is the case that this part of the site is not within the red line and is proposed to be retained in its current agricultural use and the development therefore has to be considered on its merits.

#### PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

A number of concerns have been raised by in relation to the impact of the development on highway safety. The Council's Highway Development Officer has undertaken an assessment of the revised proposal and has concluded that the proposed access arrangement would be acceptable to serve the development.

Furthermore the development already benefits from outline planning permission for which access was approved, subject to conditions and a section 106 agreement securing off-site highway works.

Therefore as the principle of development has already been established and the impact of traffic has already been considered and accepted, and does not change with this current application, the only issues to consider are limited to site layout only.

In this regard the main estate road is of an appropriate design and in accordance with the guidance of Manual for Streets, the gradients are steeper along the road in some areas than others, however they are within the tolerances set down for a public highway, and importantly they are relatively level at the approach to the junction with Old Lane.

Due to the significant level difference across the site, steps on the footway link are unavoidable. However during the detailed design technical approval process the changes in level may well need to be arranged differently to include longer 'platform' steps - this however is a post-planning consideration but this current submission the Highways Development Officer is satisfied that a solution is possible.

Parking is allocated and arranged appropriately for the size of dwellings proposed.

Concern was initially raised regarding the provision of 6 parking spaces off Bridge Gardens for plots 14 and 15. It was identified that only 4 spaces would suffice and that 2 should be removed. However following concerns raised by neighbours that the development would have an exacerbate an existing problem of on-street parking in Bridge Gardens the Highways Development Officer undertook several visits to the site (including evenings and weekends) where he observed no significant on-street parking issues. It was also noted that the majority of properties have ample off-street parking. As a result revised plans have been received showing that the 2 extra spaces have been removed.

Overall the proposed development is considered to be acceptable and would not have a harmful impact on highway safety subject to a S106 agreement requiring clearance and kerbing of the north side of Old Lane.

#### PLANNING OBLIGATIONS:

The current application for a net development of eleven dwellings on a site area of over 0.5 hectares would generate a requirement for affordable housing provision on site. Under Policy CP9, as the site is within the Bath Rural Hinterland, a percentage of 40% affordable housing would be required.

Further contributions of £84,977.25 are sought in relation to education, the enhancement of existing open space and allotment provision.

A request has been received from the Council's Highway Development Officer for an obligation to ensure that local works relating to clearance and kerbing of the north side of Old Lane opposite the access to the development are carried out.

The above planning obligations are considered to be appropriate.

**Affordable housing:** Under Policy CP9 of the Core Strategy the site is within the Bath Rural Hinterland meaning that there is a requirement for a 40% affordable housing provision on site. It is proposed that Plots 9, 10, 14 and 15 would satisfy that requirement. The affordable housing mix is met with agreement and although there is no clarity of



tenure in the application, on a site of this size, and with the agreement of the Registered Provider, Housing Services would be happy to accept all the units as social rent.

However the application fails to demonstrate that the affordable housing units will meet CSH Code 3, minimum space standards, design, layout and construction requirements as set out in the B&NES Affordable Housing SPD 2009. This has been raised with the Agent and an update will be provided to Members at the Committee Meeting.

#### SUSTAINABILITY AND RENEWABLE ENERGY:

The development proposes a number of measures to achieve energy efficiency and sustainability including:

- Rainwater harvesting
- Sustainable drainage systems to reduce water run off rates
- Sustainable building materials, in conjunction with solar passive gain, to reduce energy needs of the buildings
- Triple glazing
- Energy efficient lighting design and controls
- Use of renewable technology

The incorporation of sustainable construction features is also supported (in line with the Core Strategy policy CP2 and the Sustainable Construction & Retrofitting SPD).

#### FLOODING AND DRAINAGE:

The site is in Flood Zone 1 so the principle of development on this site is acceptable.

The development will use a sustainable drainage approach to deal with the surface water drainage etc. from the site which includes the use of two attenuation tanks, with discharge at the greenfield runoff rate. The design philosophy will incorporate the surface water flows from this site and the recently approved Trelawney, Bath Road ref: 14/03923/FUL, and the main attenuation tank has also been designed to store these flows to the agreed greenfield runoff rate.

Although residents have raised concerns that the increased levels of hard surfacing on the site will increase the risk of flooding to the Conygre Brook, the Flood and Drainage Team are satisfied that the proposed scheme is acceptable and are raising no objections.

#### OTHER MATTERS:

A number of concerns have been raised by residents that do not form material planning considerations including loss of view, impact on a cess pit and also the party wall act. With the exception of the loss of a view, these are all issues that are civil matters which need to be negotiated between the individual landowners.

#### CONCLUSION:

The proposed residential development of the site is considered acceptable in principle and is in line with the requirements of Policy RA2 of the Core Strategy. Furthermore the site

already benefits from outline approval (12/04318/OUT, dated January 2014) for 12 dwellings.

The proposed design and layout of the development optimises the developable area of the site and takes full advantage of its sloping nature to provide an interesting and attractive place to live. It is not considered to have a detrimental impact on the surrounding area and would not be prominent or have a harmful impact on views of the site. The scheme provides a landscaped footpath which facilitates connectivity for pedestrian movement through the site within an appropriate landscape setting.

The development is not considered to have a detrimental impact on highway safety and an acceptable level of parking provision has been proposed.

In the main the development has been designed and laid out to have an acceptable impact on the residential amenity of both the existing and the future occupiers.

However, with regard to Plot 4, it is the case that the layout of the plot, and height of the dwelling, would have an impact on the rear ground floor room and lower garden area of Poplar House and it would also result in a relatively low level of overlooking to the lower parts of the garden of South View.

However these impacts are not considered to be so significant that they would be considered unacceptable and also need to be carefully balanced against the provision of 12 dwellings on the site, and the fact that there is already an outline planning permission, albeit in outline, for the redevelopment of the site. In light of this it is to be expected that there will be some impact on the residential amenity of neighbouring occupiers and in this case the impact is not considered to be so significant as to be unacceptable or at a level that would justify the refusal of the scheme.

## **RECOMMENDATION**

Delegate to PERMIT

## **CONDITIONS**

0 A Authorise the Planning and Environmental Law Manager to enter a Section 106 Agreement to secure the following:

### **1. Highways**

Clearance and kerbing of the north side of Old Lane, from opposite the access to the development towards its junction with the A39, to maximise the carriageway width.

### **2. Education:**

Total for Early Years provision £0 (Sufficient provision in the area)

Total for school places £60,752.55

Total for Youth provision £1,800.90

Therefore the total contribution sought is £62,553.45

### **3. Parks and Open Spaces:**

A contribution request for formal green space of £21,446.25 and allotment provision of £977.55. The total contribution request is: £22,423.80

4. Affordable Housing:

40% provision for affordable housing on site.

B. Subject to the prior completion of the above Agreement authorise the Group Manager to Permit subject to the following conditions (or such other 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 No development shall commence until written confirmation of the ownership and maintenance responsibility of the attenuation tank and orifice plate for Area 2 has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of flood risk management.

3 No development shall commence until a sample panel of all external walling and roofing materials to be used has been erected on site and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and the samples shall be kept on site for reference until the development is completed.

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

4 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.

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

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

6 Notwithstanding the details on the approved plans, details of the boundary treatments for Plots 3, 4, 5, 6, 7 and 8 shall be submitted to and approved in writing by the Local Planning Authority. No occupation shall commence until the approved boundary treatments have been provided.

Reason: In the interests of residential amenity.

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 dwelling shall be occupied until its associated screen walls/fences or other means of enclosure have been erected, details of which shall have first been submitted and approved in writing by the Local Planning Authority. The means of enclosure shall thereafter retained in accordance with these approved details.

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

9 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.

10 The development shall not be occupied until a report produced by a suitably experienced ecologist demonstrating, using photographs where appropriate, satisfactory implementation of the recommended and proposed wildlife and bat mitigation measures as described in the approved plans and ecological reports "Update of Ecological Report" dated November 2014; "Bat Mitigation Proposed Provisions" drawing number 667:1:111 dated December 2014; and "Update of Ecological Report" dated September 2012; have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) Precautionary measures carried out during demolition and construction work including details of works timed to avoid nesting birds
- (ii) bat mitigation and roost provision features
- (iii) wildlife friendly landscaping and habitat creation and provision of any additional features to provide enhancements to wildlife value at the site

Reason: To demonstrate mitigation for ecological and protected species impacts at the site.

11 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall

be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

12 No occupation shall commence until the junction with Old Lane has been completed to include the left-turn only arrangement, including the completion of appropriate Traffic Regulation Orders.

Reason: In the interests of highway safety.

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

Reason: In the interests of amenity and highway safety.

14 The garaging hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: To retain adequate off-street parking provision.

15 The development shall be carried out strictly in accordance with the approved Construction Management Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the safe operation of the highway.

16 No development shall commence until written confirmation that the local sewage undertaker agrees to adopt the proposed surface water drainage system has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of flood risk management.

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

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

## **PLANS LIST:**

1

The plans list will form part of an update report.

## **2 ADVICE NOTE:**

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

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

#### 4 Advice Note:

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

#### Wessex Water:

Waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk)

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526333 for Waste Water.

A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals may affect existing water mains/public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter.

Building over existing public sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

#### Building Near to a Public Sewer

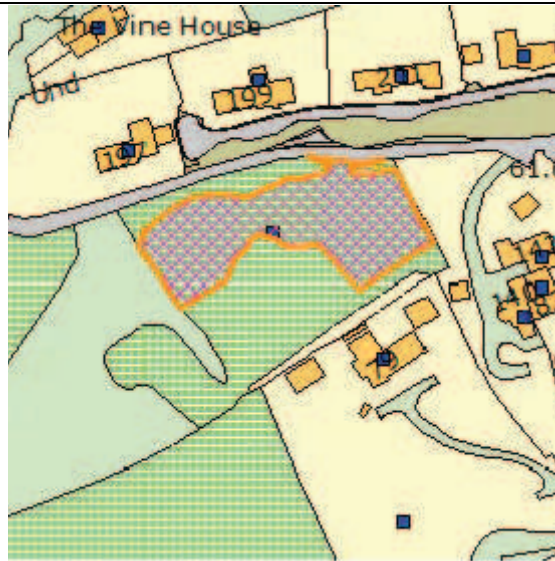
No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water.

#### 5 Decision Making Statement:

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

<b>Item No:</b>	03
<b>Application No:</b>	14/02756/FUL
<b>Site Location:</b>	Land Opposite 199 Bailbrook Lane Bailbrook Lane Lower Swainswick Bath





<b>Ward:</b> Lambridge	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Ward Members:</b>	Councillor B Chalker	Councillor Dave Laming
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of two detached dwellings with retained open space	
<b>Constraints:</b>	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,	
<b>Applicant:</b>	Charlcombe Homes Ltd	
<b>Expiry Date:</b>	26th August 2014	
<b>Case Officer:</b>	Tessa Hampden	

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

Cllr Laming and Cllr Chalker have both called this application to Committee if the application is to be recommended for approval.

### Site description and proposal

The site comprises a parcel of undeveloped 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 site is sloping, with levels increasing steeply from south to north. The road frontage is formed by a 1.4 metre high rubble stone wall which acts as a retaining wall to the parcel of land behind. A number of trees and areas of scrub sit behind this boundary wall forming 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.

An application for 4 dwellings on this site was refused at planning committee following an officer recommendation for approval for the follow reasons:

1 The proposed development, by reason of the loss of an open green space would represent inappropriate development which would be detrimental to the character and appearance of this part of the Conservation Area. The proposal is therefore contrary to policy D.4 and BH.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007.

2 By reason of its restricted width and sub-standard junction with the proposed development, Bailbrook Lane is considered unsuitable to serve as a means of access to the proposed development and together with conflicting traffic movements on Bailbrook Lane, generated by the proposed development, the development would be prejudicial to road safety, contrary to policy T.24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007.

Although the Core Strategy has been adopted since this decision, the policies that the refusal refer to are saved from the Local Plan until they are replaced through the Local Development Framework. This decision forms a material planning consideration in the determination of the subject application. The subsequent appeal was dismissed on the grounds that the proposed 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 an important part in the landscape setting of this locality.

The application has been revised in response to the Inspector's comments. During the application process, following discussions with officers, revised plans have been submitted. The application seeks planning permission for the erection of 2 dwellings and as such has reduced the level of development from that previously proposed. The proposed development comprises 2 bespoke contemporary dwellings constructed from traditional materials with a shared access from Bailbrook Lane. It is also proposed to create an open meadow to the rear of the site which would be the subject of a management plan ensuring permanent maintenance of this space. Further landscape enhancements are proposed including the further planting at the boundaries of the site with native species.

#### Relevant planning history

DC - 12/00637/FUL - RF - 7 August 2012 - Erection of four detached dwellings. - appeal dismissed 7 March 2013

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

Landscape architect: No objection subject to conditions and the future of the open space / management plan being legally assured. The Landscape officer is in agreement with the findings of the landscape visual impact assessment

Ecologist: No objection subject to conditions. 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: The site is considered to be in a sustainable location and there is no objection subject to conditions

Highway Drainage Team: Tests 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, would object to culvert being used without drainage testing calculations.

Environmental Officer: No objection subject to informatives for code of construction and noise.

Wessex Water: No objection subject to conditions.

Other representations/third party comments

Ward Member Cllr Laming - Objects to the development on the following grounds:

High number of objections

Highlights the Inspectors comments with regards to the loss of the open space and 'any development on it would not respect the historic grain of the area.

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.

Damage to retaining wall and another dangerous access onto Bailbrook Lane from the proposed development site.

Cllr Chalker - supportive of Cllr Lamings request for this to be determined by Committee.

Neighbours - 17 objections have been received and are summarised as

- impact upon the character and appearance of this part of the Conservation Area
- houses are out of keeping with the character and appearance of Bailbrook Lane
- impact of the development upon the flow of the stream on the neighbouring land
- significant environmental damage including ecology, trees and hedges
- highway safety issues
- ownership issues
- site set in an unsustainable location - unacceptable congestion and safety concerns
- drainage issues
- development does not overcome the Inspector's comments on previous application.

## **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
- CP9 Affordable housing
- 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
- ES5 Foul and surface water drainage
- BH.6 Development within or affecting Conservation Areas
- NE4 Trees and Woodland Conservation
- NE.10 Nationally Important Species and Habitats
- NE.11 Locally Important Species and Habitats
- NE12 Natural features, retention, new provision and management
- NE15 Character, amenity and wildlife value of watercourse
- 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**

Character and appearance

Whilst the previous appeal decision needs to be given significant weight, it would be unreasonable for a decision to preclude any development on a site if it can be demonstrated that there is no significant harm resulting from the proposed development, and the reason for refusing this application (and dismissing the appeal) has been overcome. The primary reason for dismissing this appeal related to the loss of the openness of this site ensuing from the siting of four dwellings within the plot. Further, the Inspector also considered that any development on this site would fail to respect the historic grain of this area and the character and appearance of this part of the Conservation Area.

The openness of this site therefore needs to be preserved as this attribute is considered to contribute positively to character and appearance of this part of the Conservation Area,

particularly when viewed in the immediate local context of Bailbrook Lane. This submission reduced the number of dwellings within the scheme from four to two and these have been designed in response to the previous appeal decision. However, following an initial assessment of this application officers were concerned that the previously identified harm had not been sufficiently overcome. During the course of this planning application this issue has been discussed in detail with the applicant and further revised plans have been submitted to address these concerns.

The latest revised plans illustrate that the houses have been moved further into the site so that they take greater advantage of the slope, now appearing as semi-underground dwellings. The properties would incorporate grass roofs, further reducing the prominence of the houses and preserving the open character of the site when viewed from Bailbrook Lane. Further revisions include the reduction in the sizes of the dwellings, the siting the garages underground, and the provision of further screening of the parking areas and driveways through retaining walls. The revised scheme will ensure that there will be views into the open parts of the site from more of the lane, and views out over most of the site. The original application proposed to reinstate an orchard at the lower part of the site, but this has now been omitted and replaced with a managed wildflower meadow. A condition can be included on any planning permission to ensure that this is managed as a meadow which will further ensure that the openness of the site is retained in perpetuity.

It is now considered that when viewed from Bailbrook Lane, due to the appropriate design and siting of the dwellings, which are considered to merge with the surrounding open land, the openness of the site is preserved to an acceptable degree. It is recognised that part of the site will be developed with hardstanding for the necessary access and turning areas. This will contribute to the loss of character but this will be modest due to the screening of much of this by the boundary wall and landscaping treatment. Following the further revisions, it has been calculated that over seventy percent of site area (including grass roofs) would remain open. The character and appearance of the Conservation Area is therefore not considered to be harmed significantly in this regard.

The Inspector also highlighted concerns with regards to the impact of the development upon the historic grain of the area. The building grain of Bailbrook Lane has changed considerably over recent years, with a large number of new dwellings being constructed in this location. This includes five detached dwelling opposite this site. Any development on this site would clearly alter the historic grain of the area, but given that only a limited amount of the development would be visible from the lane itself, this is now not considered to result in significant harm. The land from this view would still retain the character of undeveloped land from this point, and such still respect the historic grain of the area in this context.

It was previously recognised that from a distance and from various vantage points the site can be seen to play only a modest part in the Bath Conservation Area as a whole, and indeed could be perceived as being amongst buildings in some views. A similar conclusion can be made with this application. The proposed two dwellings, although relatively generously sized buildings, given their siting within the slope, and context of the surrounding development, are not considered to result in any undue harm from the wider views.

In terms of the specific design of the proposed development, Bailbrook Lane comprises a relatively eclectic mix of dwelling styles and as such given the context of the site, a contemporary design approach is considered to be acceptable. The buildings have been designed to reflect the topography of the site, and to ensure that when viewed from Bailbrook Lane, the openness of the site is retained. The buildings are considered to be of a high quality design and the materials proposed are considered to be appropriate. The grass roofs will ensure that the buildings integrate within the site and reduce their impact upon the wider area. However, it is important to ensure that these are maintained as green roofs and a condition can be added to any permission to secure the future maintenance.

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 so 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.

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.

Overall therefore, it is recognised that the appeal decision considered that the undeveloped and open nature of the site was very apparent and contributes positively to both the character and appearance of this part of the Conservation Area. The Inspector also cited that the local context should be taken into account and to fail to do so would fail to recognise the important contribution the site makes as a space, or area of undeveloped land, reflecting and reinforcing the rural aspect, character, grain and qualities of Bailbrook Lane as an element of the Conservation area. However, due to the moderations to the scheme, including the reduction in built form, siting of the dwellings further into the site, the design of a proportion of the buildings underground and the use of the grass roofs, the development is now considered to be acceptable. The site is considered to retain its open nature respecting the semi-rural character of the area. It is considered to respect the character and appearance of this part of the Conservation Area and the setting of the wider World Heritage Site.

#### Highway safety

Although the application was dismissed at appeal, highway safety was not considered to be a significant issue. The application site is 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 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. It is therefore considered that this site is located in a sustainable location.

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. 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.

The development therefore is not considered to have an adverse impact upon highway safety.

### Residential amenity

Concern has been raised by third parties regarding the impact upon neighbouring residential amenity including overlooking and loss of privacy. The closest dwelling which has the potential to be affected is 79 London Road West. The rear of this property 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. The proposed development at this point is predominantly garden space along the boundaries of one of the plots and the meadow. As a result the proposed 2 dwellings will not result in any significant levels of overlooking or loss of privacy or result in an unacceptable increased in sense of enclosure.

The neighbouring dwelling to the east is well screened by mature trees which are protected under a Tree Preservation Order. One of the plots 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 significant undue harm will be caused to the amenity of no. 142 Bailbrook Lane.

The 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.

Overall, the proposed development is not considered to result in a significant impact upon the residential amenity of the neighbouring occupiers and is considered to result in satisfactory living conditions for the future occupiers of the development.

### Ecology

The application was supported by an ecological 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 survey submitted and recommendations made will be incorporated into the scheme, with the proposed orchard providing a green corridor for bat foraging. The design of the roofs will provide an overhang to reduce the light spill from the properties to preserve the dark skies of this semi-rural location.

There is a watercourse that runs under development to the north and into a culvert which runs under the application site to the north east of the site and into the neighbouring gardens of No. 79 London Road West and 142 Bailbrook Lane through ponds and 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 contaminate it. It has been acknowledged that this culvert will be diverted to facilitate the development and to ensure its flow is not interfered. The point at which it crosses along the southern boundary will not be altered. A condition can 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.

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

### Arboricultural Impacts

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. There are no objections on these grounds.

### Drainage

A number of comments have been made by third parties with regards to drainage. The applicant intends to discharge surface water arising from the proposed development through soakaways. The submitted information has been assessed by the Councils drainage engineers. There are concerns that soakaways may not be an acceptable solution and tests 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, and object to the culvert being used without drainage testing calculations. Given the above, it is considered that further information is required, but this can be dealt with through planning condition, and as such conditions should be attached to any planning permission to secure

### Conclusion

The comments of the third parties and those of the Inspector dealing with the appeal have been duly considered as part of the assessment of this planning application. However, it is now considered that the proposed siting, scale and design of the proposals is acceptable and previous reasons for refusal have been overcome. The site will retain its character as an open space and will preserve the character and appearance of this part of the Conservation Area. No other significant harm has been identified. The application is therefore recommended for approval.

### **RECOMMENDATION**

PERMIT



## 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 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.

3 No development shall commence until a management plan for the land illustrated as 'Meadow' has been submitted to and approved in writing by the Local Planning Authority. The land shall be maintained in accordance with this in perpetuity.

Reason: To safeguard the appearance of the area.

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

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

5 No development shall commence until a management plan for the grass roofs has been submitted to and approved in writing. The development shall be maintained in accordance with this in perpetuity.

Reason: To safeguard the appearance 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 extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

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

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

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

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

9 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.

10 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.

11 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

12 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

13 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

14 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

15 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

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 Plans:

02 Feb 2015 SHEET 5 A DESIGN CONSTRAINTS & CONCEPTS  
02 Feb 2015 SHEET 6 B BLOCK PLAN AS PROPOSED  
02 Feb 2015 SHEET 7 A SITE SECTIONS  
02 Feb 2015 SHEET 8 B PROPOSED SITE LAYOUT Public  
02 Feb 2015 SHEET 10 A HOUSE 1 ELEVATIONS  
02 Feb 2015 SHEET 11 A HOUSE 2 FLOOR PLANS  
02 Feb 2015 SHEET 12 A HOUSE 2 ELEVATIONS  
02 Feb 2015 SHEET 4 A CONTEXT & BACKGROUND  
02 Feb 2015 SHEET 9 A HOUSE 1 FLOOR PLANS  
OS Extract 02 Feb 2015 LOCATION PLAN & DRAWING LIST  
BackGround Papers 02 Feb 2015 DESIGN & ACCESS STATEMENT REV. A

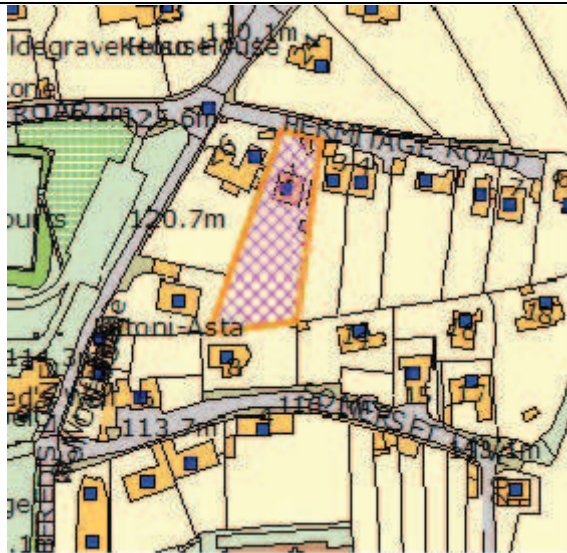
## Decision Taking Statement

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

## 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, Lewis House, Manvers Street, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk).

<b>Item No:</b>	04
<b>Application No:</b>	14/04081/FUL
<b>Site Location:</b>	2 Hermitage Road Lansdown Bath Bath And North East Somerset BA1 5SN



<b>Ward:</b>	Lansdown	<b>Parish:</b>	N/A	<b>LB Grade:</b>	N/A
<b>Ward Members:</b>	Councillor Patrick Anketell-Jones Councillor Anthony Clarke				
<b>Application Type:</b>	Full Application				
<b>Proposal:</b>	Erection of 1no five bedroom dwelling following demolition of existing bungalow.				
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,				
<b>Applicant:</b>	Nitor Investments Ltd				
<b>Expiry Date:</b>	19th November 2014				
<b>Case Officer:</b>	Tessa Hampden				

## REPORT

### REASON FOR REFERRING THIS APPLICATION TO COMMITTEE

Cllr Anketell-Jones requested that if the application were to be recommended for approval that the application should be referred to the Planning Committee due to the character and appearance of the development.

Cllr Clarke requested that the application be referred to Planning Committee if refusal were recommended, due to the long standing problems relating to the site and the pre-application undertaken.

### SITE DESCRIPTION AND PROPOSAL

The application relates to a modest sized bungalow located off Hermitage Road in Bath, which is a single track road leading off Sion Road, in the Lansdown area of Bath. The site is set within the City of Bath Conservation Area and the wider World Heritage Site. The application seeks planning permission for the erection of a house following the demolition of the existing bungalow. There is a history of refusals of planning applications for a replacement dwelling on this site, as well as subsequent dismissed appeals. This

application has been submitted in an attempt to overcome the previous reasons for refusal.

The previous application for a dwelling was refused for the following reasons:

1 The proposed development, due to the inappropriate scale, siting and design of the proposal is considered to have an unacceptable appearance and will result in a cramped form of development and the overdevelopment of the application site. There is considered to be a resultant detrimental impact upon the character and appearance of this part of the City of Bath Conservation Area. The development is therefore contrary to policies BH6, D2 and D4 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

2 Due to the inappropriate siting, design, scale and bulk of the proposed dwelling, the development is considered to result in a loss of light and have an overbearing impact upon the occupiers of 3 Hermitage Road, to the detriment of the residential amenity currently enjoyed. The development is therefore considered to be contrary to Policy D2 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

#### RELEVANT PLANNING HISTORY

DC - 10/05344/FUL - Withdrawn - 9 March 2011 - Erection of house following demolition of existing bungalow.

DC - 11/04382/FUL - Refused - 11 May 2012 - Erection of house following demolition of existing bungalow (Resubmission) - appeal dismissed

DC - 11/04625/CA - Consent - 11 May 2012 - Demolition of existing bungalow and erection of house

DC - 12/04551/FUL - Refused - 12 December 2012 - Erection of dwelling following demolition of existing bungalow - appeal dismissed

It should be noted that the Inspector dealing with this appeal also noted that the previous development would result in harm to the residential amenity of the occupiers of 26 Sion Road. The previous decisions are material considerations in the assessment of the current planning application and will be given significant weight.

DC - 12/04552/CA - Consent - 12 December 2012 - Demolition of existing bungalow

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

Highway Development - no objection subject to a condition

Contaminated land Officer - no comments

Environment Health - no objections subject to informative of any permission

Archaeological Officer - no objection subject to condition

Aboricultural Officer - no objection subject to condition

Cllr Anketell-Jones requested that if the application were to be recommended for approval that the application should be referred to the Planning Committee due to the character and appearance.

Cllr Clarke requested that the application be referred to Planning Committee if refusal were recommended, due to the long standing problems relating to the site and the pre-application undertaken.

There have been 11 letters of objection to the proposal and 3 letters of support. The key issues raised are considered below:

#### Objection

- The application should not have been allowed under Section 70A as a repeat application
- The proposals represent overdevelopment
- The square footage is much larger than other properties in the area
- The building is taller and wider than previously rejected by the Planning Inspectorate
- Concerns regarding appearance and impact of solar panels
- The flat roof could be used as a roof terrace
- Queries over accurate nature of sunlight diagrams
- The building would not preserve or enhance the Conservation Area
- Concerns regarding the appearance of the 'car dok' and the noise levels
- Impact on amenity of 26 Sion Hill including overshadowing and loss of light
- Objections to rear extension and terrace
- Overlooking to Somerset Cottage and light pollution
- Impact on 26 Sion Road, loss of light and overbearing impact

#### Support

- The design fits in with the area and is sympathetic
- The proposed house has been designed to be 'green'

### **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
  
- Core Strategy

B1 - Bath Spatial Strategy

B4 - The World Heritage Site and its Setting

CP6 - Environmental Quality

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

BH6 - Conservation Areas

BH7 Demolition in Conservation Areas

BH12 Important archaeological remains

D2 - General Design and Public Realm Considerations

D4 - Townscape Considerations

NE4 Trees and woodland Conservation

NE5 Forest of Avon

NE10 Nationally important species and habitats

NE13A Bath Hot Springs

HG4 Residential development in the urban areas

T24 - Highway Development Control Criteria

The National Planning Policy Framework - published in March 2012

## **OFFICER ASSESSMENT**

### **PRINCIPLE OF DEVELOPMENT**

The application site is located within the built up area of Bath where new residential development is considered to be acceptable providing it complies with the relevant Development Plan policies. A replacement dwelling can therefore be supported in principle.

### **CHARACTER AND APPEARANCE**

There is no objection to the loss of the existing 1920's bungalow and this part of the development has previously been deemed to be acceptable. However, although the existing bungalow is not considered to be of particular architectural merit, its scale respects its plot and due to the topography of the land and the siting of the bungalow, it has a modest impact upon the street scene. Any future development also needs to be compatible with the surrounding development to ensure that the character and appearance of this part of the City of Bath Conservation Area is preserved.

It is noted that the proposed scale of the dwelling is significantly greater than the building to which it is to replace. However, this does not mean that the development is necessarily unacceptable. When assessing the replacement dwelling from the main street scene at Hermitage Road, the dwelling is considered to respect the overall building forms of the surrounding development. The eaves and ridge height of the proposed dwelling have been designed to sit in line with that of 3 Hermitage Road, which aids in ensuring that the building does not appear out of scale in its context. It is noted that the proposed building is set above that of 26 Sion Road which also adjoins the site. However, in visual terms the application site relates a greater amount to the dwellings in Hermitage Road, and therefore can be seen to reflect the prevailing character of the area in terms of buildings heights. It is recognised that the height of the dwelling proposed is greater than the previously refused applications. However, it was the cumulative impact of the height, design, siting and bulk of the previous submissions which led to the conclusion that the



proposal was unacceptable. The increase in height alone, does not necessarily lead to the conclusion that the scheme would be harmful to the overall character and appearance of the area.

From the rear, the proposed dwelling is again clearly of a much greater scale than that of the existing bungalow. However, the proposed development takes advantage of the topography of the site, building the lower ground floor into the slope. The rear elevation is broken up by the staggered nature of the design, with the single storey element to the rear aiding in visually breaking up the bulk of the rear elevation. The dormer to the rear roof slope is of an appropriate size to ensure that this appears as dormer rather than having the appearance of an additional story. Again, the dwelling will be seen in context with the properties in Hermitage Road, and will not appear out of context in the immediate or wider area. On balance therefore, this view is considered to be acceptable.

A significant concern with the previous application related to the excessive elongated side elevations, and the flat roof running through the scheme, which cumulatively contributed to the conclusion that the proposal had an unacceptable bulk in its setting. This has been revised within the current proposal, with the side elevations now reflecting those of nearby properties, appearing proportionate to the front and rear elevations of the dwelling. The roof form has also been altered to a more traditional and less contrived hipped form. It is noted that this increases the overall height of the proposal, but as stated above, this is not alone considered inappropriate. As stated above, it was the contribution of a number of factors that resulted in the conclusion that the development was not previously deemed acceptable, rather than a single factor such as height or width. The overall scale of the dwelling in this submission is considered to be appropriate and the concern with regards to the overall bulk raised within the previous submissions has been overcome in this latest design.

Third parties have correctly identified that the Inspector recognised that the openness of the site would be harmed by the previous proposal. The Inspector noted that the existing bungalow, set back from the road and with its lower height creates a sense of openness in this part of Hermitage Road. It has been highlighted by the third parties that when compared to the refused applications, the increase in height and siting further towards the road of the current submission, the openness of the site would be harmed more than the previously refused proposals.

It is accepted that the openness of the site will be reduced as result of this development, but this is not considered to result in significant harm to the character and appearance of this part of the Conservation Area. Clearly any replacement dwelling of a greater scale than the existing, has the potential to result in a loss of openness, but this does not mean that the development is not acceptable in this built up area of the city. The site is already occupied by a building and as such the site is not completely free from development. The significant length of the previous scheme resulted in a loss of openness and the bulk of the roof added to this harm, limiting views though the site. These have both been altered within the current scheme, reducing the overall bulk of development. Although the openness of the site will be reduced as part of this development, it is not considered that the loss of openness would be now at a level to justify a reason for refusal.

It is now considered that the proposed dwelling would be accommodated on the site without appearing cramped. The overall footprint is not considered to represent the

overdevelopment of the site and adequate space will be retained around the dwelling to ensure that it sits comfortably within its plot

The overall design is considered to be acceptable, and the material used will ensure that the local vernacular of the local area is respected. The submission proposes acceptable materials which will ensure that the development integrates successfully with the surrounding area. Concern has been raised with regards to the appearance of the solar panels on the rear single storey element of the dwelling. The agent has confirmed that these will not project above the ridge of the roof and will appear as illustrated on the plans. For clarity, a condition can be added to any planning permission requesting sections on this detail. It is not considered that they will result in an unacceptable finish to this part of the building.

Overall, the proposed siting, scale, and design of the proposed dwelling is considered to be acceptable and will ensure that the character and appearance of this part of the City of Bath Conservation Area is preserved. Further, there will be no harm to the setting of the wider World Heritage Site.

## RESIDENTIAL AMENITY

The increase in overall scale of the built form on this site has the potential to harm to residential amenity of the neighbouring occupiers, particularly in terms of loss of light and the impact upon the outlook of these neighbouring occupiers. The previous scheme was considered to be unacceptable on these grounds, but again, this resulted from a combination of the inappropriate scale, height, siting and design. The application has attempted to overcome these concerns primarily by reducing the bulk of the dwelling. The agent has also undertaken a number of assessments to demonstrate that the harm to the neighbouring occupiers would not be significant. Modelling has been carried out from windows at 26 Sion Road, and from the veranda area at 3 Hermitage Road.

With regards to 3 Hermitage Road, the main part of the building has now been sited in line with this dwelling. The single storey element will be built into the slope so that it is set below the existing screening. This will ensure that the impact upon the veranda and rear garden is minimal. 3 Hermitage Road benefits from two windows and their entrance on the west elevation which will face onto the proposed dwelling. It is acknowledged that this outlook will change and the light entering these spaces will be reduced. However, the window at first floor serves a hallway area, and whilst it is recognised that this serves an important area for the occupiers of this dwelling, the loss of light to this area would not justify a reason for refusal on its own right. Further, the loss of light, outlook from the entrance porch, and dormer window to the roof, is not considered to be harmed to a significant degree.

The agent has again within the submission provided a technical assessment of the impact upon the residential amenity of the occupiers of no 26 Sion Road. This looks at both the impact upon the kitchen area and the first floor study/bedroom. This has previously raised concern, but it is now considered that the reduced bulk, and more appropriately scaled side elevations, reduces the harm previously identified. The submission demonstrates that whilst the outlook from the upper side dormer window will alter, the outlook from this window will not be unacceptable and there will still be a degree of openness from this outlook. The amount of light to the kitchen window will also reduce as a result of this

proposal, although it should be noted that this is already affected by the existing boundary treatment. The reduction in length of the proposal is considered to reduce this harm and as such, whilst it is accepted that there will be an impact, it is not considered that any harm to this property would be at a level to substantiate a refusal of this planning application.

Concern has been raised with regards to the loss of privacy for the neighbouring occupiers. However, the development is not considered to result in any significant overlooking issues. The distance from the proposed dwelling to the properties to the rear of the site is at acceptable distance which will ensure that any overlooking issues are minimal.

Further information has been submitted by the agent with regards to the cardok and this has confirmed that this will produce minimal noise and as such it is not considered that this will cause any undue noise and disturbance to the neighbouring occupiers.

The comments of the third parties and those of the Inspector dealing with the previous application have been considered. However, with the revised scheme, and the additional information put forward, whilst it is noted that the proposed dwelling will result in some harm to the residential amenity of the neighbouring occupiers, it is not considered that this would be at a level to justify a refusal of this planning application. On balance therefore, on these grounds, the development is considered to be acceptable.

#### HIGHWAY SAFETY

Hermitage Road, is a narrow unadopted cul de sac with a 20mph speed limit. The visibility splays will remain as existing and are considered to be acceptable. A five bedroom dwelling will generally require three parking spaces to meet the needs of the development. The application proposes two conventional parking spaces which achieve a 6.0m manoeuvring area to the rear which is essential on this narrow lane. The third parking space is provided below the conventional spaces and is operated by a car lift which will also be acceptable given the constraints of the location. The parking bays will need to be surfaced in a bound material to prevent loose material being trafficked onto Hermitage Road and the further highway network at Sion Road. The details and implementation of this can be secured through of a condition on any planning application.

#### ARBORICULTURAL ISSUES

A mature Atlas Cedar tree is located within the rear garden on the existing property. The submissions include a comprehensive arboricultural report which includes an arboricultural method statement (AMS ) and tree protection plan to protect this tree. This has been assessed by the Council's Arboricultural officer who is satisfied that subject to full compliance with the AMS, the tree will not be harmed. Further clarification may be required, for example if alterations are proposed during the design of soakaways etc. and supervision may be necessary during works. However, this can be secured though the attachment of a condition.

#### ARCHAEOLOGY

The application site lies in close proximity to a Roman burial found in 1808 during construction of houses in Hermitage Road and within the Sion Hill Roman cemetery area. It is therefore recommended that a watching brief condition is attached to any planning consent.

## **ECOLOGY**

Satisfactory bat surveys have been completed for this proposal and no roosts have been identified in the building to be demolished. An updated survey is recommended if the building is not demolished prior to the next active bat season.

## **CONCLUSION**

It is recognised that this site has a relatively protracted history in terms of planning applications and appeals, and this and the third party comments have been duly considered as part of this planning application. However, it is now considered that the scheme put forward is acceptable, and the scale, siting and design of the dwelling are appropriate in this context. The planning application is therefore recommended for approval subject to a number of planning conditions.

## **RECOMMENDATION**

### **PERMIT**

### **CONDITIONS**

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

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

2 The parking areas shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety

3 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered.

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

4 Infiltration test results and soakaway design calculations to BRE Digest 365 standard should be submitted to and approved by the Local Planning Authority prior to construction. The development shall thereafter be carried out in accordance with these approved details.

Reason: In the interests of flood risk management.

5 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered.

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

6 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion.

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

7 No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion with particular regard to position and erection of protective fencing; demolition of the existing dwelling; installation of ground protection, removal of existing concrete paths and excavations for services including soakaways. The documents should include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning and movement of people and machinery.

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

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

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

9 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.

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, 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.

11 Prior to the installation of the solar panels, sectional details of these shall be submitted to the Local Planning Authority and approved in writing. The development shall thereafter be carried out in accordance with this approved details.

Reason: In the interests of the appearance of the development

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

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

#### **PLANS LIST:**

0 Further bat surveys are recommended if the building is not demolished by May 2015

05 Sep 2014	P 02	EXISTING NORTH AND SOUTH ELEVATIONS
05 Sep 2014	P 03	EXISTING SITE SECTION AA
05 Sep 2014	P 04	EXISTING SITE SECTION BB
05 Sep 2014	P 05	SUPERSEDED - PROPOSED SITE PLAN
05 Sep 2014	P 06	PROPOSED LOWER GROUND AND GROUND FLOOR PLAN
05 Sep 2014	P 07	PROPOSED 1ST AND 2ND FLOOR PLANS
05 Sep 2014	P 08	PROPOSED NORTH ELEVATION
05 Sep 2014	P 09	SUPERSEDED - PROPOSED SOUTH ELEVATION
05 Sep 2014	P 10	SUPERSEDED - PROPOSED WEST ELEVATION
05 Sep 2014	P 11	SUPERSEDED - PROPOSED EAST ELEVATION
05 Sep 2014	P 12	SUPERSEDED - PROPOSED SITE SECTION AA
05 Sep 2014	P 13	PROPOSED SITE SECTION BB
05 Sep 2014	P 14	PROPOSED NORTH ELEVATION- RENDERED
05 Sep 2014	P 15	PROPOSED SITE PLAN- ANALYSIS



## Decision Taking Statement

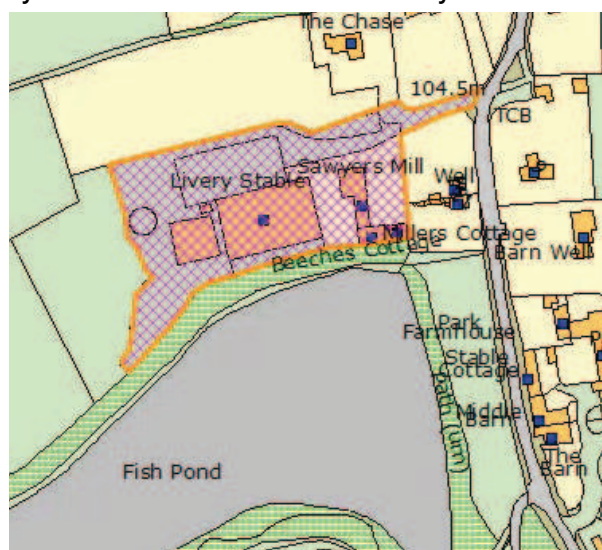
In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and planning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

### 0 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, Lewis House, Manvers Street, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk).

0 The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of the development. This should include not working outside regular day time hours, the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environmental Protection Team at Bath and North East Somerset Council.

**Item No:** 05  
**Application No:** 15/00100/FUL  
**Site Location:** Sawyers Mill Hunstrete Marksbury Bristol BS39 4NT





<b>Ward:</b> Farmborough	<b>Parish:</b> Marksbury	<b>LB Grade:</b> N/A
<b>Ward Members:</b>	Councillor S Davis	
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of 2no five bed dwellings and detached garages following demolition of existing commercial buildings and subdivision of land.	
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr Tim Warren	
<b>Expiry Date:</b>	10th March 2015	
<b>Case Officer:</b>	Alice Barnes	

## REPORT

The application site is located within the centre of Hunstrete village. It is currently occupied by one dwelling and a livery stables. The existing livery comprises a large main building measuring 7.4m in height, a stable, a number of smaller outbuilding, a menage and horse exerciser. The site is located within the Green Belt.

Hunstrete is a small village with no local shops and services. The site is bordered by Hunstrete fishing lake to the south, and the open countryside to the west. The site set back from the road behind numbers 10 and 11 and is accessed from an access drive from the main road.

The application is proposing to demolish the existing livery buildings and to construct two, five bedroom dwellings. The proposed dwellings would be two stories in height and would replace the existing buildings on site. The proposed development would include on site parking. All buildings associated with the livery would be removed and the undeveloped areas of the site would be landscaped and be used as a garden for the proposed dwellings.

## Relevant History

DC - 03/00893/FUL - PERMIT - 21 August 2003 - First floor extension.

DC - 99/02125/FUL - PER - 30 March 1999 - Conversion of outbuildings to form two holiday units

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: The application proposes to construct 2no 5 bedroom detached houses on the site of an existing livery yard and equestrian centre at Sawyers Mill which is located on a private access drive off Hunstrete Lane, a classified road where the national speed limit applies, in this case 60mph. Visibility from the site onto Hunstrete Lane will not be affected by the proposals and will therefore be acceptable. The first 10m of the access from Hunstrete Lane should be surfaced in a bound material to prevent loose stones and debris being trafficked onto the highway.

The development will provide 2 large detached dwellings which would be expected to provide 3 parking spaces in this location. The proposed dwellings and the existing 4 bedroom house have been provided with a triple garage with forecourt parking providing at least 6 parking spaces/dwelling which exceeds the maximum parking standard, required to encourage sustainable forms of transport as an alternative to the private motor car. The applicant will be required to reduce all garages to double garages which should have internal dimensions of 6.0m x 6.0m. The field access has been restricted to the use of House 1 which is acceptable.

Hunstrete is located outside of the Local Plan development boundary and this site is therefore considered to be unsustainable as it is located at some distance from schools, shops and local facilities and as there is no frequent bus service serving Hunstrete all journeys from the site would be reliant on the private motor car which is unacceptable and likely to lead to an objection on highway grounds.

The existing site is a livery yard and equestrian centre which has extensive grazing acreage and facilities. The Design and Access Statement declares that the site generates approximately 30 cars and 1 agricultural vehicle movement/day whilst the proposed development would generate approximately 15 - 20 vehicle movements/day which is a reduction and benefit to the highway network.

Contaminated Land: Due to the sensitive nature of the development (i.e. 2 No. residential dwellings) and the potentially contaminative historical use of the site as a former saw mill and agricultural buildings. Relevant conditions should be attached

Flood Risk and Drainage: The application does not include any details about how surface water will be managed. We support the applicant's intentions to use SuDS as indicated on the application form but seek more details. The applicant is advised to put together a drainage strategy.

Ecology: No objection subject to condition. The protected species survey is satisfactory which finds no constraints but does propose some precautionary measures and working measures, which must be put in place to ensure there will be no harm to protected species or other wildlife works. The implementation of this should be secured by condition. The site lies adjacent to a water body Hunstrete Lake that falls within a designated Site of Nature Conservation Value (SNCI). I do not consider the proposal is likely to have a harmful impact on the SNCI.

Marksbury Parish Council: Support, The development would not harm the green belt and will not detract from the rural character of the surrounding area. The development will not harm the amenity of nearby neighbours. It will not impact on the rural employment in the area. The development will result in less traffic to the surrounding area. There is a daily bus service and the site is not considered to be unsustainable.

Representations:

Two representations have been received in support of the application for the following reasons;

This will provide a much needed family home.

There is high volume of traffic from the livery and the provision of two houses will reduce traffic flow in the area.

## **POLICIES/LEGISLATION**

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

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

The following policies of the Core Strategy are relevant to the determination of this application:

CP6 Environmental Quality  
CP8 Green Belt

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

D.2: General design and public realm considerations  
D.4: Townscape considerations  
GB.2: Visual amenities of the Green Belt  
T.24: General development control and access policy  
ET.9: Re-use of rural buildings  
HG.10: Housing Outside Settlements (agricultural and other essential dwellings)

National Policy  
The National Planning Policy Framework adopted March 2012  
National Planning Practice Guidance 2014

## **OFFICER ASSESSMENT**

Green belt and principle of development

The existing site is previously developed and is therefore classed as being brownfield land. Paragraph 111 of the NPPF states that decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land). Paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided. In this case the existing site is located within the hamlet of Hunstrete rather than in the open countryside so is not considered to be in an isolated position within the countryside. The redevelopment of the brownfield site avoids the development of any green field sites. The development of the site would be confined to the existing site and would result in a reduction of the built form on site. It will not encroach into the open countryside and will not increase the size of the existing boundary of the settlement.

Policy CP8 and the guidance within the NPPF confirm that there is a presumption against development within the Green Belt with certain exceptions. The NPPF sets out the exceptions at paragraphs 89 and 90.

One form of development that need not be inappropriate development is 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. Previously development land is defined with the NPPF as land which was occupied by a permanent structure and any associated fixed infrastructure.

In this case the proposal is considered to constitute the redevelopment of a previously developed site. The existing commercial stable buildings are considered to fall within the definition of previously developed land. Planning policy would allow for these buildings to be replaced providing the development would not have a greater impact on the openness of the Green Belt and that they would not conflict with the purpose of including land within the green belt.

In this case the proposal is to create two dwellings which would appear to be of a smaller scale to the existing stable buildings. The proposed buildings would replace the large livery building along with various outbuildings and a manage. This would reduce the amount of the developed foot print within the site. The existing livery building is 7.4m in height. The proposed dwellings would be of a similar height to the existing buildings therefore not increasing the height of the built form at the site. The surrounding land being given over to garden land would reduce the amount of developed land within the site. Overall the proposed development is not considered to result in a development which will have a materially greater impact on the openness of the Green Belt. It is therefore considered to comply with paragraph 89 of the NPPF.

Paragraph 80 of the NPPF states that the green belt serves five purposes which are as follows

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into on another.
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

The proposed development will result in the re development of a brown field site with a reduction in the amount of built form on site. It would not increase the size of the existing settlement boundary and will not encroach into the open countryside. Therefore the proposed development will not conflict with the purposes of including land within the green belt.

## Employment

Policy ET.9 of the Local Plan has been saved which seeks to secure a commercial re-use of rural buildings however in this case, as the buildings are intended to be demolished, this policy would not apply. The guidance within the NPPF is supportive of the rural economy however there is no restriction within planning policies to protect the existing use as a stables.

## Design

The proposed dwellings would comprise two storey detached properties. Both dwellings would include three car detached garages. The dwellings include pitched roofs with gable ends. Both dwellings include a two storey gable projection. Both dwellings would be situated within large plots with associated gardens. The surrounding properties are characterised by a variety of dwelling styles and the design of the proposed dwellings would complement the appearance of the surrounding area. The dwellings are set back from the road behind existing houses so would not appear to visually prominent within the surrounding streetscene.

The proposed dwellings would be constructed from rubble lime stone with render. Whilst these materials are likely to be acceptable a conditions should be attached to any permission requiring the submission of samples of the proposed materials.

### Highways

Hunstrete Lane is a classified road where the national speed limit applies in this case 60mph. Visibility from the site onto Hunstrete Lane will not be affected by the proposals and will therefore be acceptable.

The highways officer has objected to the application as the proposed dwellings will provide more parking than is necessary to a development of this size. The highways officer has stated that this will not encourage sustainable methods of travel. The highways officer has advised that the proposed development would be located within an unsustainable location remote from local shops and service. However the site is currently operating as a livery business which would generate a significant amount of traffic and the proposed development would result in a reduction in traffic movements. Therefore the objections from the highways officer are not considered to warrant refusal of the application.

### Drainage

The flood risk and drainage team have asked for details of how the surface water would be managed and have asked for the submission of a drainage strategy. In this case the applicant has indicated that there is an existing drainage system on site and they would be able to provide further information as requested by conditions. In this case the amount of development on site would be significantly reduced, the development being for two dwellings with a large open area around the site. It is therefore reasonable to require the information by condition.

### Ecology

The existing buildings could potentially provide a habitat for bats. The application has submitted an Ecology survey to confirm that there are no protected species living within the buildings. The Ecology officer has raised no objection and is happy with the precautionary measures and working measures but has requested that these are secured by condition.

### Amenity

The proposed dwellings will occupy a central position within the site so that the proposed dwellings will primarily be set away from the boundaries with other properties. The main outlook of the dwellings would primarily be to the north and south and are not considered to result in increased overlooking of neighbouring dwellings. The orientation of the dwellings being side by side would mean that overlooking between the proposed properties is minimised.

#### Other Matters

The contaminated land officer has recommended that any permission is accompanied by conditions requiring the submission of a desk study with regards to potential contamination of the site. This is due to the sensitive nature of the development and the potential for historical contamination from the current and previous developments.

#### Planning balance

The application site is located within a settlement that is remote from local shops and services and is considered to be in an unsustainable location. However the development site is classed as being brownfield land. The development of the site will result in a reduction of traffic movements to the site and would have a reduced impact on the openness of the surrounding green belt. There are some further benefits through the provision of housing. Therefore in this case weighing up the benefits and harm of the development, the provision of housing at this site is on balance considered to be acceptable.

#### Conclusion

The proposed development is considered to be appropriate development within the green belt and will not harm the openness of the green belt. The development will not conflict with the purpose of including land within the green belt and will result in the re development of an existing brownfield site. The proposed dwellings will be located within an existing village and the development will result in a reduction in vehicle movements from the existing use. The proposed design is considered to be appropriate and the development will not cause harm to highway safety. Permission is recommended.

### **RECOMMENDATION**

PERMIT

### **CONDITIONS**

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

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

2 No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority.



The development shall thereafter be carried out only in accordance with the details so approved.

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

3 Prior to the commencement of the development a drainage strategy, including details of surfaces water management, should be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the details so approved.

Reason: To ensure the adequate provision of drainage infrastructure

4 A Desk Study and Site Reconnaissance (walkover) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment of the site. The Desk Study shall be submitted to and approved in writing by the Local Planning Authority. Should the Desk Study identify the likely presence of contamination on the site, whether or not it originates on the site, then full characterisation (site investigation) shall be undertaken in accordance with a methodology which shall previously have been agreed in writing by the Local Planning Authority. Where remediation is necessary, it shall be undertaken in accordance with a remediation scheme which is subject to the approval in writing of the Local Planning Authority and a remediation validation report submitted for the approval of the Local Planning Authority.

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

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

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

6 The access shall be surfaced with a properly bound and compacted (not loose stone or gravel) material for a distance of 10m from Hunstrete Lane in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

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



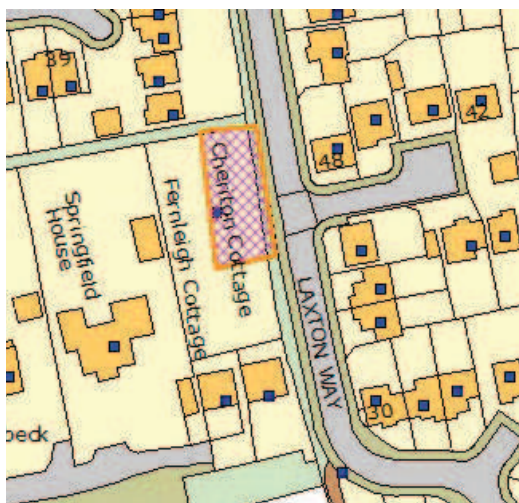
Reason: To define the terms and extent of the permission.

## PLANS LIST:

1 Site location plan  
Block plan  
Existing site location and layout plan 001  
Proposed site layout plan and roof plans 002  
Existing site sections 003  
Proposed site sections 004  
Plot 1 - House plans and elevations 005  
Plot 2 - House plans and elevations 006

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:** 06  
**Application No:** 14/04418/REM  
**Site Location:** Cheriton Cottage Springfield Peasedown St. John Bath Bath And North East Somerset



**Ward:** Peasedown St John

**Parish:** Peasedown St John

**LB**

**Grade:** N/A

**Ward Members:** Councillor S F Bevan Councillor N L R L Hartley

**Application Type:** Removal of conditions

**Proposal:** Removal of condition 2 of application 13/04071/FUL to use garage parking space as ancillary accommodation. (Erection of a dwelling and double garage in garden of Cheriton Cottage (Revised resubmission))

<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr & Mrs Reginald & Janice Gore
<b>Expiry Date:</b>	5th February 2015
<b>Case Officer:</b>	Victoria Griffin

## **REPORT**

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

The application is being referred to committee following discussion with the Chairman of the Committee.

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

The application relates to the removal of condition 2 of application 13/04071/FUL to use garage parking space on the ground floor of the garage as ancillary residential accommodation.

The property is a new dwelling constructed in the garden of Cheriton Cottage, Springfield that is accessed from Laxton Way. It is a two-storey dwelling with detached double garage.

### **PLANNING HISTORY:**

DC - 06/03891/FUL - Refused - 4 January 2007 - Erection of a detached dwelling with frontage to Laxton Way

DC - 09/04727/FUL - Permission - 15 April 2010 - Erection of a 4 bedroom house at end of garden with double garage and access from Laxton Way

DC - 11/02196/FUL - Permission - 3 August 2011 - Erection of a dwelling and double garage in garden of Cheriton Cottage (Revised proposal)

DC - 11/04488/FUL - Permission - 13 December 2011 - Erection of a dwelling and double garage in garden of Cheriton Cottage (Revised resubmission)

DC - 12/01049/NMA - Approved - 29 March 2012 - Non-Material Amendment to application 11/04488/FUL (Erection of a dwelling and double garage in garden of Cheriton Cottage (Revised resubmission))

DC - 13/04071/FUL - Permission - 29 November 2013 - Conversion of newly constructed garage (planning approval 11/04488/FUL) to a home/office conversion to the first floor area, maintaining the garage parking.

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

Highways: The house is the only frontager along a long length of street where there are no parking restrictions. All other frontagers have off-street parking and there is likely to be limited demand therefore for on-street parking. It was, and remains, my view therefore

that any overspill can be accommodated on-street without any highway safety implications, so there is no objection to the removal of the condition.

Peasedown St John Town Council: The original application was referenced and condition 2 applied to the permission was read out: '2 The ground floor of the garage shall be used only in connection with parking for Cheriton Cottage in accordance with the approved plan(s) and such space shall not thereafter be used other than for the parking of vehicles associated with this property. Reason: To alleviate further parking congestion on the local highway(s) in the interests of highway safety.' The application was discussed at length and it was resolved, by the majority, that as it was deemed

appropriate to apply this condition in the first instance, circumstances had not changed warranting it be withdrawn, and so the Parish Council objects to the application.

Representations: No comments received

### **POLICIES/LEGISLATION**

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

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

The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality

DW1 - District Wide Spatial Strategy

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 - Considers design issues and residential amenity.

D.4 - Considers design issues.

HG.1 - Meeting the district housing requirements

T.24 - General development control and access policy

T.26 - On-site parking and servicing provision

National guidance in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance are also a material consideration.

### **OFFICER ASSESSMENT**

**PRINCIPLE OF DEVELOPMENT:** The site is within the Housing Development Boundary within a residential curtilage where the proposed development is considered to be acceptable.

**HIGHWAYS DEVELOPMENT OFFICER:** The practical issue relates to the provision of a sufficient level of parking at the property within the site. In the original application the highway development officer requested that the garage was retained for parking and for no other purpose other than for ancillary storage. The highways officer has reviewed the current proposal and has advised that no objection is raised due to the existing level of parking within the site and the ability to park safely on the adjacent street. On this basis the condition can be removed with the retention of parking for 3 no. cars shown on Proposed Floor Plan (03) submitted in this application.

**RESIDENTIAL AMENITY:** The use of the garage could give rise to additional noise and disturbance at the site however this is not considered to be significant to justify a refusal on this basis. The first floor of the garage is already in use as a home office and it is considered that with a suitable condition that retains the use of the garage as ancillary accommodation would reasonably be considered acceptable within the residential curtilage of the dwelling.

**LAYOUT & DESIGN:** The visual appearance of the garage would not be altered and would retain the existing openings at roof level with two velux type windows and a patio doorway opening at ground level.

In the assessment of the proposal as genuine ancillary accommodation, officers' need to consider the physical relationship between the garage and the main dwellinghouse and, importantly, the implications that this has for the functional relationship between the proposed occupiers of both buildings. In this respect the buildings share the same modest curtilage and there is a less than 5m between the main dwellinghouse and the garage which is of a modest scale and size. The applicant intends to make use of the garage for their family and it is considered in this respect that the garage use can be considered as genuine ancillary accommodation.

**CONCLUSION:** The proposed use of the garage as ancillary residential accommodation is considered to be acceptable and would not represent any ongoing highway safety issues to justify a refusal on this basis.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

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

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

2 The use of the garage shall be used as ancillary accommodation only to Cheriton Cottage and for no other use within the C3 use class. Reason: The site is not suitable for independent residential accommodation and to protect residential amenity

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

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

**PLANS LIST:**

1 This decision relates to the following plans / documents:

Drawing no's 01 - 04

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.

Informatives:

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

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

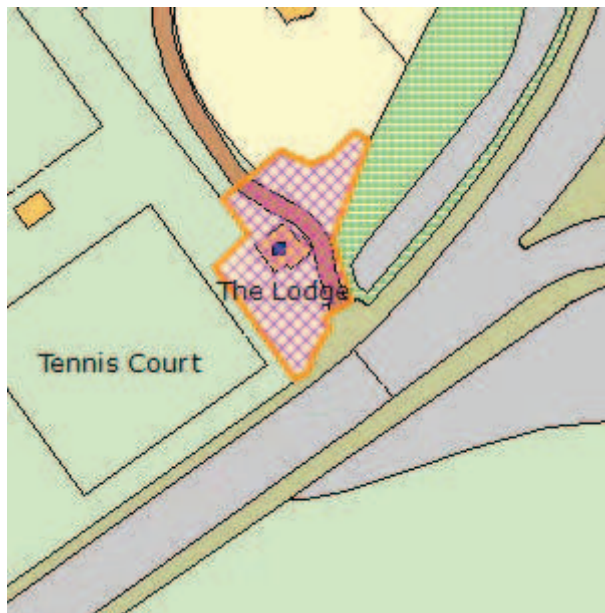
<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

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

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**Item No:** 07  
**Application No:** 14/05807/FUL  
**Site Location:** The Lodge 1 London Road West Lower Swainswick Bath Bath And North East Somerset



<b>Ward:</b> Lambridge	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Ward Members:</b>	Councillor B Chalker	Councillor Dave Laming
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of extension following removal of existing lean-to.	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Mr P Tanner	
<b>Expiry Date:</b>	13th February 2015	
<b>Case Officer:</b>	Sasha Berezina	

## REPORT

### REASONS FOR REFERRAL TO COMMITTEE

Cllr Dave Laming requested for the application to be referred to the DC Committee if the officers are minded to refuse. The Chair has agreed that the application can be considered by the committee.

### DESCRIPTION OF SITE AND APPLICATION

The application site lies to the north-east of London Road and is adjacent to Alice Park. The Lodge is historically associated with a former villa (The Elms) which has now been redeveloped. From the historic map, The Lodge appears to date back to the late 19th century.



Whilst it is now a separate dwelling, the original function as a gatehouse can still be clearly read giving the passer-by or visitor a hint of the quality of the bigger house it was once associated with. The property is small but also fairly elaborate, probably designed to anticipate the architectural achievement of the greater house beyond.

The proposal seeks to provide a hipped roof two-storey side extension, which would be constructed of rubble stone to ground floor and larch timber cladded at the upper floor level. The extension would be linked to the main building by a glazed link with timber battens on the outside.

## **PLANNING HISTORY**

DC - 14/00610/FUL - WD - 4 April 2014 - Erection of two-storey extension to existing gatehouse lodge to provide additional bedroom and living accommodation.

DC - 14/02548/FUL- RF - 05.08.2014 - Two-storey extension to existing gatehouse lodge to provide additional bedroom and living accommodation

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Highways - did not wish to comment

Arboriculture - no objections, subject to conditions

Bath Preservation Trust - no specific comments on the proposal. Asked about the timber treatment, how the timber weathers, and therefore the colour and appearance of this element of the building.

Cllr Dave Laming - requested for the application to be referred to the DC Committee if the officers are minded to refuse. The dwelling is set well back from the street line, is not a listed building and not in the Green Belt, although in the conservation area. Residential amenity will not be affected.

Cllr Gerry Curran - The Lodge is a small dwelling, which would benefit from restoration work and some extension to make it into a more comfortable home. The Committee can decide if this is the best scheme.

## **POLICIES/LEGISLATION**

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

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

The following policies of the Core Strategy are relevant to the determination of this application:

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



The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

- D.2: General design and public realm considerations
- D.4: Townscape considerations
- BH.6: Development within or affecting Conservation Area
- NE4 - Trees

Planning (Listed Buildings & Conservation Areas) Act 1990

National Planning Policy Framework (Section 12) - Conserving and Enhancing the Historic Environment.

National Planning Practice Guidance (2014)

Planning for the Historic Environment Practice Guide (2010)

Bath City-wide Character Appraisal

## **OFFICER ASSESSMENT**

### **KEY MATERIAL CONSIDERATIONS**

The key planning considerations in this application relate to the effect of the proposals upon the character and appearance of the Conservation Area and Bath World Heritage Site; as well as the effect of the works upon the significance of the undesignated heritage asset and its setting.

### **RESIDENTIAL AMENITY, HIGHWAYS AND TREES**

Due to the positioning of the proposal and the generous separating distances between the neighbouring houses, it is not considered that this scheme would have any appreciable effect upon residential amenity and or highways safety. The submitted arboriculture survey is acceptable and tree officer expressed no objections, subject to tree protection condition.

### **IMPACTS ON THE CONSERVATION AREA AND THE BUILDING**

During the pre-application stages and as part of the previous and current planning applications, it was advised that this house merits consideration as an 'undesignated heritage asset'. This means that an extra level of protection could be applied under the requirements of the Local Plan, The NPPF and Historic Environment Planning Practice Guidance. Under paragraph 135 of the NPPF the effect on the significance of a non-designated asset is a material consideration in reaching a decision.

Furthermore, The Lodge is an interesting prominent feature within the conservation area's street scene framed by attractive piers and gates and clearly visible from the road. Thus any application to extend would need to be assessed in relation to Local Policy BH.6 seeking to either preserve or enhance the character or appearance of the area, in terms of design, position and suitability of external materials.

Setting the above considerations aside, the general visual amenity and design Local Plan Policy D.4 would also be relevant in this case. This policy prescribes that "development would only be permitted where a) it responds to the local context in terms of appearance, materials, siting, spacing and layout reinforces or complements attractive qualities of local distinctiveness; and d) the appearance of extensions respect and complement their host building".

The significance of this building lies in its classical proportions, modest scale and unaltered character. It positively contributes to the views within the Conservation Area (including arrival points along London Road and the views from Alice Park) and adds interest to the street scene. It also serves as an indicator of the principal house. The small 1930s extension is completely subordinate to the original well-balanced composition. The property also has a limited curtilage, which is commensurate to its size.

The scheme seeks to achieve additional accommodation over two levels - a challenging objective for an originally small building such as this. It inevitably leads to significant and appreciable increase in building's volume and loss of its garden setting. As such, the proposed provision of a two-storey extension has been resisted.

This revised application seeks to provide a modern interpretation of the shape of the existing building; however it also replicates the size of the building and as such would be too big and bulky to be considered subservient. The inappropriate scale would be further exacerbated by use of contrasting materials that have no affinity with the traditional construction of the host building. This would detract not only from the character of the heritage asset, but also its setting, and the wider character of the Conservation Area.

## BALANCE OF ISSUES AND OVERALL CONCLUSION

Based on the above observations, it is considered that the proposals would not respect and complement the host building as required by Policy D.4 and would fail to at least preserve the character and appearance of the conservation area protected by local policy BH.6. It would also be harmful to the heritage significance of this undesignated heritage asset.

The NPPF requires that a balanced judgement should be applied to any application that affects non designated heritage assets, and that regard should be had to any harm and the significance of the heritage asset. As discussed above, this building's significance lies in its classical proportions, modest scale and unaltered character. All these qualities would be undermined as a result of this proposal.

The desire to improve the living conditions for the current owners is understandable, however this building by reason of its intrinsic qualities and curtilage has limitations to what can be achieved. There are no in principle objections to providing a proportionately scaled single storey extension, but a two storey addition would inevitably dwarf the original building and impact on views. This advice was provided to the applicant prior to purchasing of the property.

It is considered that the current scheme would fail to satisfy local and national planning policy requirements resulting in harm to visual amenity of the area and to the host

building. Any 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 proposals would appear visually incongruous and would have a detrimental impact on the appearance of the property detracting from its significance. The character and appearance of Bath Conservation Area would neither be preserved nor enhanced. Therefore the application would be contrary to the saved policies D.4 and BH.6 of the Bath & North East Somerset Local Plan (including Minerals and Waste Policies) adopted October 2007, as well as the government planning policies set out within the National Planning Policy Framework (March 2012).

## **PLANS LIST:**

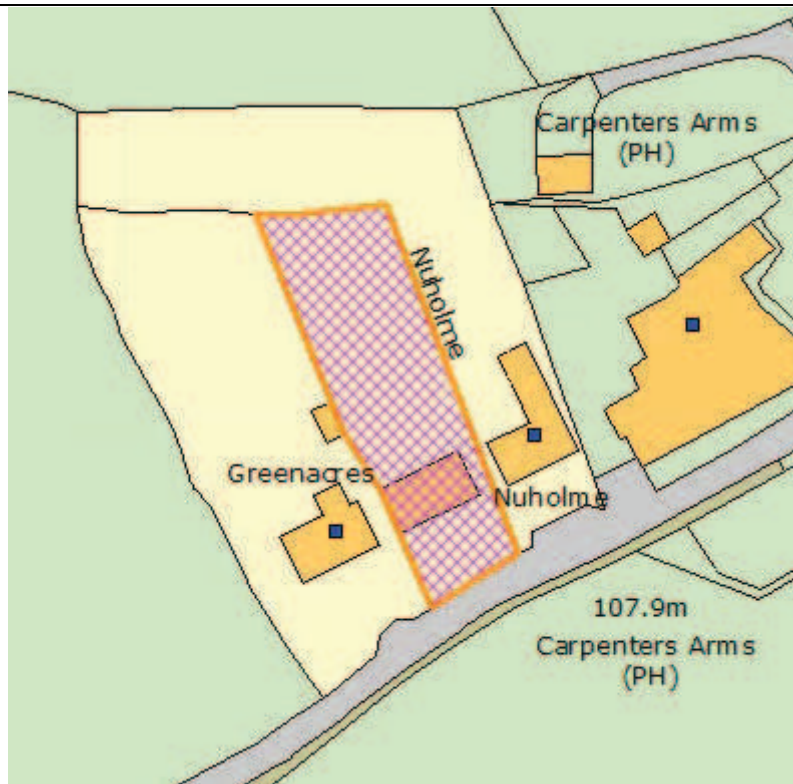
1 This decision relates to the following plans and documents:

OS Extract	19 Dec 2014	1003_P(0)01	SITE LOCATION PLAN
Drawing	19 Dec 2014	1003_P(0)02	EXISTING BLOCK PLAN
Drawing	19 Dec 2014	1003P(0)03	EXISTING FLOOR AND ROOF PLANS
Drawing	19 Dec 2014	1003_P(0)04	EXISTING ELEVATIONS
Drawing	19 Dec 2014	1003_P(0)05	PROPOSED BLOCK PLAN
Drawing	19 Dec 2014	1003P(0)06	PROPOSED FLOOR AND ROOF PLAN
Drawing	19 Dec 2014	1003_P(0)07	PROPOSED ELEVATIONS
Drawing	19 Dec 2014	1003_P(0)08	PROPOSED SECTIONS

## **DECISION TAKING STATEMENT**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding informal advice offered by the Local Planning Authority on the previously submitted application and the subsequent pre-application dialogue, the applicant resubmitted the scheme in its current form. The proposal was considered unacceptable for the reasons given and, having regard to the need to avoid unnecessary delay, the Local Planning Authority moved forward and issued its decision.

<b>Item No:</b>	08
<b>Application No:</b>	14/05342/FUL
<b>Site Location:</b>	Green Acres Wick Lane Stanton Wick Bristol BS39 4BX



**Ward:** Clutton

**Parish:** Stanton Drew

**LB Grade:** N/A

**Ward Members:** Councillor Jeremy Sparks

**Application Type:** Full Application

**Proposal:** Conversion of recreational building to dwelling (Renewal of application 04/01778/FUL).

**Constraints:** Airport Safeguarding Zones, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones,

**Applicant:** Mrs P A Bond

**Expiry Date:** 2nd February 2015

**Case Officer:** Rae Mephram

## REPORT

REASON APPLICATION BEING REFERRED TO COMMITTEE:

Cllr Les Kew - "This application should be considered by the DC committee as it complies with the NPPF as to the development of Brownfield sites. I request that this be referred to the Chair of the committee so that should you be minded to refuse that the application it can be determined by the committee."

## SITE DESCRIPTION AND PROPOSAL:

Green Acres is a two storey semi detached dwelling located within Stanton Wick, is within the Bristol/Bath Green Belt and outside of the Housing Development Boundary. This application is for the conversion of an existing recreational building to a dwelling. This application was originally applied for in 2004, prior to the adoption of the 2007 Local Plan,

2012 NPPF, and 2014 Core Strategy. This proposal was never implemented, and has now lapsed.

Relevant history:

DC - 04/01778/FUL - PERMIT - 27 August 2004 - Conversion of recreational building to dwelling and new garage.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation responses:

Stanton Drew Parish Council - "Support - Was previously permitted and there are no significant alterations."

Highways - The proposal is located outside of the Local Plan development boundary and is therefore considered to be unsustainable as it is located at some distance from employment, schools, shops and local facilities and therefore occupants of the development would be likely to be reliant on the private motor car as their main form of transport, particularly in this location where the lack of footways and street lighting would act as a deterrent to those wishing to walk or cycle.

Third party representations:

None received.

## **POLICIES/LEGISLATION**

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

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

The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality  
CP8 - Greenbelt  
DW1 - District Wide Spatial Strategy  
SD1 - Presumption in favour of sustainable development

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application:

D.2 - General design and public realm considerations  
D.4 - Townscape considerations  
GB.2 - Visual amenity of the Green Belt

HG.6 - Residential development in the R.3 settlements  
SC.1 - Settlement Classification  
T.1 - Overarching access policy

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

Para 55: Sustainable development in rural areas

## **OFFICER ASSESSMENT**

The main issues for consideration are 1. Principle of development, 2. Development within the Green Belt, 3. Character and appearance and 4. Residential amenity.

### **1. Principle of development:**

The proposal is located within Stanton Wick, part of Stanton Drew. The village is defined as an R3 settlement under saved Policy SC.1 of the 2007 Local Plan. Saved Policy HG.6 allows for residential development within R3 settlements, providing they consist of infilling, sub-division, or replacement of an existing dwelling, or conversion of a non-residential building, and it lies within the Housing Development Boundary. The proposal is outside of the Housing Development Boundary, and is therefore considered to be contrary to saved Policy HG.6.

In addition, due to the site being located outside of the Housing Development Boundary, the site is located at some distance from employment, schools, shops and local facilities and therefore occupants of the development would be likely to be reliant on the private motor car as their main form of transport, particularly in this location where the lack of footways and street lighting would act as a deterrent to those wishing to walk or cycle. This is contrary to the key aims of saved Policy T.1, and the National Planning Policy Framework, which seek to facilitate the use of sustainable modes of transport.

An application was originally granted permission in 2004 for the conversion of this building, which was not considered to be implemented and has therefore now lapsed. The relevant policy document was the Wansdyke Local Plan, which has now been superseded by the 2007 Local Plan, 2012 NPPF, and 2014 Core Strategy. The relevant policies and interpretation of policies have significantly changed since 2004, and although the existence of a previous permission is a material consideration, this is not considered to overcome the current policy position.

### **2. Green Belt:**

The proposal is located within the Bristol/Bath Green Belt. The re-use of buildings of permanent and substantial construction can be considered to be appropriate development within the Green Belt. The rear patio area and parking area have already been created, and in any case were part of the residential curtilage of Green Acres. The only physical change to the property will be the change of the fenestration. The proposal is therefore not considered to be inappropriate development, and would not harm the openness of the Green Belt.



### 3. Character and appearance:

As described above, the only change in the physical appearance of the building, and the site, is the fenestration details. This could be implemented without requiring planning permission, nevertheless these details are considered to be acceptable.

### 4. Residential amenity:

The proposal is considered to provide acceptable living accommodation for future occupiers, and will not have a detrimental impact upon neighbouring properties.

### Conclusion:

The proposal is located outside of the Housing Development Boundary, is located at some distance from employment, schools, shops and local facilities and is therefore considered to be unsustainable development. The application is recommended for refusal in accordance with saved policies HG.6 and T.1 of the 2007 Local Plan

## **RECOMMENDATION**

REFUSE

## **REASON(S) FOR REFUSAL**

1 The proposal is located outside of the Housing Development Boundary, is located at some distance from employment, schools, shops and local facilities and is therefore considered to be unsustainable development. The application is recommended for refusal in accordance with saved policies HG.6 and T.1 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007

## **PLANS LIST:**

- This decision relates to:

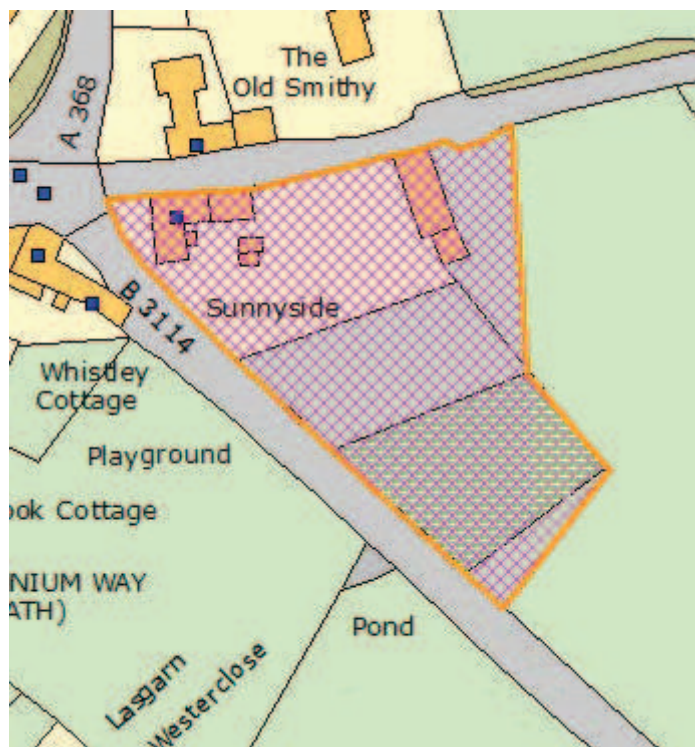
Location plan, Proposed conversion (EGB/02) and Block and roof plan (EGB/03), all received 20th November 2014.

## **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. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to this the Local Planning Authority moved forward and issued its decision.



**Item No:** 09  
**Application No:** 14/03989/FUL  
**Site Location:** Sunnyside Whistley Lane West Harptree Bristol Bath And North East Somerset



**Ward:** Mendip                      **Parish:** West Harptree                      **LB Grade:** N/A  
**Ward Members:** Councillor T Warren  
**Application Type:** Full Application  
**Proposal:** Proposed new vehicular access.  
**Constraints:** Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Housing Development Boundary, SSSI - Impact Risk Zones, Water Source Areas,  
**Applicant:** On Behalf Of The Executors Of J H BATH  
**Expiry Date:** 21st November 2014  
**Case Officer:** Rae Mephram

## REPORT

REASON APPLICATION BEING REFERRED TO COMMITTEE:

Call in request from Cllr Tim Warren

Objection from West Harptree Parish Council

SITE DESCRIPTION AND PROPOSAL:

Sunnyside is a detached dwelling located within the Mendip Hills AONB. The proposal is for a new vehicular access, including driveway and parking/turning area. Although the dwelling itself is within the West Harptree Conservation Area, the majority of the proposal is outside.

Relevant history:

None.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation responses:

West Harptree Parish Council - Objection

- The engineering and landscape works over 135m will have a detrimental impact upon the rural setting by changing the character of the approach into the village
- The site is within the AONB
- The works are disproportionate to the declared need for access improvements for two vehicles
- The existing access is deemed adequate
- Spaces for the parking of two cars could be provided at the rear of Sunnyside off Whistley Lane
- The proposal is more appropriate for a future housing development and is more suburban than rural in nature
- The proposal could impede the Parish Council from allocating sites under the Place Making plan.

Highways - The proposal involves the creation of a new access from a Class B road, where it would not always be suitable to introduce a new access, however in this case acceptable visibility splays and highway layout for the junction of the access are considered acceptable. The proposal provides 3 parking spaces, which will provide sufficient parking for the dwelling, as well as space for delivery vehicles and visitors. The proposal also includes a construction management plan, which is considered to be acceptable

Ecology - The application has been submitted with a comprehensive ecological survey and assessment. The hedgerows that will be affected by this proposal are classed as "important" and there is identified bat roost potential in one of the trees proposed for removal. Mitigation measures have been proposed, including a programme of implementation for the replacement hedge, and the introduction of bat boxes within the retained trees.

Arboriculture - The roadside trees shown on Drawing no. 24736/00/101 rev C. for removal are not worthy of a TPO but are quite prominent on an entrance road into the village so do contribute to the landscape here. The construction of the drive is likely to impact on the retained trees on the site which are visible from the road and do contribute to the landscape. These trees will require adequate protection whilst construction activities are being carried out.

Flood risk management and drainage - No comments.

3 Objection letters have been received, summarised below:

- Harmful to the AONB due to interruption of hedging and inappropriate planting
- Erosion of rural character
- Outside of the housing development boundary
- Unsafe stretch of road with regular excessive speeds close to the playground
- No need for the proposal as parking already exists
- Pre-emption of further development

## **POLICIES/LEGISLATION**

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

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

The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality

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:

BH.6 - Development within or affecting Conservation Areas  
D.2 - General design and public realm considerations  
D.4 - Townscape considerations  
NE.2 - Areas of Outstanding Natural Beauty  
NE.4 - Trees and woodland conservation  
NE.10 - Nationally important species and habitats  
NE.11 - Locally important species and habitats  
NE.12 - Natural features: retention, new provision and management  
T.1 - Overarching access policy  
T.24 - General development control and access issue  
T.26 - On-site parking and servicing provision

National guidance in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also a material consideration.

## **OFFICER ASSESSMENT**

The main issues for consideration are 1. Character and appearance, 2. Highways, 3. Ecology, 4. Arboriculture, 5. Residential amenity, 6. Other matters.

1. Character and appearance:

The development is comprised of the provision of an access to Sunnyside. This would involve the removal and replacement of a 120m stretch of hedgerow with space left for access, the provision of around 25m of track, and the provision of a new car parking and turning area. The majority of the works are outside the Conservation Area, but are within the AONB.

The area where the proposal is located is currently laid to grass with various species of trees. Evidence has been submitted within the application of the use of this land as domestic, and it is accepted that the majority of the area has been used as part of the residential curtilage. There is a small area of agricultural land included within the application, however the inclusion of this land is not considered to detract from the rural character of the area.

The proposal will remain largely behind the replacement hedgerow on the boundary, and will only be visible from the proposed access. The access itself is considered to cause harm to the character or appearance of the immediate area, nor the adjacent Conservation Area. In addition, the proposal is not considered to adversely affect the natural beauty of the AONB.

## 2. Highways:

The proposal involves the creation of a new access from a Class B road, where it would not always be suitable to introduce a new access; however in this case acceptable visibility splays and highway layout for the junction of the access are considered acceptable.

The proposal provides 3 parking spaces, which will provide sufficient parking for the dwelling, as well as space for delivery vehicles and visitors. The proposal also includes a construction management plan, which is considered to be acceptable. Provided these and the visibility splay are secured by condition There are no highway objections to this proposal.

## 3. Ecology:

The application has been submitted with a comprehensive ecological survey and assessment. The hedgerows that will be affected by this proposal are classed as "important" and there is identified bat roost potential in one of the trees proposed for removal.

Mitigation measures have been proposed, including a programme of implementation for the replacement hedge, and the introduction of bat boxes within the retained trees. Provided these are secured by condition, there is no Ecology objection to this proposal.

## 4. Arboriculture:

There are 4 trees adjacent to the road designated for removal. The Arboriculturalists comments are noted, however due to the positioning of the hedge it would not be possible to accommodate further planting in this location. There is however replacement planting provided within the site, and this is considered to be acceptable. Conditions should be

applied to any approval requiring the landscaping plan to be carried out, and for tree protection measures to be implemented.

5. Residential amenity:

The proposal does not affect any neighbouring properties, and thus will not harm residential amenity.

6. Other matters:

The comments regarding pre-emption of further development are noted, however each application can only be determined on its own merits.

Conclusion:

The application is considered to retain the character and appearance of the area, and will not harm the natural beauty of the landscape. Any potential arboricultural and ecological issues have been considered and have been overcome by replacement planting and ecological mitigation measures. There is considered to be no detrimental impact upon highway safety, and as such, the proposal is considered to be acceptable.

**RECOMMENDATION**

PERMIT

**CONDITIONS**

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

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

2 The development hereby permitted shall be carried out only in accordance with the approved plan 24736/00/101 rev G in conjunction with the recommendations of the approved Ecological Survey Report dated November 2014 by Link Ecology Limited or any amendment to the Report as approved in writing by the Local Planning Authority. Native ground flora will be permitted to become established beneath the affected hedgerows once established and herbicide weed control will be avoided here.

Reason: To avoid harm to bats and important hedgerows and their associated ecology.

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

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

4 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.

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

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

6 The access hereby permitted shall not be brought into use until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

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

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

#### **PLANS LIST:**

0 This decision relates to:

001 REV C - COMBINED EXISTING DRAWING AND SITE LOCATION PLAN

101 REV G - COMBINED PROPOSED DRAWING

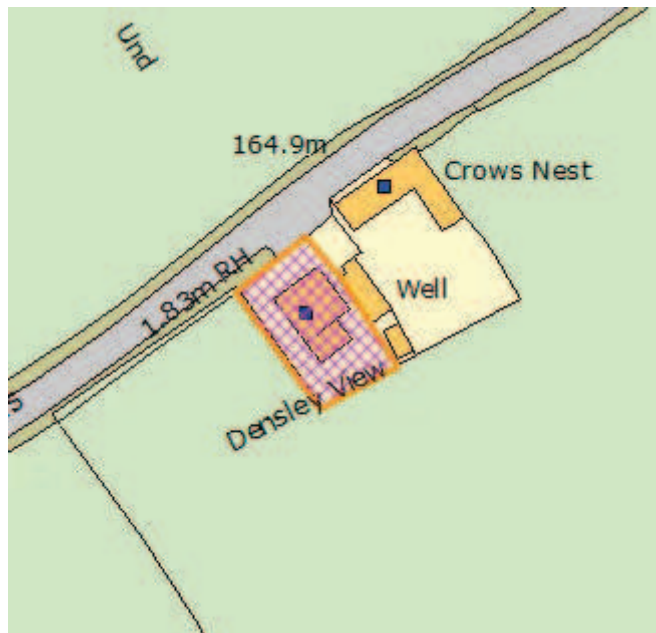
102 REV B - CONSTRUCTION TRAFFIC MANAGEMENT PLAN

#### **DECISION TAKING STATEMENT:**

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



**Item No:** 10  
**Application No:** 14/05308/FUL  
**Site Location:** Densley View Bath Road Tunley Bath BA2 0DP



**Ward:** Bathavon West      **Parish:** Camerton      **LB Grade:** N/A  
**Ward Members:** Councillor David John Veale  
**Application Type:** Full Application  
**Proposal:** Erection of a first floor rear extension and loft conversion (Resubmission of 14/03470/FUL).  
**Constraints:** Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones,  
**Applicant:** Mr Symes  
**Expiry Date:** 14th January 2015  
**Case Officer:** Rae Mepham

## REPORT

REASON APPLICATION BEING REFERRED TO COMMITTEE

Cllr David Veale - Request that the application is heard by the Development Control Committee if recommended for refusal.

## SITE DESCRIPTION AND PROPOSAL:

Densley View is a detached dwelling, located on the border of Dunkerton and Camerton Parish Councils, and is within the Bristol/Bath Green Belt. The dwelling has previously been extended by virtue of a single story rear extension and side extension to incorporate a garage. These alterations were completed without the benefit of planning permission however they have clearly been in situ for a considerable period of time...



Relevant history:

14/03470/FUL - WD - 6 November 2014 - Erection of first floor rear extension and loft conversion.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation responses:

Camerton Parish Council - The proposed does not detract from the openness and visual amenity of the Green Belt and therefore complies with CP8 and GB.2, responds to the local context and therefore complies with D.2 and D.4, and does not represent a disproportionate addition over the size of the original dwelling and therefore complies with HG.15.

Dunkerton Parish Council - The proposed does not detract from the openness and visual amenity of the Green Belt and therefore complies with CP8 and GB.2, responds to the local context and therefore complies with D.2 and D.4, and does not represent a disproportionate addition over the size of the original dwelling and therefore complies with HG.15.

Highways - No comment.

Third party representations:

None received.

## **POLICIES/LEGISLATION**

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

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

The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality  
CP8 - Greenbelt

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application:

D.2 - General design and public realm considerations  
D.4 - Townscape considerations  
GB.2 - Visual amenity of the Green Belt

## HG.15 - Dwelling extensions in the Green Belt

Supplementary Planning Document - Existing Dwellings in the Green Belt adopted 2008.

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

### Section 9: Protecting Green Belt land

#### **OFFICER ASSESSMENT**

The main issues for consideration are 1. Principle of development, 2. Character and appearance, 3. Residential amenity, and 4. Highways.

##### 1. Principle of development:

Inappropriate development in the Green Belt:

Section 9 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt if the proposed extensions or alterations are considered to result in disproportionate additions over and above the size of the original building. Policy HG.15 of the Local Plan reflects National Policy and states that in relation to existing dwellings permission will not normally be given for development other than limited extensions that do not result in a disproportionate addition over and above the size of the original dwelling or contribute to a deterioration in rural character as a result of the cumulative effect of dwelling extensions.

In order to assess whether the proposed development does constitute inappropriate development and is therefore by definition harmful to the Green Belt, it is necessary to consider the advice contained in the Councils Supplementary Planning Document on extensions in the Green Belt which was adopted to give advice on the Councils interpretation of Policy HG.15.

In order to guide consideration of what constitutes a disproportionate addition to the original building a calculation of its volume of the original building can be used. "Original" means how the building existed on the 1st July 1948 or if the building was built after this date, as originally built.

The property has been extended since 1948, by the provision of a single storey rear extension and attached garage. The proposal would result in a cumulative increase of 56%. In volume terms, the development when assessed with previous extensions can therefore not be considered to be a proportionate addition.

It is recognised that the volume alone cannot be the only consideration. The Green Belt SPD also makes it clear that when considering whether an extension is disproportionate the character of the dwelling and its surroundings also need to be considered. The proposal consists of a first floor extension to the rear, and when taken in conjunction with the increase in volume, it is considered that this would represent a disproportionate addition to the host dwelling, which represents inappropriate development in the Green Belt and is harmful by definition.

#### Openness:

The proposal is adjacent to a well-used road and backs onto open countryside. Whilst the existing single storey extension is small scale and not overly visible, the introduction of a second storey to this projection would be overly prominent and visible, which would be harmful to the openness of the Green Belt.

#### Very Special circumstances:

Whilst proposals that are considered to be inappropriate development within the Green Belt can be outweighed in very special circumstances, none have been submitted in this instance. The proposal is therefore considered to be inappropriate development, and harmful by definition.

#### 2. Character and appearance:

The proposal has been set down from the main ridge, and is set in from the front elevation, ensuring a subservient appearance to the host dwelling. The proposal is to be of matching materials to the host dwelling, which is considered to be acceptable.

#### 3. Residential amenity:

The proposal is set away from neighbouring properties, and will not have an overbearing impact, nor cause harm to residential amenity.

#### 4. Highways:

The property is considered to have appropriate parking for a property of this size, and there are no objections to the proposal in terms of highway safety.

#### Conclusion:

The harm by reason of inappropriateness and to the openness of the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development. The application is recommended for refusal in accordance with section 9 of the NPPF, Policy CP8 of the 2014 Core Strategy, Policies HG.15 and GB.2 of the adopted Local Plan (2007) and the Green Belt SPD.

### **RECOMMENDATION**

REFUSE

### **REASON(S) FOR REFUSAL**

1 The proposed development, due to the size, scale and siting of the extension would result in a disproportionate addition over and above the size of the original dwelling which would be harmful to openness and would be harmful to the rural character of the area. The proposal represents inappropriate development within the Green Belt, which is, by definition, harmful. No very special circumstances have been submitted which would be sufficient to outweigh the presumption against inappropriate development in the Green

Belt. The proposal is contrary to Policy CP8 of the Bath and North East Somerset Core Strategy adopted 2014, and saved policies GB.2 and HG.15 of the Bath and North East Somerset Local Plan including minerals and waste policies adopted 2007.

#### **PLANS LIST:**

- This decision relates to:

Site location plan (001), Site plan (002), Proposed plans (005), Proposed elevations (006), Proposed block plan (008), all received 19th November 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. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to this the Local Planning Authority moved forward and issued its decision.

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

#### APPEALS LODGED

**App. Ref:** 14/02184/LBA  
**Location:** Barle House 17 High Street Chew Magna Bristol  
**Proposal:** Construction of widening of door opening between existing kitchen and dining room  
**Decision:** REFUSE  
**Decision Date:** 15 July 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 23 January 2015

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**App. Ref:** 14/04826/FUL  
**Location:** 13 Hillcrest Pensford Bristol BS39 4AT  
**Proposal:** Erection of 2no bed dwelling to be built to the side of 13 Hillcrest (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 11 December 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 23 January 2015

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**App. Ref:** 14/05554/TPO  
**Location:** 3 Fersfield Lyncombe Bath BA2 5AR  
**Proposal:** 6x Ash - fell  
**Decision:** Split decision - check file/certificate

**Decision Date:** 19 January 2015  
**Decision Level:** Non-Planning applications  
**Appeal Lodged:** 27 January 2015

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**App. Ref:** 14/03292/FUL  
**Location:** Woodlands North Road Bathwick Bath  
**Proposal:** Change of Use of Woodlands from residential dwelling (Use Class C3) to administrative offices associated with the functions of the University of Bath (Use Class C2). Resubmission of 14/02023/FUL.  
**Decision:** REFUSE  
**Decision Date:** 13 October 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 28 January 2015

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**App. Ref:** 14/04441/FUL  
**Location:** Land At Rear Of 70 And 70A Frederick Avenue Peasedown St. John Bath  
**Proposal:** Erection of 1no two bed detached dwelling.  
**Decision:** REFUSE  
**Decision Date:** 25 November 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 2 February 2015

---

**App. Ref:** 14/03641/AR  
**Location:** Town Hall The Centre Keynsham  
**Proposal:** Display of 1no internally illuminated LED screen.  
**Decision:** REFUSE  
**Decision Date:** 9 October 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 4 February 2015

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**App. Ref:** 14/04815/LBA  
**Location:** 5 Brookleaze Buildings Larkhall Bath BA1 6RA  
**Proposal:** External alterations to provide replacement entrance door and windows.  
**Decision:** REFUSE  
**Decision Date:** 16 December 2014  
**Decision Level:** Delegated



**Appeal Lodged:** 4 February 2015

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**App. Ref:** 14/04538/FUL  
**Location:** 52 Albert Avenue Peasedown St. John Bath BA2 8JD  
**Proposal:** Erection of a 2 storey, 3 bedroom house at the end of existing terrace.  
**Decision:** REFUSE  
**Decision Date:** 2 December 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 5 February 2015

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**App. Ref:** 14/01817/FUL  
**Location:** End Farm St Catherine Lane St. Catherine Bath  
**Proposal:** Provision of field gate onto St Catherine Lane adjacent to junction with Beek's Lane, allowing access to three agricultural fields east of Beek's Lane, formerly accessed via Beek's Lane (Retrospective) (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 11 July 2014  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 10 February 2015

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**App. Ref:** 14/04791/LBA  
**Location:** 5 Henry Street City Centre Bath BA1 1JT  
**Proposal:** Internal and external alterations to reinstate the property back to its original use as a single dwelling, to include restoration works and reinstating some of the architectural features of the building.  
**Decision:** REFUSE  
**Decision Date:** 15 December 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 17 February 2015

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## APPEALS DECIDED

**App. Ref:** 13/02728/OUT  
**Location:** Milford Head Stitchings Shord Lane Bishop Sutton Bristol  
**Proposal:** Demolition of existing buildings and redevelopment of the site to provide 9no. dwellings (Outline with all matters reserved except access). (Resubmission of 12/05599/OUT)  
**Decision:** REFUSE  
**Decision Date:** 9 April 2014  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 20 May 2014

**Appeal Decision:** Appeal dismissed on 29<sup>th</sup> January 2015

Click [here](#) for Inspector's Decision

Click [here](#) for Inspector's Costs Decision

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**App. Ref:** 14/00336/OUT  
**Location:** Land East Of Chew Valley Caravan Park Ham Lane Bishop Sutton Bristol  
**Proposal:** Outline application for the erection of 9no dwellings.  
**Decision:** REFUSE  
**Decision Date:** 14 March 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 19 May 2014

**Appeal Decision:** Appeal dismissed on 29<sup>th</sup> January 2015

Click [here](#) for Inspector's Decision

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**App. Ref:** 14/01383/FUL  
**Location:** Development Site Between 32 And Glenthorn Bath Old Road Radstock  
**Proposal:** Erection of a three bedroom detached dwelling (on land adjacent to 30 and 32 Bath Old Road) (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 18 June 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 27 October 2014

**Appeal Decision: Appeal dismissed on 29<sup>th</sup> January 2015**

Click [here](#) for Inspector's Decision

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**App. Ref:** 14/02971/FUL  
**Location:** Former Gardens Opposite Walmsley Terrace Snow Hill Walcot Bath  
**Proposal:** Erection of 1no four bed dwelling.  
**Decision:** REFUSE  
**Decision Date:** 22 August 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 27 October 2014

**Appeal Decision: Appeal dismissed on 1<sup>st</sup> December 2015**

Click [here](#) for Inspector's Decision

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**App. Ref:** 13/04235/FUL  
**Location:** Hope House The Royal High School Lansdown Road Lansdown Bath  
**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.  
**Decision:** REFUSE  
**Decision Date:** 5 September 2014  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 20 November 2014

**Appeal Decision: Appeal allowed on 8<sup>th</sup> January 2015**

Click [here](#) for Inspector's Decision

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**App. Ref:** 13/05127/OUT  
**Location:** Agricultural Building Harts Lane Hallatrow Bristol BS39 6EB  
**Proposal:** Demolition of existing agricultural barn to facilitate the erection of 4no.dwellings (Outline with all matters reserved)

**Decision:** REFUSE  
**Decision Date:** 6 March 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 23 May 2014

**Appeal Decision:** Appeal dismissed on 5<sup>th</sup> February 2015

Click [here](#) for Inspector's Decision

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**App. Ref:** 14/00526/FUL  
**Location:** Town Mills Mill Road Radstock BA3 3PB  
**Proposal:** Erection of 7no bedroom terraced houses with associated car parking  
**Decision:** REFUSE  
**Decision Date:** 17 April 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 11 June 2014

**Appeal Decision:** Appeal dismissed on 5<sup>th</sup> February 2015

Click [here](#) for Inspector's Decision

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**App. Ref:** 14/00847/FUL  
**Location:** New Leaf Farm Mill Lane Bathampton Bath  
**Proposal:** Erection of a permanent agricultural workers dwelling (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 14 May 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 19 November 2014

**Appeal Decision:** Appeal dismissed on 5<sup>th</sup> February 2015

Click [here](#) for Inspector's Decision

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**App. Ref:** 14/02747/FUL  
**Location:** Ivybank House Ivy Bank Park Lyncombe Bath

**Proposal:** Erection of single storey and two storey extension to care home (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 25 September 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 4 November 2014

**Appeal Decision:** Appeal allowed on 5<sup>th</sup> February 2015

Click [here](#) for Inspector's Decision

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**App. Ref:** 14/03965/FUL  
**Location:** 100 Wellsway Keynsham Bristol BS31 1JB  
**Proposal:** Erection of 1no three bed dwelling including creation of 1no new access point, replacing the existing.  
**Decision:** REFUSE  
**Decision Date:** 23 October 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 18 November 2014

**Appeal Decision:** Appeal dismissed on 11<sup>th</sup> February 2015

Click [here](#) for Inspector's Decision

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**App. Ref:** 14/01589/FUL  
**Location:** 21A Bellotts Road Twerton Bath BA2 3RT  
**Proposal:** Erection of 6no. flats with access, parking and associated works following the demolition of existing bungalow.  
**Decision:** Non-determination  
**Decision Date:** 21 November 2014  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 21 November 2014

**Appeal Decision:** Appeal dismissed on 17<sup>th</sup> February 2015

Click [here](#) for Inspector's Decision

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