

Democratic Services

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: (01225) 477000 *main switchboard*

Direct Lines - Tel: 01225 395090

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

Date: 27 April 2016

E-mail: Democratic_Services@bathnes.gov.uk

To: All Members of the Development Management Committee

Councillors:- Rob Appleyard, Jasper Becker, Paul Crossley, Matthew Davies, Sally Davis, Eleanor Jackson, Les Kew, Bryan Organ, Caroline Roberts and David Veale

Permanent Substitutes:- Councillors: Neil Butters, Ian Gilchrist, Liz Hardman, Dine Romero and Karen Warrington

Chief Executive and other appropriate officers
Press and Public

Dear Member

Development Management Committee: Wednesday, 4th May, 2016

You are invited to attend a meeting of the **Development Management Committee**, to be held on **Wednesday, 4th May, 2016** at **2.00 pm** in the **Council Chamber - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 3rd May in the Meeting Room, Lewis House, Bath.

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

The agenda is set out overleaf.

Yours sincerely

Sean O'Neil
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 Sean O'Neil who is available by telephoning Bath 01225 395090 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 Sean O'Neil 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 Sean O'Neil 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 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 Management Committee - Wednesday, 4th May, 2016

at 2.00 pm in the Council Chamber - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

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

2. ELECTION OF VICE CHAIRMAN (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

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

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

(b) The nature of their interest.

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

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

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

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: 6TH APRIL 2016 (PAGES 9 - 16)
9. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 17 - 70)
10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 71 - 80)
11. TREE PRESERVATION ORDER (PAGES 81 - 88)
12. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 89 - 94)

To note the report

13. QUARTERLY PERFORMANCE REPORT JAN-MAR 2016 (PAGES 95 - 106)

The Committee Administrator for this meeting is Sean O'Neil who can be contacted on 01225 395090.

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

Development Control Committee

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

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

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

2. Local Planning Code of Conduct

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

3. Site Visits

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

4. Voting & Chair's Casting Vote

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

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

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

5. Protocol for Decision-Making

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

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

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

6. Officer Advice

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

7. Decisions Contrary to Policy and Officer Advice

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

8. Officer Contact/Advice

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

1. Simon Barnes, Principal Solicitor and Deputy Monitoring Officer
Tel. No. 01225 39 5176
2. Simon Elias, Senior Legal Adviser
Tel. No. 01225 39 5178

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.

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 6th April, 2016, 2.00 pm

Bath and North East Somerset Councillors: Rob Appleyard, Jasper Becker, Paul Crossley, Matthew Davies, Sally Davis (Chair), Eleanor Jackson, Les Kew, Bryan Organ, Caroline Roberts and David Veale

124 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

125 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required.

126 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies.

127 DECLARATIONS OF INTEREST

Councillor Paul Crossley declared a personal, non-pecuniary interest regarding the planning application for 97 – 101 Walcot Street, Bath (Item 2, Report 9) as he had previously worked with the Genesis Trust during his time as Leader of the Council and was currently involved in their fundraising appeal. Therefore he would withdraw from the Committee when this application was considered.

Councillor Caroline Roberts declared a personal, non-pecuniary interest regarding the planning application for 285 Kelston Road, Newbridge, Bath (Item 7, Report 9) as she is a friend of the applicant and therefore she would withdraw from the Committee when this application was considered.

Councillor Les Kew declared a personal, non-pecuniary interest regarding the planning application for Manor Farm, Chewton Road, Keynsham (Item 9, Report 9) as he knew the applicant and therefore he would withdraw from the Committee when this application was considered.

Councillor Bryan Organ declared a personal, non-pecuniary interest regarding the planning application for Manor Farm, Chewton Road, Keynsham (Item 9, Report 9) as he knew the applicant and therefore he would withdraw from the Committee when this application was considered.

128 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair announced an amendment to the running order and that planning application number 5 (103 Hawthorn Grove, Bath) would be the first application to be debated.

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

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when reaching their respective items in Report 9.

130 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were none.

131 MINUTES: 9TH MARCH 2016

The Minutes of the previous meeting held on Wednesday 9th March 2016 were approved as a correct record and signed by the Chair.

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

The Committee considered

- The report of the Group Manager – Development Management on various planning applications
- An Update Report by the Group Manager on the applications at, Manor Farm, Chewton Road and Green Park Station, Green Park Road, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on the applications at Former Cadbury site, Keynsham, 97-101 Walcot Street, Bath, Parcel 8545, Upper Bristol Road, Clutton, 6 Hill Avenue, Combe Down, 103 Hawthorn Grove, Combe Down, 4 Rivers Street Place, Bath, 285 Kelston Road, Bath, Land between Spion Kop and Avon Lea, Saltford, Manor Farm, Chewton, Keynsham, Sawyers Mill, Marksbury and Green Park Station, 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 No: 05

Application No: 16/00686/FUL

Site Location: 103 Hawthorn Grove, Combe Down, Bath – Change of use from 3 bed dwelling (use class C3) to 4 bed house of multiple occupation (HMO) (use class C4).

The Case Officer reported on this application and his recommendation for permission.

The public speakers made their statements against and in favour of the proposals which was followed by a statement by the Ward Councillor Cherry Beath.

Councillor Les Kew moved that the application be deferred for a site visit to allow Members to view the site. Councillor Matthew Davies seconded the motion. The motion was put to the vote. Voting: 6 in favour and 1 against with 3 abstentions.

Item No: 01

Application No: 15/04706/EFUL

**Site Location: Former Cadbury Factory, Cross Street, Keynsham – Partial demolition, change of use and extension of Building A and B to create a Care Village consisting of a 93-bed Care Home, 136 Extra Care apartments (Use Class C2) and communal facilities. Partial demolition, change of use and extension of Building C to B1 Office on part ground and upper floors (10,139m² GIA), and Class D1 GP Surgery/Medical Centre (833m² GIA) and Class A1 Retail (150m² GIA) on part ground floor. Associated surface car parking, the use of basements for car parking, cycle parking, landscaping and associated infrastructure. Proposals altering previous site wide planning approval
13/01780/EOUT as approved on 19th February 2014.**

The Case Officer reported on this application and his recommendation for refusal.

A public speaker made a statement in favour of the application.

Members asked questions for clarification to which the Case Officer responded.

Councillor Bryan Organ said that he knew the site well and felt that the application would improve the whole of the area concerned. He moved that the officer's recommendation be overturned and that the application be approved. Councillor Paul Crossley seconded the motion.

The Chair stated that if Members were minded to agree with this proposal it would need to be delegated to officers to permit subject to S106 Agreement and appropriate conditions. The mover and seconder agreed.

Councillor Paul Crossley said that the offer from the applicant of 8 units on the site for the Local Authority to use was very welcome. He added that the buildings were important to the area, but not yet listed by heritage. He stated that the application would enhance the whole scheme as it looks to provide terraced gardens, café, restaurant, leisure facilities, school, all of which will lead to employment opportunities for the area.

Councillor Eleanor Jackson said that it had the potential to be a fine building.

Councillor Les Kew commented that he supported the motion to permit as it would provide a balanced elevation to the site.

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

Item No: 02

Application No: 15/05841/FUL

Site Location: 97 - 101 Walcot Street, Bath – Refurbishment of the existing warehouse and construction of new building for non-food retail, light workshop, training and office use following demolition of single storey canopy.

The Case Officer reported on this application and her recommendation for permission. She informed the Committee that the proposed kitchen on the first floor of the property shown on plan 3089-231F shall not be used for the preparation of food for consumption outside of the premises.

The public speakers made their statements against and in favour of the proposals which was followed by statements by the Ward Councillors Peter Turner and Jonathan Carr.

Councillor Rob Appleyard said that the site was tired and in need of attention. He moved the officer recommendation to permit. The motion was seconded by Councillor Eleanor Jackson.

The motion was put to the vote and was carried unanimously (9). Councillor Paul Crossley had removed himself from debating this application.

Item No: 03

Application No: 15/05068/FUL

Site Location: Parcel 8545, Upper Bristol Road, Clutton, Bristol – Erection of single storey farmshop and cafe.

The Case Officer reported on this application and her recommendation for refusal.

The public speakers made their statements against and in favour of the proposals which was followed by statements by the Ward Councillor Karen Warrington and Councillor Liz Richardson.

Councillor Eleanor Jackson moved that the application be deferred for a site visit to allow Members to understand the context of the site. Councillor David Veale seconded the motion. Voting: 9 in favour and 1 against.

Item No: 04

Application No: 15/05816/FUL

Site Location: 6 Hill Avenue, Combe Down, Bath – Erection of 1 no. detached dwelling, with proposed access from Quarry Close.

The Case Officer reported on this application and her recommendation for permission.

The public speakers made their statements against and in favour of the proposals which was followed by statements by the Ward Councillors Mark Shelford and Michael Norton.

Councillor Paul Crossley moved that the officer's recommendation be overturned and that the application be refused. He said that the cul-de-sac has a small road entrance and that in his opinion the application was unacceptable for the current residents on the grounds of over development, loss of amenities and the vernacular of the proposed dwelling. He added that the fact that the existing dwellings sit within the World Heritage Site and the proposed development would be on the site of a Roman coffin burial should also be taken into account.

Councillor Bryan Organ seconded the motion. Voting: 9 in favour and 1 against.

Item No: 06

Application No: 16/00246/FUL

Site Location: 4 Rivers Street Place, City Centre, Bath – Change of use from retail (Class use A1) to office (Class B1)

The Case Officer reported on this application and her recommendation for refusal.

A public speaker made a statement in favour of the application which was followed by a statement by the Ward Councillor Peter Turner.

Members asked questions for clarification to which the Case Officer responded.

Councillor Paul Crossley moved that the officer's recommendation be overturned and that the application be permitted. He said that he thought the site had been advertised appropriately and that a mixture of premises already existed in the area. Councillor Les Kew seconded the motion.

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

Item No: 07

Application No: 16/00078/FUL

Site Location: 285 Kelston Road, Newbridge, Bath – Erection of single storey dwelling house on land formerly used as nursery (Resubmission)

The Case Officer reported on this application and her recommendation for refusal.

A public speaker made a statement in favour of the application.

Members asked questions for clarification to which the Case Officer responded.

Councillor Eleanor Jackson commented that as the site is within the Green Belt exceptional circumstances would be needed to allow permission.

Councillor Les Kew moved that the application be deferred for a site visit to allow Members to view the site. Councillor Rob Appleyard seconded the motion. Voting: 6 in favour and 3 against (9). Councillor Caroline Roberts had removed herself from debating this application.

Item No: 08

Application No: 15/05808/FUL

Site Location: Land Between Spion Kop And Avon Lea, Mead Lane, Saltford – Erection of 1 no. dwelling with associated works

The Case Officer reported on this application and her recommendation for refusal.

The public speakers made their statements against and in favour of the proposals which was followed by a statement by the Ward Councillor Emma Dixon.

Councillor Eleanor Jackson stated the proposed development is located within the Green Belt and outside of the housing development boundary of Saltford. She moved the officer recommendation to refuse. Councillor Les Kew seconded the motion. Voting: 8 in favour, 1 against and 1 abstention.

Item No: 09

Application No: 15/05792/FUL

Site Location: Manor Farm, Chewton Road, Keynsham – Erection of rural worker's dwelling ancillary to equestrian use and additional stabling

The Case Officer reported on this application and her recommendation for permission. She stated the dwelling would not be occupied until construction of the stables had been completed. She added that the stables if permitted shall be used solely for the purposes set out in the submitted Design and Access Statement and shall not be used for any events such as competitions, horse shows, eventing, gymkhanas etc.

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

Councillor Eleanor Jackson moved the officer recommendation to permit. She said the building would improve the area and that the observation of horses was essential. Councillor Matthew Davies seconded the motion.

Voting: 6 in favour, 1 against and 1 abstention (8). Councillors Kew and Organ had removed themselves from debating this application.

(Note: After this decision at 5.25pm, the Committee adjourned for 20 minutes for a comfort break and refreshments)

Item No: 10a

Application No: 15/05775/FUL

Site Location: 7 Henrietta Villas, Bathwick, Bath – Change of use from 2no dwellings to one dwelling, demolition of rear extension, internal alterations and insertion of new roof lights.

The Case Officer reported on this application and his recommendation for permission.

Councillor Eleanor Jackson moved the officer recommendation to permit. Councillor Les Kew seconded the motion. The motion was put to the vote and was carried unanimously.

Item No: 10b

Application No: 15/05776/LBA

Site Location: 7 Henrietta Villas, Bathwick, Bath – Internal and external alterations to change the use to one dwelling, demolition of rear extension, internal alterations and insertion of new roof lights.

The Case Officer reported on this application and his recommendation for consent.

Councillor Rob Appleyard moved the officer recommendation for consent. Councillor Matthew Davies seconded the motion. The motion was put to the vote and was carried unanimously.

Item No: 11

Application No: 15/05116/FUL

Site Location: Unit 33, Fourth Avenue, Westfield, Radstock - Extension of garage yard for extra storage space (Retrospective)

The Case Officer reported on this application and her recommendation for permission.

Councillor Eleanor Jackson said that she would welcome landscaping conditions to form part of the application as she felt that the site should be screened.

Members asked questions for clarification to which the Case Officer responded.

Councillor Rob Appleyard moved the officer recommendation to permit. Councillor Les Kew seconded the motion. Voting: 8 in favour and 2 abstentions.

Item No: 12

Application No: 15/03367/FUL

Site Location: Development Site, Hazel Terrace, Westfield, Midsomer Norton – Erection of 1no 3 bedroom dwelling and 6no. 2 bedroom flats on land at Hazel Terrace

The Case Officer reported on this application and her recommendation to delegate to permit pending a S106 Agreement.

Councillor Eleanor Jackson said that the Parish Council had objected to the application regarding over development of the site and lack of information, specifically the lack of an ecology report and a contamination report. She added that

there were also access concerns raised by residents and that they would also appreciate further connectivity of the whole site.

Councillor Rob Appleyard commented that he felt this application was a natural progression within the area. He moved the officer recommendation to delegate to permit pending a S106 Agreement. Councillor Les Kew seconded the motion. Voting: 9 in favour and 1 against.

Item No: 13

Application No: 16/00504/FUL

Site Location: Sawyers Mill , Hunstrete, Marksbury, Bristol – Erection of barn with stabling and creation of 20m x 40m outdoor riding arena.

The Case Officer reported on this application and her recommendation for permission.

A public speaker made a statement in favour of the application.

The Chair moved the officer recommendation to permit. Councillor Rob Appleyard seconded the motion. The motion was put to the vote and was carried unanimously.

Item No: 14

Application No: 16/01147/LBA

Site Location: Green Park Station, Green Park Road, City Centre, Bath – Internal alterations to attach metal plate to interior wall

The Case Officer reported on this application and her recommendation for consent.

Councillor Neil Butters made a statement in favour of the application.

Councillor Paul Crossley moved the officer recommendation for consent. Councillor Eleanor Jackson seconded the motion. The motion was put to the vote and was carried unanimously.

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

The Group Manager – Development Management submitted a report on Planning Appeals.

The Committee noted the report.

The meeting ended at 6.30 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council		
MEETING:	Development Management Committee	AGENDA ITEM NUMBER
MEETING DATE:	4th May 2016	
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)	
TITLE:	SITE VISIT AGENDA	
WARDS:	ALL	
BACKGROUND PAPERS:		
AN OPEN PUBLIC ITEM		

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

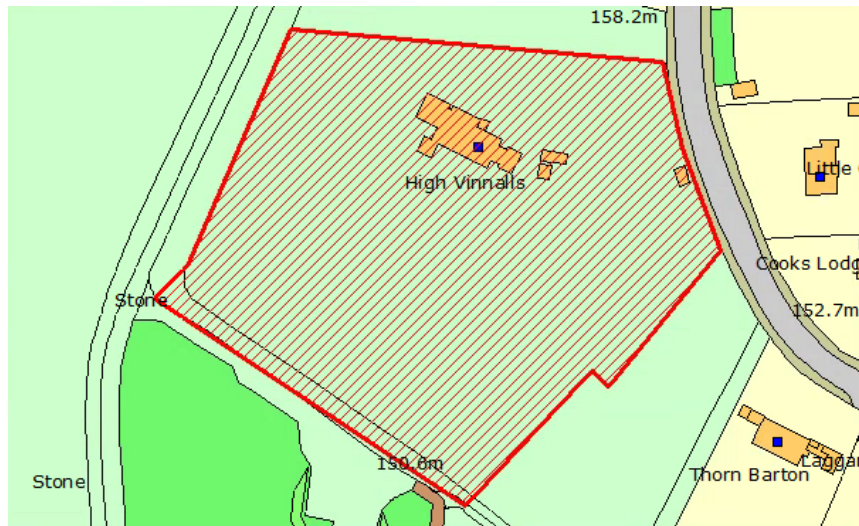
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	15/03485/FUL 6 May 2016	Kingswood School Kingswood Preparatory School, College Road, Lansdown, Bath, Bath And North East Somerset Erection of new school building to accommodate prep school accommodation, new pre-prep and nursery, and multi use games area and associated infrastructure and landscaping.	Lansdown	Suzanne D'Arcy	PERMIT
002	15/05068/FUL 10 March 2016	Mr Andrew Tucker Parcel 8545, Upper Bristol Road, Clutton, Bristol, Bath And North East Somerset Erection of single storey farmshop and cafe.	Clutton	Rachel Tadman	REFUSE
003	16/00686/FUL 11 April 2016	Mr Jehad Masoud 103 Hawthorn Grove, Combe Down, Bath, Bath And North East Somerset, BA2 5QQ Change of use from 3 bed dwelling (use class C3) to 4 bed house of multiple occupation (HMO) (use class C4)	Combe Down	Corey Smith	PERMIT
004	16/00078/FUL 4 March 2016	Mr David Paradise 285 Kelston Road, Newbridge, Bath, Bath And North East Somerset, BA1 9AB Erection of single storey dwelling house on land formerly used as nursery (Resubmission)	Newbridge	Alice Barnes	REFUSE
005	16/00061/FUL 6 May 2016	Mr & Mrs King Little Dene, Greyfield Road, High Littleton, Bristol, Bath And North East Somerset Erection of first floor extension of bungalow with attic accommodation and erection of a front porch (amended description)	High Littleton	Kate Whitfield	PERMIT

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

Item No: 001
Application No: 15/03485/FUL
Site Location: Kingswood Preparatory School College Road Lansdown Bath Bath
And North East Somerset



Ward: Lansdown **Parish:** N/A **LB Grade:** IISTAR
Ward Members: Councillor Patrick Anketell-Jones Councillor Anthony Clarke
Application Type: Full Application
Proposal: Erection of new school building to accommodate prep school accommodation, new pre-prep and nursery, and multi use games area and associated infrastructure and landscaping.
Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Greenbelt, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Kingswood School
Expiry Date: 6th May 2016
Case Officer: Suzanne D'Arcy

REPORT

REASON FOR CONSIDERATION BY COMMITTEE - This application was deferred for a site visit from the March Committee to allow Members to view the site during the school drop off period.

Kingswood Preparatory School is sited within the Bath Conservation Area and wider World Heritage Site. This application relates to the area to the south of the High Vinnells area. The west and south eastern boundaries are marked by trees that are protected as part of a Tree Preservation Order (TPO). To the west of the site is the Bristol Bath Green Belt and the Cotswold Area of Outstanding Natural Beauty (AONB).

This is a full application for the erection of a new school building, a new pre-prep and nursery building and a multi use games area. There are several listed buildings on the site, the nearest to the site being the grade II listed Blaine's Folly. The application has been amended since submission in relation to the design of the nursery building. The proposed school building will be sited to the south east of the site. This building will be a mix of two storey and single storey. It will be constructed of tactile brick and red cedar shingles with a cedar shingle roof.

The proposed nursery building will be constructed of cedar shingles and tactile brick. The design of this building has been revised since submission for the elements to read as a series of timber outbuildings with glazed links between the elements.

There will be an increase in pupil numbers as a result of this application. The pre-school numbers will increase from 60 to 109 pupils and there will be an increase in prep school numbers from 200 to 240. This will result in a total increase in numbers of 89 pupils (from 330 to 419).

Relevant History

7043-1 - Erection of 5 detached dwellings with double garages, and construction of new access road - Withdrawn 13th February 1995

96/00017/FUL - Erection of 3 detached dwellings with double garages, and construction of new access road (Revised proposal) - Refused 15th November 1996

97/00364/FUL - Erection of 3 dwellings with double garages and associated works and erection of a detached double garage - Deemed Refusal. Appeal Dismissed 3rd March 1998

15/04487/FUL - Erection of timber structure to form "jungle gym" (retrospective) - Permitted 13th January 2016

15/00885/PREAPP - Construction of new school building and hall for existing preparatory school and a new pre-prep nursery building.

The applicants submitted a pre-application enquiry in relation to this application in January 2015. Officers advised that there was no objection in principle to the proposal and there was not an objection to the design or the materials. Concerns were raised in terms of the impact on highway safety and trees and the applicants were advised to submit further information alongside an application to address these concerns.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways - No objection, subject to conditions

Archaeology - No objection, subject to conditions

Drainage - No objection, subject to conditions

Building Control - No comments

Arboriculture - No objection, subject to conditions

Ecology - No objection, subject to conditions

Landscape - Objects to the proposal, raising the following points;

- This is a very important location, marking the interface between the edge of Bath and the open countryside
- Character is created by the line of beech trees and views to the west and reinforced by the estate railings
- It is an important and sensitive site
- No issue with the methodology or location of viewpoints in the Landscape and Visual Impact Appraisal
- The trees are not enclosing and framing in the winter months
- The site has a relationship with the wider landscape
- The trees are an important feature in the wider landscape
- Lower, eastern part of the site has a lesser relationship with the wider landscape
- Greater weight seems to have been put on retention of the conifers
- The beech trees have a setting and this has not been addressed in the submitted report
- There may be limited visual effect caused by the proposed, this harm exists and will remain
- Lighting from the windows has not been addressed and will remain
- Likely to have a significant impact on the AONB and the setting of the World Heritage Site.
- No objection in principle to some development on the site, but this layout does not properly respond to or make best use of the site and its attributes.

Urban Design - Offer the following comments;

- Attention has been drawn to the importance of addressing arboriculture issues to ensure that the life prospects of trees are protected.
- This should inform the development
- No in principle objection, subject to the design of the buildings (subject to the resolution of the LVIA and arboriculture issues)
- Materials may be acceptable, though they do not relate to the wider Bath context.
- The drawings should clarify the materials and samples should be submitted for approval.

Historic England - Offer the following comments;

- Remit is to assess the impact on the Conservation Area and the Outstanding Universal Value of the World Heritage Site.
- The land forms part of the open character of the city's outer green slopes and these spaces contribute to the OUV of the World Heritage Site.
- It also creates a sense of spaciousness within the conservation area
- This space, in combination with the private recreation space, contribute towards an important green space within the wider context of the more distant views within the more distant views of the World Heritage Site.
- The trees within this area also make an important contribution
- This development will involve the removal of several mature trees and the loss of the private open space
- This land has always been undeveloped
- The submitted Heritage Assessment balances the impact against the retention of the main trees, the low profile of the proposed development and the sense of enclosure.
- Historic England are not convinced this is a reasonable balance
- The LVIA has not been fully tested for night views or winter views at closer ranges

- Consider the combination of tree loss and perceived loss of openness through the development will have a harmful impact on the conservation area and the OUV of the World Heritage Site.
- The presence of more built form will impact on the sense of space and openness.
- Whilst the development site is contained by boundary treatments, it still allows the perception of undeveloped land.
- The scheme should be judged against paragraph 134 of NPPF.
- Historic England urge you to address the issues raised and recommend the application is determined in accordance with national and local policy and your own specialist advice.

Avon and Somerset Police - No objection

Sport England - No objection but advise that the application needs to be assessed in light of paragraph 74 of the NPPF.

Environment Agency - No comments received

Wessex Water - Advise the applicant to contact Wessex Water as new connections will be required.

Cllr Partrick Anketell-Jones (Local Member) - Requests the application be considered by the Development Management Committee if Officers are minded to approve due to the inappropriate size of the buildings relative to the local residential character, the Conservation Area and proximity of the Greenbelt

Representations - 31 letters of objection received, raising the following points;

- No steps have been taken to ensure that the development won't have an adverse effect on traffic on College Road
- Increased parking, noise, risk and use of the road will have an adverse impact on residential amenity
- No in principle objection to the nature of the application
- Object to the failure of the applicants to include a Transport Plan
- A generous dose of sustainability is required
- Adverse impact due to increase in traffic
- Adverse impact on pedestrian safety
- Lack of public consultation prior to the application being submitted
- Concern over the scale and massing
- Irreversible harm to the conservation area and natural environment
- Contrary to Policy T.24 of the Local Plan
- Hamilton Road is unsuitable for construction traffic
- Loss of natural habitat
- Net impact of the proposals will cause significant harm to the Green Belt
- Adverse impact on the AONB
- No justification for the proposal
- Increase in capacity at a junior level is likely to result in a future need for further senior facilities
- Adverse impact on privately maintained road
- Adverse impact on trees
- Misleading information regarding increase in pupil numbers

- Covenants are in place preventing the erection of further buildings (Officer note: This is not a material planning consideration)
- Application form is incorrect (Officer note: The Local Planning Authority has made reasonable enquiries in relation to the ownership of the site and the notices served and is satisfied that the form is correct)
- Misleading information submitted in the Design and Access Statement
- Detrimental impact on the setting of the listed building (Blaine's Folly)
- Harmful to the OUV of the World Heritage Site
- Fails to conserve the landscape character
- Inadequate long term protection of the trees
- Previous appeal decision (1996 application) states that development on this site would be harmful to the Conservation area and World Heritage Site.
- Previous appeal decision is still relevant
- Alternative sites have not been considered
- Proposed nursery is a commercial venture
- Council should seek to place a reasonable cap on pupil numbers
- Loss of privacy to adjacent neighbours
- Increase in surface water is likely to lead to an increase in flood risk
- Adverse impact on bats
- Proposed development is of a similar scale and massing to the refusal in 1996.
- Potential for additional activity late into the evening, causing an adverse impact on residential amenity
- Likely to lead to pressure for the removal of the trees
- Replacement planting is unlikely to be of an appropriate appearance
- Overdevelopment of the site
- No need for additional nursery facilities in Bath
- Loss of privacy to Thorn Barton
- Overbearing impact on Thorn Barton
- Lack of car parking provision or a Green Travel Plan
- Loss of open space and sports facility
- No masterplan has been produced
- Inadequate drainage on the site
- Inappropriate in terms of scale and massing within AONB, conservation area, World Heritage Site and adjacent to the Green Belt (Officer note: The site is not located within the AONB)
- No evidence of demand has been provided
- No assurance that the access will remain as existing
- No direct notice of the application (Officer note: The Council has advertised the application in accordance with its statutory obligations)
- Change of use of High Vinnells (Officer note: High Vineells falls outside of the application site and as such, no amendments to it are proposed as part of this application)

Following the receipt of amended information, interested parties were re notified on 12th November 2015. A further 34 letters of objection were received, raising the following points;

- Particular concern regarding the additional construction and school traffic exiting Hamilton Road into Lansdown Road
- Reasons for 1996 refusal are still valid
- Severe surface water drainage issues
- No details of alternative options has been given

- School is seeking to expand to include unnecessary nursery and infant care
- Adverse impact on highway safety
- Adjacent residents have rights over the private roads
- Lack of pedestrian and cycle facilities
- Increase in noise, causing harm to residential amenity
- Lack of parking
- Adverse impact on conservation area
- History of the site is not linked to previous applications (Officer note: The Council is aware of previous applications on both this site and the adjacent site at High Vinnells)
- Had this been correct, the pre-application advice may have been different (Officer note: All the relevant material considerations were considered during the pre-application phase)
- Adverse impact on trees
- Site will be clearly visible in the long range views
- Heritage impact assessment is inaccurate
- Preliminary travel plan is very vague
- Inadequate pre-application consultation by the school
- School has shown disregard to the planning process with previous applications
- Previous reasons for refusal still stand
- Insufficient information submitted in the first instance
- Additional information should be at the heart of the design process not an afterthought
- Adverse impact on residential amenity of Thorn Barton
- Non-educational use of the proposed building
- Loss of sports and recreation space
- Absence of a masterplan for the wider site
- Overdevelopment
- Unsuitable materials
- Buses serving Bath Spa University has added to parking and traffic issues
- Inaccurate transport assessment based on one count
- Where will waste be collected?
- Harm to ecology
- Nursery is a business use and therefore should be subject to a separate application (Officer note: The nature of the use is clear in the application and has been considered as such)

Following the receipt of amended information, interested parties were re notified on 8th February 2016. A further 34 letters of objection were received, raising the following points;

- Original objections remain valid
- Development is of an industrial scale
- Previous objections have been ignored
- There has been an increase of 115% in pupil numbers since 1992
- Increased pressure on the local community is unacceptable
- Adverse impact on the conservation area
- Adverse impact on highway safety
- Additional information does not address previously outlined concerns
- Adverse impact on green belt and AONB
- Local area cannot accommodate the size of the school
- Will introduce a business premises into a residential area
- The school considering the location the only acceptable location does not make the proposal acceptable

- No explanation of amended drawings
- Objections from Arboriculture, Urban Design and Landscape (Officer note: There is no objection from the Senior Arboricultural Officer or the Urban Designer)
- Unacceptable from Historic England
- Previous appeal decision has not been considered
- Impact on highway safety
- Non-educational use
- Increase in pupil numbers
- Report inconsistent with previous advice (Officer note: The email that is referred to in several representations from myself to the applicants dates from December 2015. Following further negotiations with the applicants, throughout January, it was concluded that, subject to alterations to the design of the nursery school and further tree information, including the additional planting, that the scheme was acceptable.)
- Omission of relevant policies
- Disregard of submitted arboricultural statement
- Failure to consider implication of CIL
- Lack of masterplan
- Failure to set out conditions in terms of hours of use
- Failure to consider supplementary planning guidance in terms of consultation
- Loss of open space
- Scheme has not been amended since submission in any significant way

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

DW1 - District wide spatial strategy

B1 - Bath spatial strategy

B4 - The World Heritage Site and its Setting

CP2 - Sustainable Construction

CP5 - Flood risk management

CP6 - Environmental quality

CP7 - Green Infrastructure

CP8 - Green Belts

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

D.2 - General design and public realm considerations

D.4 - Townscape considerations

BH.2 - Listed buildings and their settings

BH.6 - Development within or affecting conservation areas

NE.2 - Areas of Outstanding Natural Beauty

NE.4 - Trees and woodland

SR.1A - Protection of playing fields and recreational open space
GB.2 - Visual amenities of the Green Belt
T.24 - General development control and access policy
T.26 - On-site car parking and servicing provision

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications. The following policies are relevant:

SD1 - Presumption in favour of sustainable development
SCR1 - On-site renewable energy requirements
SU1 - Sustainable drainage policy
D.1 - General urban design principles
D.2 - Local character and distinctiveness
D.3 - Urban Fabric
HE1 - Historic environment
NE2 - Conserving and enhancing the landscape and landscape character
NE2A - Landscape setting of settlements
NE6 - Trees and woodland conservation
NE1 - Development and green infrastructure
GB1 - Visual amenities of the Green Belt
LCR5 - Safeguarding existing sport and recreational facilities
LCR6 - New and replacement sports and recreational facilities
ST1 - Promoting sustainable travel
ST7 - Transport requirements for managing developments
BD1 - Bath design policy
B5 - Strategic policy for universities, private colleges and their impacts

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

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character or appearance of the surrounding conservation area.

OFFICER ASSESSMENT

Impact on the World Heritage Site, conservation area and adjacent listed buildings

The site is largely free from development, with only High Vinnells falling within the red line. There are other buildings to the north and the east of the site, with a wooded area to the south. The site is visible in long range views, as it is set on the hillside above the city centre. These hillsides form part of the setting of the historic centre of the city. Concerns have been raised that the introduction of development on the site will result in an erosion

of the green space thus being harmful to the setting of the World Heritage Site and conservation area. However, the site is considered to fall within the built envelope of the school campus. An access road to the west of the site creates a natural barrier, which separates the development from the open space beyond. As a result, the development site can be viewed as a discrete parcel, and encroachment beyond to the west is unlikely, given the Green Belt designation.

Screening to the site is provided by an avenue of beech trees and the proposed nursery building is sited adjacent to this avenue and has the potential to have a significant impact as it sits at the perimeter of the site. Its design has therefore been subject to review to minimise the visual impact and as a result has been amended so it is of a low profile small scale linked elements comprising timber shingles linked by glazing. Their character given their low profile, form and use of timber shingles is now considered appropriate for this location.

It is accepted that there will be glimpses of the building in the wider landscape, particularly in the winter months and the building will have a series of glazed linking elements. In order to reduce the impact from artificial lighting in the winter months, which would lead to increased visibility, a condition will be imposed to limit the lux levels emitted from the building.

Given the low key appearance of the building, which appears as a series of small, wooden buildings, and the use of conditions to control the lighting levels, it will not appear prominently on the hillside. In view of this, it will retain the dark appearance on hillside in low light conditions. As a result, the setting of the World Heritage Site and the adjacent listed buildings will be preserved. Furthermore, it will preserve the character and appearance of the conservation area.

Concerns have been raised that the proposed nursery will be harmful to the avenue of beech trees and may lead to pressure for their future removal. It is acknowledged that these trees are an important feature in the skyline and that, due to the access road, the root protection area is likely to be skewed into the site. Following discussions with the Senior Arboricultural Officer, it is apparent that the Beech trees are fully mature and growing on a site that is susceptible to various environmental stresses. Nearby Beech trees of a similar age have suffered storm damage and colonisation by decay causing fungi resulting in significant remedial surgery works being necessary. Advanced planting of successors to these trees is paramount. The comments of the Landscape Architect are noted, but Officers consider that this application represents an opportunity for the provision of future proofing this avenue. It is unlikely that planting between the trees would be successful and as such, it has been proposed to plant a new avenue of trees on the west side of the access road to provide some future proofing. These would be secured through the use of Grampian conditions. The applicants have provided assurances in terms of the drainage strategy and a no-dig foundation solution, in order to protect the existing trees. Conditions will be imposed to ensure that appropriate tree protection measures are implemented and that any proposed replacement planting is appropriate.

The proposed prep school building is set further into the site. Due to its location, it is not considered that it will be visible in the long range views. It will be constructed of timber shingle, which is appropriate to its woodland setting.

Representations have made reference to the potential impact on the setting of Blaine's Folly, which is grade II listed. The site is approx. 100m from the tower and is on lower ground than the tower. In view of this relationship, it is not considered that there will be any adverse impacts on the setting of the listed building.

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' Under Section 72 of the same Act it is the Council's duty to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. It is considered that full consideration has been given to these duties in reaching the decision to grant consent for the proposed works and also to an impact on the setting of the World Heritage Site.

Impact on the Green Belt and the AONB

The site is adjacent to the Green Belt and the AONB. The visual impact on the openness of the Green Belt is an important consideration. As stated in the previous section, the site is located to the edge of the built form. The proposed nursery buildings will be the closest element of the scheme to the Green Belt. This building will have the appearance of four low key, wooden buildings as the massing is broken down by the introduction of the glazed linkages. In view of this, it is not considered that this element of the building will be harmful to the visual amenities or openness of the Green Belt.

The proposed prep building is located to the east of the site, and there will only be limited visibility from the Green Belt. Notwithstanding this, it would be viewed in the context of the existing built form of both the adjacent school buildings and the residential properties beyond, so it is not considered to be harmful to the visual amenities or openness of the Green Belt.

The site is heavily treed and a number of these trees have a great significance in terms of their location within the skyline. The previous section discusses the mitigation measures and future proofing of the site, particularly in terms of the beech avenue. As a result of the measures outlined above, it is considered that the proposed development will not result in harm to the trees. In view of this, it is not considered that there will be a detrimental impact on the natural beauty of the AONB.

Impact on residential amenity

The nearest adjacent neighbour is sited to the east of the site at Thorn Barton. The boundary between the sites is marked by a 2m high wall with deciduous trees on the school side. The school site is set higher than Thorn Barton. There is approx. 40m between the nearest point of the new building and the rear of Thorn Barton. The element closest to the boundary is proposed to be a sports hall and as such, it will be double height as there will be no floor at first floor level. There are windows in the first floor level of the other element of the building, which is proposed to be used as classroom space. This is set a further 12m back from the boundary, resulting in a distance of approx. 45m. Given the nature of classroom use and the relationship with this neighbour, it is not

considered that this will result in a significant loss of privacy to the private amenity space of Thorn Barton.

The proposed building will be sited to the west of Thorn Barton. It will have a total height of approx. 8m at its highest point. It is acknowledged that there may be some overshadowing in the evening but, due to the relationship, it is not considered that this will be significant enough to sustain a refusal.

No other neighbouring properties will be affected by overbearing or loss of privacy, due to their relationship with the proposed building.

The site is currently used by the school in its normal activities. It is acknowledged that the buildings will result in an intensification of the use of the site and a change to the type of use, albeit very similar in nature to the existing use. However, this will be primarily confined to the normal school hours. In view of this, it is not considered that there will be a significant noise nuisance to surrounding neighbours.

Concerns have been raised regarding impact on residents from construction. It is acknowledged that there may be some disruption to nearby neighbours during the construction phase but it is considered that a condition requiring a construction management plan will mitigate this impact, as will the temporary nature of construction.

In view of this, it is not considered that there will be any significant adverse impacts on residential amenity as a result of this proposal.

Impact on highway safety

There is access to the site from College Road/Hamilton Road, as well as through the school itself. College Road and Hamilton Road are both private roads that are maintained by the residents of these streets. The applicants have submitted a Transport Assessment, which considers that there is unlikely to be a significant impact on the wider highway network, and this is considered to be acceptable. A condition requiring a construction management plan will also be imposed to ensure that the safe operation of the highway can continue during the construction phase. Concerns have been raised about the potential impact on the condition of College Road and Hamilton Road due to the construction of the buildings. Given that these are privately owned and outside the control of the Local Authority, it is not considered to be appropriate for the Local Authority to comment on the ongoing maintenance. The applicants have a right of access over the roads and matters relating to maintenance is a civil matter between the parties.

The application proposes an increase of 89 pupils, 49 of which will be of pre-prep age, when pick up and drop off will not necessarily align with the school day. The application shows facilities for parents to pick up and drop off the children and these are considered to be sufficient to accommodate the increase in students, particularly given that over 50% will be outside of traditional school times. The applicants have provided a preliminary Travel Plan, which indicates how access can be improved. A condition will be imposed for a full Travel Plan and there will be an onus on the school for its enforcement.

Given that the roads are privately owned, there will need to be engagement by the applicant with the adjacent neighbours to ensure any improvements can be achieved and the submitted Travel Plan will need to demonstrate how this will be undertaken.

It has been calculated that there is a shortfall of 20 staff parking spaces. Additional parking has been provided via the High Vinnells access and elsewhere on the site. Whilst it is not within the red line boundary, this area is owned by the school and as such, Grampian conditions could be used to secure additional parking.

In view of this above, it is not considered the proposed development would be prejudicial to highway safety.

Impact on trees

The potential impact of the development on the trees has been discussed in the previous sections, with regards to the impact on the landscape.

The applicants have submitted further information in response to the points raised with regards to the potential impact on the trees. Concerns have been raised about the potential impact of the development on the adjacent trees. Further details of drainage and foundations will be required by conditions, though it has been confirmed that these are achievable without harm to trees. The information submitted is not the ideal solution in terms of the impact on the trees. However subject to the use of conditions to address details the concerns are not considered to be such that a reason for refusal could be sustained.

Impact on ecology

No significant ecological constraints have been identified on the site. The applicants have submitted an ecological survey and the recommendations of this include measures for enhancement to existing habitats. Conditions will be imposed to ensure that these are implemented. A lighting analysis has also been submitted. As stated previously, conditions will be imposed to limit the emission of light from the building and to ensure the lighting erected is not harmful to wildlife. In view of this, it is not considered that there will be any adverse impact on protected species as a result of this proposal.

Impact on recreational space

The site is currently used informally for recreation and sports. It is a sloping site and this has limited its use in the past for sports. There are some poor quality cricket nets on the north western part of the site, which will be lost as a result of the proposal. The proposed development will provide a multi-use games area and a sports hall. Furthermore, the school owns additional sports and recreational facilities, both elsewhere on the site and off site. Paragraph 74 of the NPPF requires that recreational space should not be built on unless an assessment has been undertaken that shows that the land is surplus to requirements. The applicants have submitted an assessment detailing the history of the site, which has never been formally used by the school for sports or physical education lessons, and the additional recreation/sports facilities available elsewhere on the site. In view of this, Officers are satisfied that the proposed development meets the tests required

under paragraph 74 of the NPPF and there will be no loss of formal, useable sports facilities.

Drainage and Flood Risk

Concerns have been raised that the proposed development will increase flooding due to increased surface water run off. The applicant has provided full drainage details, which will be adequate for a 1 in 30 year flood event. A condition will be imposed to ensure that adequate drainage is provided to ensure that surface water for a 1 in 100 year flood event will not increase the flood risk to nearby properties.

Other issues

Concerns have been raised regarding the pre-application consultation by the school and the timing of the application submission. The applicants have asserted that they have met with a number of local residents, which they were informed were representative of a wider group of residents. Furthermore, the Local Planning Authority has advertised the application in accordance with its statutory obligations. Whilst it is unfortunate that the timing of the application coincided with the summer holidays, interested parties have had two further re consultation opportunities and it is considered that adequate time has been provided for interested parties to comment on the application.

The representations have made reference to a previous refusal of planning permission and subsequent dismissed appeal for 3 dwellings in 1996. It should first be noted that there has been a change to the policy context since the submission of this application. Furthermore, the current application is for buildings to be used in association with the school use and not a separate use as individual dwellings. This is a key material difference between the previous scheme and this scheme. Also, the way in which the site would be used will be different to the use pattern associated with dwellings. In view of this, it is reasonable for this scheme to be assessed on its own merits and in the context of the current policy framework.

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

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

3 No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 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 to the local planning authority. The statement should also include the control of potentially harmful operations such as positioning and design of steps linking the site; foundation excavations for Pre-Prep and Nursery units; the storage, handling and mixing of materials on site, location of site office, service run locations including soakaway locations and associated excavations and movement of people and machinery.

Reason: To ensure that the protected trees to be retained are not adversely affected by the development proposals in accordance with policy NE.4 of the Bath and North East Somerset Local Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

4 No development or other operations shall take place except in complete accordance with the approved Detailed Arboricultural Method Statement. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first occupation of the buildings.

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

5 Prior to occupation of the development hereby approved, 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. This shall include full details of the replacement planting indicated on drawing numbered 1465.P.100 rev C.

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

6 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.

7 Prior to occupation of the nursery building hereby approved, details of the levels of lighting from the building shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the lux levels and methods for their limitations. They shall be retained and operated as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: to provide sensitive lighting with minimal impacts on bats and other wildlife and to preserve the setting of the World Heritage Site, conservation area and Green Belt.

8 The development and all new lighting shall be implemented in accordance with the predicted light levels and lighting design details as contained in the approved Light Level Survey report by Buro Happold dated July 2015, and shall be retained and operated as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: to provide sensitive lighting with minimal impacts on bats and other wildlife

9 The development hereby permitted shall be carried out only in accordance with ecological mitigation proposals and recommendations of the approved Extended Phase 1 Habitat Survey Report dated July 2015 by Nicholas Pearsons. A report confirming and demonstrating implementation of the recommendations shall be submitted to the local planning authority and approved in writing prior to occupation of the development.

Reason: to avoid harm to ecology

10 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.

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

Reason: To ensure the safe operation of the highway and the amenity of adjoining neighbours

12 Prior to the occupation of the development, an updated Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan.

Reason: In the interests of sustainable development.

13 Prior to the commencement of development, detailed drainage design to illustrate how flood flows and exceedance routes are managed on site for all storm durations up to the 1:100 year event including an allowance for climate change. All surface water for up to the 1:100 year event +CC must be managed on site and is not permitted to flow onto adjacent land. The development shall thereafter be carried out in accordance with the details so approved.

Reason: In the interest of flood risk management for neighbouring land and properties

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

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

PLANS LIST:

1 This decision relates to the following drawings -

NURSERY DRAWINGS

Existing:

1480/P/001 - Location Plan

1480/P/005 - Existing Site Plan

Proposed:

1480/P/102 A - Proposed Site Plan

1480/P/110 C - Proposed Ground Floor Plan (rec'd 5 February 2016)

1480/P/111 C - Proposed Roof Plan (rec'd 5 February 2016)

1480/P/140 A - Proposed Floor Finishes

1480/P/150 A - Proposed Reflected Ceiling Plan

1480/P/160 A - Proposed Ground/Site Works Plan

1480/P/170 C - Proposed Wall Type Plan

1480/P/200 B - Proposed South Elevation (rec'd 12 November 2016)

1480/P/201 B - Proposed North Elevation (rec'd 12 November 2016)

1480/P/202 C - Proposed West Elevation (rec'd 5 February 2016)

1480/P/203 B - Proposed East Elevation (rec'd 12 November 2016)

1480/P/204 B - Proposed South Elevation Entrance (rec'd 12 November 2016)

1480/P/205 B - Proposed North Elevation Reception Entrance (rec'd 12 November 2016)

1480/P/305 C - Proposed Section A 1 (rec'd 5 February 2016)

1480/P/306 C - Proposed Section A 2 (rec'd 5 February 2016)

1480/P/307 C - Proposed Section B 1 (rec'd 5 February 2016)

1480/P/308 C - Proposed Section B 2 (rec'd 5 February 2016)

1480/P/320 C - Proposed Section C (rec'd 5 February 2016)

1480/P/321 C - Proposed Section D (rec'd 5 February 2016)

1480/P/322 C - Proposed Section E (rec'd 5 February 2016)

1480/P/323 C - Proposed Section F (rec'd 5 February 2016)

1480/P/324 C - Proposed Section G (rec'd 5 February 2016)

1480/P/325 C - Proposed Section H (rec'd 5 February 2016)

1480/P/326 C - Proposed Section J (rec'd 5 February 2016)

1480/P/330 A - Section Detail Study

1465_SCH_10_Room Area A - Schedule Room Area Schedule

PREP SCHOOL DRAWINGS

Existing:

1465/P/001 A - Existing Location Plan

1465/P/002 A - Existing Site Plan

1465/P/003 A - Existing Site Plan

Proposed:

1465/P/100 C - Proposed Site Plan (rec'd 5 February 2016)
1465/P/105 B - Tree Survey Plan (rec'd 12 November 2016)
1465/P/110 B - Proposed Ground Floor Plan (rec'd 12 November 2016)
1465/P/111 B - Proposed First Floor Plan (rec'd 12 November 2016)
1465/P/112 B - Proposed Roof Plan (rec'd 12 November 2016)
1465/P/140 A - Proposed Floor Finishes Ground Floor
1465/P/141 A - Proposed Floor Finishes First Floor
1465/P/150 A - Proposed Reflected Ceiling Plan Ground Floor
1465/P/151 A - Proposed Reflected Ceiling Plan First Floor
1465/P/160 A - Proposed Ground/Site Works Plan
1465/P/170 C - Proposed Wall Type Ground Floor
1465/P/171 C - Proposed Wall Type First Floor
1465/P/200 B - Proposed Elevations North (rec'd 12 November 2016)
1465/P/201 B - Proposed Elevations East (rec'd 12 November 2016)
1465/P/202 B - Proposed Elevations South (rec'd 12 November 2016)
1465/P/203 B - Proposed Elevations West (rec'd 12 November 2016)
1465/P/220 A - Stair Study
1465/P/300 B - Proposed Section A (rec'd 12 November 2016)
1465/P/301 B - Proposed Section B (rec'd 12 November 2016)
1465/P/302 B - Proposed Section C (rec'd 12 November 2016)
1465/P/303 B - Proposed Section D (rec'd 12 November 2016)
1465/P/304 B - Proposed Section E (rec'd 12 November 2016)
1465/P/305 B - Proposed Section F (rec'd 12 November 2016)
1465/P/306 B - Proposed Section G (rec'd 12 November 2016)
1465/P/320 A - Section Detail Study
1465_SCH_10_Room Area A - Schedule Room Area Schedule

2 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/revised proposals was taken and consent was granted.

3 ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, 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.

4 You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

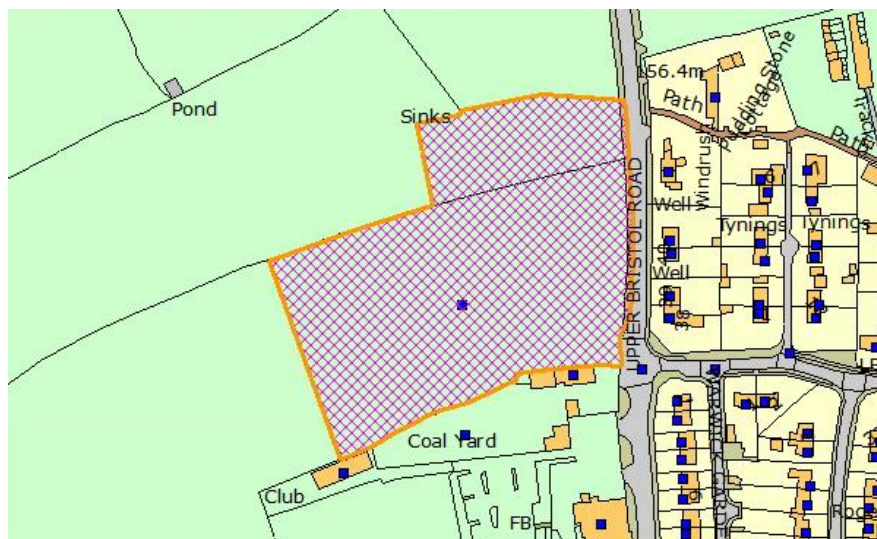
5 This permission does not convey or imply any civil or legal consents required to undertake the works.

6 New water supply and 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 the website www.wessexwater.co.uk.

Further information can be obtained from the New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Please refer to Wessex Water's website for a Section 106 connection application and guidance.

Item No: 002
Application No: 15/05068/FUL
Site Location: Parcel 8545 Upper Bristol Road Clutton Bristol Bath And North East Somerset



Ward: Clutton **Parish:** Clutton **LB Grade:** N/A
Ward Members: Councillor Karen Warrington
Application Type: Full Application
Proposal: Erection of single storey farmshop and cafe.
Constraints: Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Sites used as playing fields, Public Right of Way, Road Safeguarding Schemes, Site Of Special Scientific Interest (SI),
Applicant: Mr Andrew Tucker
Expiry Date: 10th March 2016
Case Officer: Rachel Tadman

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application has been requested to be referred to Development Management Committee by Cllr Warrington and also attracted a letter of support from Clutton Parish Council. For these reasons the application was referred to the Chair of Development Management Committee who decided that the application should be referred to Committee for consideration.

The application was considered at Development Management Committee on 6 April 2016 where Members resolved to defer for a site visit. Members visited the site on 25 April 2016.

DESCRIPTION OF SITE AND APPLICATION:

The application relates to an existing agricultural field located within the village of Clutton adjacent to the main A37 passing through the village. The site has a public right of way crossing it and also has a safeguarded bypass route also crossing it. The site is not within the Green Belt but it is on the boundary.

The application is for the erection of a farm shop and café on an agricultural field using an existing, but upgraded, farm access off Upper Bristol Road.

The proposed development would provide a total of 510m² of floor space when measured externally of which internally 180.5m² would be the café and 233.7m² would be the farm shop.

The proposed building would be 41m long, 13m wide, 5.2m high to the ridge on the South elevation and 6m high to the ridge on the North elevation. It would be constructed with a stone plinth with timber cladding above to the elevations and a profiled metal roof. The east and west elevations are fully glazed in a steel framework.

Externally the development provides 52 parking spaces, cycle parking for 10 bikes, delivery bay and associated landscaping.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS AND REPRESENTATIONS:

Planning Policy: Object:

B&NES Core Strategy-RA3 - no statement or justification has been submitted to show the site meets the needs of Clutton Parish or of the surrounding villages.

Local Plan Policies- S.9 - Clutton does not have a defined village centre but does contain local shops which are more dispersed and therefore Policy S.9 of the Local Plan applies. The submission is not considered to demonstrate that the butchers shop in its current location is not able to perform its key role and is therefore contrary to this policy.

Local Plan Policies ET.8 and ET.9 - Under these policies a new building would only be acceptable if required for uses directly related to the use of, or products of the associated

landholding as well as needing to be well designed and well related to existing buildings. The former point is not disputed, nevertheless Policy ET.8 further requires that new buildings on greenfield sites 'are small in scale, well designed and grouped with existing buildings'. It is argued that the proposed building is neither small in scale nor well related to existing buildings.

Clutton Neighbourhood Plan - No information has been provided to show how the proposals are in accordance with Policies CNP4, CNP5, CNP7, CNP15 and CNP21 of the Clutton Neighbourhood Plan and therefore a policy objection is raised.

Comments on submission of further information: The additional information submitted has been considered however the following objections remain:

- There is only limited information to satisfy criteria b) of Policy S.9. There is no evidence of active marketing of the existing butchers shop or evidence that the butchers shop is not fit for purpose.
- The building height has been reduced but is still not in accordance with ET.8 as the proposed building is neither small in scale nor well related to existing buildings.
- A landscape assessment has not been submitted in accordance with Clutton neighbourhood Plan Policy CNP15-Landscape and Ecology.

Highways Development Officer: No objections subject to conditions.

Flood risk and Drainage: No objections subject to conditions.

Arboricultural Officer: No objections.

Ecology Officer: No objections subject to conditions.

Landscape Officer: Object in principle due to the adverse impact on the character of the surrounding landscape, including the green belt, and the users of the adjacent public right of way.

Environment Agency: Falls outside the consultation matrix so no comments.

Public Protection Officer (Environmental Health): The water supply to a neighbouring well, on the opposite side of the A37, is not currently in use as a private drinking water supply and the property is provided with mains water.

3 well water samples have been analysed over the last 13 months, 2 samples failed drinking water standards for microbiological parameters, which is not unusual for a raw water sample, and the second sample failed drinking water standards for Fe and Mn. As no baseline monitoring exists, it's not possible to attribute any results to any activities which have occurred nearby.

Contaminated Land: No objections subject to conditions.

Environmental Health: The size of the existing Butcher premises severely limits the ability to meet the necessary food hygiene regulations meaning that there are significant

restrictions on the types and amount of ready to eat foods the Food Business Operator can offer for sale.

The restrictions imposed by the Food Safety Team have inevitably narrowed the scope of the business and had an impact on the sustainability of the existing village Butchers. It has not been possible to award this business a high food hygiene rating due to structural issues.

The new proposed premises will allow the proposed business to meet the new guidance for physical separation between raw meat and ready to eat foods throughout storage, handling and display operations.

Ward Member: Cllr Warrington supports the development for the following reasons:

- the location of the shop has been moved so that it is not visible from Green Belt,
- the Farm Shop will not compete with the Butchers currently located within Clutton as the Butchers shop will close due to constraints in terms of size & Health & Safety Regulations and will move into the Farm Shop,
- The shop will provide an important community service, not only for Clutton's residents, but further afield, and for local farms as an outlet for their products,
- the Farm location by the A37 will a) attract passing trade and make the shop more viable; b) prevent more traffic accessing narrow rural village lanes, which will protect the village from increased traffic.
- the shop in this location is included in Clutton's made Neighbourhood Plan.

Clutton Parish Council: Support the proposal for the following reasons:

- The building is much less obtrusive by siting the building close to the A37 in line with other buildings and improving the design.
- The location is supported by the Clutton Neighbourhood Plan Policy CNP8.
- The Farm shop will replace the existing butcher's shop which is due to close.
- The Highways evaluation will need to make sure that the appropriate steps are taken to ensure that safety is not compromised.
- Neighbourhood Plan Policies CNP8 and CNP10 are relevant.

OTHER REPRESENTATIONS / THIRD PARTIES

A total of 64 letters have been received, 57 in support of the proposed development, 2 general comments and 5 objections. The following concerns have been raised:

1. The submitted transport statement is inaccurate and increased access off the busy A37 which would be harmful to highway safety
2. Proposed access does not have adequate visibility splays
3. Pedestrians would have to cross the busy A37 with no pedestrian crossings which is dangerous
4. Contamination on existing site would have a harmful impact on the development, PROW, nearby water courses and private wells and this permission would regularise this
5. Harmful visual impact on the Green Belt and countryside

6. The height and scale of the building, including its materials, would introduce a commercial feel to the site which is not in keeping with its rural surroundings
7. Overdevelopment of the site including excessive levels of car parking
8. Lack of need for a farm shop, there are already 3 within 4 miles of the site.
9. Impact on safeguarded land for highway purposes
10. Building exceeds the height allowable within 3km of an airfield
11. Lack of public mains drainage
12. Lack of information regarding lighting
13. Provision of a café would have a harmful impact on existing services
14. Harm to existing hedgerow
15. Inaccurate plans of neighbouring buildings
16. Harm to residential amenity and would impinge on the residents human rights.

The letters of support welcome the retention of the butchers and provide enhanced retail and café facilities in the area.

PLANNING ISSUES:

RELEVANT PLANNING HISTORY:

08/00968/AGRN - Approval not required - 10 April 2008 - Provision of access track to from highway to hay barn using existing field gate

08/00969/AGRN - Approval not required - 10 April 2008 - Erection of hay barn

12/00608/FUL - WD - 28 June 2012 - Erection of a farm shop, provision of new vehicular access and roadway with associated parking and servicing facilities.

13/01851/FUL - RF - 10 January 2014 - Erection of a farm shop, provision of new vehicular access, roadway, associated parking and servicing facilities and minor landfilling to east end of site (revised resubmission).

13/05192/FUL - WD - 26 February 2014 - Provision of new vehicular access to A37 from Parcel 8545 with re-aligned track to existing barn.

14/01021/FUL - PERMIT - 30 April 2014 - Provision of new vehicular access to A37 from Parcel 8545 with re-aligned track to existing barn. (Resubmission of 13/05192/FUL).

14/05781/FUL - RF - 13 March 2015 - Change of Use and cladding of hay barn to form farm shop with parking and servicing facilities.

POLICIES/LEGISLATION

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
Clutton Neighbourhood Plan

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

Policy SD1 - Sustainable Development
Policy CP2 - Sustainable Construction
Policy CP6 - Environmental Quality
Policy CP7 - Green Infrastructure
Policy CP8 - Green Belt
Policy RA1 - Development in villages outside the Green Belt
Policy RA3 - Community facilities and shops

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 D.2: General design and public realm considerations
Policy D.4: Townscape considerations
Policy ET.8: Farm diversification
Policy GB2: Visual amenities of Green Belt
Policy NE.1: Landscape character
Policy NE.4: Flood Risk
Policy S9: Small scale local shops and change of use
Policy T17: Land safeguarded for major road improvement schemes
Policy T.24: General development control and access policy
Policy T.26: On-site parking provision

The Clutton Neighbourhood Development Plan has been 'made' by B&NES and is now a part of the Council's development plan which is in accordance with section 38A(4) of the Planning and Compulsory Purchase Act 2004. The following policies are relevant to the determination of this application:

Policy CNP4: Future infrastructure provision for fibre optic services
Policy CNP5: Sustainability by Design
Policy CNP8: Future siting of businesses
Policy CNP10: Traffic impacts of non-residential development.
Policy CNP13: Loss of agricultural land
Policy CNP15: Landscape and Ecology
Policy CNP18: Pedestrian Links
Policy CNP 19: Traffic impacts of residential developments
Policy CNP20: Car parking provision

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications. The following policies are relevant:-

Policy RA1 - Development in villages outside the Green Belt
 Policy SD1 - Presumption in favour of sustainable development
 Policy CP2 - Sustainable construction
 Policy CP3 - Renewable energy
 Policy SU1 - Sustainable drainage
 Policy D1, D2, D3, D4, D5, D6 - Design and amenity
 Policy D8 - Lighting
 Policy D10 - Public realm
 Policy NE1 - Development and green infrastructure
 Policy NE12 - Landscape and landscape character
 Policy NE2A - Landscape setting of settlements
 Policy NE3 - Sites, species and habitats
 Policy NE6 - Trees and woodland conservation
 Policy CP7 - Green Infrastructure
 Policy GB1 - Visual amenities of the Green Belt
 Policy PCS1 - Pollution and nuisance
 Policy PCS1 - Noise and vibration
 Policy PCS5 - Contamination
 Policy PCS7A - Foul sewage infrastructure
 Policy RE3 - Farm diversification
 Policy RE5 - Loss of agricultural land
 Policy CR1 - Sequential test
 Policy CR4 - Dispersed Local Shops
 Policy ST1 - Sustainable transport
 Policy ST7 - Transport requirements for managing development

Planning Obligations SPD

National Planning Policy Framework

National Planning Practice Guidance

OFFICER ASSESSMENT

PRINCIPLE OF THE DEVELOPMENT:

The application has been submitted as a diversification of the existing agricultural enterprise for the provision of a butchers, retail unit and cafe. The enterprise already has an existing butcher retail business that is run out of a small retail unit in the centre of Clutton village which is now too small with inadequate facilities.

It is proposed that the existing butchers within the village would be relocated into the proposed farm shop with the offer of goods on sale expanded to include other produce and food products that are traditionally found within a farm shop.

The information provided in relation to the goods for sale is not as detailed as would be expected for a development of this type, however a list of potential suppliers within a 15 mile radius of the site has been provided in addition to those being produced by the farm itself. The aim is for 70% or higher of the shops stock to locally sourced. The type of

goods for sale and their location of source would need to form a condition if the proposal was otherwise considered acceptable.

The Café would have seating for 60-70 covers, providing hot drinks, light breakfasts and lunches and cakes and it is also intended that the ingredients/produce sold from the café would also be provided by suppliers within a 15 mile radius of the site.

There are a number of policies under the Core Strategy, Local Plan and Clutton Neighbourhood Plan that the provision of such a shop and café needs to be considered against.

In the first instance Policy RA3 of the Core Strategy is relevant as it supports proposals for community facilities or shops within villages provided they are of a scale and character appropriate to the village and meets the needs of the parish and adjoining parishes.

In this respect the information submitted to show that the scheme would meet this policy is weak and furthermore the provision of a farm shop and café is not identified as an aspiration for the village within the Clutton Neighbourhood Plan. However, whilst the village does have a variety of different facilities, including a number of pubs, there are a limited number of retail units, one of which comprises the existing butchers.

Given the level of support from both the Parish Council and the representations submitted it is considered that whilst the case for a farm shop and café is weak, there is nevertheless a case to be made and should be given some weight.

Policy CNP8 of the Clutton Neighbourhood Plan also supports the development of industrial and retail sites close to the A37 provided they comply with the requirements of other policies in this plan.

Whilst in all other respects, as will be discussed below, the development does not conflict with other policies within the Clutton Neighbourhood Plan, the proposal would result in the loss of agricultural land which Policy CNP12 of the Clutton Neighbourhood Plan does not support.

Policy CNP12 states that development will not normally be supported if it results in the loss of the versatile and productive agricultural land, defined for the purposes of this policy as Grade 3A or above. The Council's records state that the site is classified as Grade 3 and Officers have been unable to further verify whether this is 3A or 3B. It is now understood from the Applicant that the land is classified as 3B meaning that its loss would not be contrary to Para 112 of the NPPF or Policy CNP 12 of the Clutton Neighbourhood Plan.

Turning to the Local Plan, Policy ET.8 deals with proposals for farm diversification involving the use of agricultural land or the conversion of existing buildings. In this case the Policy requires that new buildings on greenfield sites 'are small in scale, well designed and grouped with existing buildings'.

The Policy also seeks to ensure that the proposed development would not result in the dispersal of activity which prejudices town or village vitality. Furthermore Policy S.9, relating to dispersed local shops, is also of relevance which, whilst allowing for the

development of retail units outside the shopping centres defined on the proposals map, this is only if the retail unit is small-scale appropriately located within the settlement.

In this case it is considered that a external floor area of 510m², and the overall size of the building, cannot be considered as small in scale and its location in a position distant from existing buildings means it is also not well related to existing buildings.

Therefore it is considered that the proposal does not strictly meet the provisions of either Policies S.9 or ET.8.

In terms of the impact on the existing retail units within the village, it has been argued that the only other retail unit within the village, the existing Butchers, is unfit for its current purpose as a Butcher's shop and will have to close if alternative provision is not achieved. Whilst evidence from Environmental Health has been provided to demonstrate this, the building's use as a retail unit would remain and it is not impossible that an alternative retail operator could be found.

Furthermore an application for prior approval to change the use of the existing retail unit to a dwelling was refused in November 2015 (ref: 15/05092/RTDCOU) where it was also concluded that there was a reasonable prospect that an alternative retail operator could be found.

However the provision of the proposed farm shop and café, its large car park and its prominent location on the A37 would provide a more attractive retail unit to customers, which is likely to have an adverse impact on the viability of the existing shop within Clutton village itself.

An objector is concerned that the site is within 3km of an airfield but, whilst this is relevant in terms of permitted development rights for agricultural buildings, it does not preclude the granting of full planning permission for a building of this size.

Finally the site is located on the safeguarded route of the A37 Clutton and Temple Cloud Bypass (western route) which runs across the site and therefore saved Local Plan Policy T.17 is a material consideration. However following a Single Member Decision (September 2014) the Council resolved not to pursue the A37 Temple Cloud/Clutton Bypass and therefore saved 'Local Plan Policy T.17 can only be afforded limited weight.

Overall, whilst the principle of the proposed farm shop and café are supported by Policies RA3 of the Core Strategy and Policy CNP8 of the Clutton Neighbourhood Plan, and the use is not unacceptable in principle, the development nevertheless is considered to be contrary to Policies S.9 and ET.8 of the Local Plan.

DESIGN AND LAYOUT OF THE PROPOSED DEVELOPMENT AND IMPACT ON THE LANDSCAPE, ADJACENT GREEN BELT AND SURROUNDING AREA:

The application proposes the erection of a building to house the farm shop and cafe which comprises a long relatively low building set at a right angle to the road.

The site at present comprises an agricultural field, currently used as grazing land, which is rural in character and which makes a significant contribution to the rural character of the site, the street scene and this part of Clutton village.

Whilst the site is close to the boundary of the built up area of Clutton, the next developed site to the west, currently a vehicle service centre, has a number of buildings located right on the boundary which gives a very hard edge to the junction of the built up area with the wider rural area. The overall site is highly visible from Upper Bristol Road with direct views of the site, at both medium and short range as well as from the PROW running down the boundary of the site. Clear views of the site are also available from the adjacent Green Belt, road and footway.

The proposed development will result in the change of use of the site from agricultural to a retail unit and café and include the introduction of a more formal and engineered access road along with a car park and delivery bay. The development will also result in the introduction of significant number of cars, delivery vehicles and pedestrians and a general level of activity that is alien to the character of an agricultural field. In addition the development will be clearly visible and very prominent in views from the adjacent Green Belt, road and footway.

The introduction of the proposed development, the buildings and the use, along with all the paraphernalia that accompanies a retail unit, in the middle of a stretch of uninterrupted open farmland is considered to represent an obtrusive and somewhat incongruous feature that would have an unacceptable detrimental impact on the rural and agricultural landscape character of the site. Furthermore the development is considered to have an unacceptable detrimental impact on the street scene of Upper Bristol Road, and would have a harmful impact on views of the site from the adjacent Green Belt and surrounding area.

Whilst this site does not form an important view that should be protected under Policy CNP15 of the Clutton Neighbourhood Plan, the harm is nevertheless contrary to Policy NE.1 of the Local Plan as it would have a harmful impact on landscape character. Furthermore the development, located on the boundary of the Green Belt is considered to be contrary to Policy GB2 of the Local Plan due to visual harm by reason of its siting and design.

IMPACT ON RESIDENTIAL AMENITY:

The nearest residential dwellings to the proposed site are on the opposite side of Upper Bristol Road. The proposed farm shop and car park is unlikely to have an adverse effect on the residential amenity of the occupiers of those dwellings. However, concerns have been raised by local residents that the development would have a harmful impact on their residential amenity and will, in particular, lead to an increase in cars entering and exiting the site at a point opposite their dwellings. It has been stated that this would be contrary to the resident's human rights.

Whilst the use of the site and the increased use of the existing access are considered likely to have an impact on the residential amenity, this would not be significant or at a level that could be considered so unacceptable as to justify the refusal of the application.

Furthermore, in making this judgement, regard has been given to the Human Rights Act regarding the right for a person's private and family life and home and for the peaceful enjoyment of possessions.

ECOLOGY AND TREES:

The proposed development has undergone some revisions in order to take into account the comments of the Ecologist and, with the introduction of new hedgerow planting, and sensitive external lighting, the scheme is now considered to be acceptable and would not have a harmful impact on protected species.

With regard to trees the development would not have an impact on any trees of arboricultural merit.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

The application has been accompanied by a Transport Statement which, along with the planning history for this site, has been reviewed by the Highways Development Officer.

The application has attracted a number of objections from local residents raising concerns that the development will have a detrimental impact on highway safety particularly in relation to visibility from the junction and concerns about pedestrians crossing the A37.

The access to the farm shop would use the existing permitted agricultural access off the A37/Upper Bristol Road and the existing track for around 60m at which point a new track is proposed to turn into the car park.

Whilst the proposal has the potential to generate additional traffic compared with the previous applications, the Highways Development Officer has concluded that the level of traffic generated by this proposal would not have a significant safety or capacity impact on the operation of the A37 Upper Bristol Road and the existing visibility splays are also considered adequate.

An improved pedestrian link to the site is still considered to be critical, and in response revised plans have been submitted to show the provision of a footpath link from the shop/café to the A37 to the south west alongside the existing bus stop and A37 crossing point. Although the submitted plans lack the level of detail required, this can be addressed by condition, the provision of the pedestrian link is welcomed.

Furthermore whilst it is acknowledged that the development will in all likelihood result in additional pedestrians crossing the A37 to access the shop/café, both at the south western end of the site and also directly opposite the vehicular access, given the 30mph speed limit and the good visibility it is considered that the development would not be unacceptably harmful to highway safety.

A Travel Plan is considered necessary to encourage the use of sustainable transport for staff and customers alike.

The existing Public Right of Way running along the southern edge of the site would be unaffected by the proposals.

In summary, there is no highway objection recommended subject to the footway being secured and conditions.

SUSTAINABILITY AND RENEWABLE ENERGY:

The development includes a number of sustainable features to include the use renewable materials (timber cladding) in the construction of the building as well as the provision of solar panels and rainwater harvesting. Furthermore the lighting has been designed to reduce energy consumption with the use of movement sensors etc.

Policy CNP5 of the Clutton Neighbourhood Plan requires that all new commercial developments shall be laid out to maximise solar energy gain. Whilst information has not been provided to show how the development meets this policy the development is nevertheless laid out to be south facing meaning that solar gain is considered to nevertheless be maximised.

Overall the sustainable features included within the development are considered to be acceptable and given the size of the development are considered to meet the requirements of Policy CNP5 of the Clutton Neighbourhood Plan as well as Policy CP2 of the Core Strategy.

OTHER MATTERS:

Contaminated Land and Water Quality:

Planning permission was granted in 2014 (ref: 14/01021/FUL) for the provision of new vehicular access to A37 and track to the existing barn on the site. The works to implement this permission resulted in the raising of levels on the land with imported material.

Following complaints from a local neighbour that the imported material included contaminated waste, the approved development became subject to an investigation by the Enforcement Team and the Environment Agency.

The enforcement investigation has since been closed with no action required and although it would appear that the Environment Agency still have some issues to deal with, these appear to be in relation to procedures.

It should be clear that the development does not propose any significant changes in levels and therefore, to some extent, the previous issues in relation to imported material do not have a bearing on the acceptability of this scheme.

Nevertheless, due to the previous issues raised, and subsequent objections by local residents referring back to these issues, the application has been accompanied by some contaminated land assessments and referred to the Contaminated Land Officer.

Having considered the submitted information the Contaminated Land Officer has noted that the reports have included an assessment of the potential risks to receptors considered to be the most sensitive at the site location (human health and controlled

waters) which concluded that there is no indication of the presence of contaminants at concentrations that would present an unacceptable risk to human health or the environment at this location. As a result she has raised no objections to the scheme subject to condition requiring the reporting of unexpected contamination were some to be found during the construction of the development.

Whilst the contaminated land reports submitted, and the Officer's comments, only assess the impact within the site itself, the Public Protection Officer within Environmental Health has also provided comments in relation to the water quality within a local objector's well. The well in question is located opposite the site on the other side of the A37/Upper Bristol Road. Objections have been made that the development itself, as well as the presence of contaminated material on the site, could have a harmful impact on the water quality within the well.

Again, the development does not propose any significant changes in levels and therefore, to some extent, the impact on water quality has to be given limited weight. Nevertheless the water quality within the well has been tested on 3 occasions and, whilst 2 of the 3 tests have failed, the Officer is of the view that, as no baseline monitoring exists, it is not possible to attribute any results to any activities which have occurred nearby.

Furthermore it should also be noted that the well in question is not currently in use as a private drinking water supply as the property is provided with mains water.

In conclusion it is considered that, in terms of contaminated land, the development is not considered to be unacceptable subject to conditions. Furthermore, in relation to the impact of the development on the neighbouring water well, this has been considered in full but for the reasons outlined above, the impact can only be given limited weight and in any case no identified harm to the water quality has been provided and therefore this is not considered to justify the refusal of the proposal.

Accuracy of the Plans:

An objection has been made that the proposed section showing the dwellings opposite the site is inaccurate in the depiction of the size of those dwellings. This concern is acknowledged, however the impact of the development on the dwelling has been judged without the aid of the relevant section and the plan has instead been used to understand the relationship of the proposal with the Upper Bristol Road.

DRAINAGE AND FOUL INFRASTRUCTURE:

The development has submitted a drainage strategy which has been considered by the Drainage and Flooding Team and found to be acceptable subject to conditions.

In relation to foul infrastructure, the development proposes the use of an on-site foul sewage solution as the connection to the mains sewage drainage is considered to be cost prohibitive. This is considered to be an acceptable approach in this instance.

CONCLUSION:

The proposed development of a farm shop and café has been submitted in part as a farm diversification scheme but also as an opportunity to relocate and expand the existing butchers within the village.

The principle of the proposed farm shop and café is supported by Policies RA3 of the Core Strategy, which deals with community facilities and shops in villages, and Policy CNP8 of the Clutton Neighbourhood Plan which allows the provision of retail facilities along the A37. It is therefore considered that the use in itself is not unacceptable in principle within the village of Clutton. However the development is considered to be contrary to Policies S.9 and ET.8 of the Local Plan and despite being supported by Policy CNP8, as the development is otherwise contrary to Policy CNP12 of the Neighbourhood Plan it is nevertheless contrary to Policy CNP8.

Policy ET.8 deals with proposals for farm diversification schemes and requires that development does not result in a dispersal of activity that prejudices village vitality. Policy S.9 deals with the provision of small scale local shops

In this case the proposed external floor area at 510m² cannot be considered as small in scale and its location in a position distant from existing buildings is also not well related to existing buildings. Furthermore the provision of the proposed farm shop and café, its large car park and its prominent location on the A37 would provide a more attractive retail unit to customers, which is likely to have an adverse impact on the viability of the existing shop within Clutton village itself.

In terms of landscape impact, the development, in the middle of a stretch of uninterrupted open farmland would represent an obtrusive and incongruous feature that would have an unacceptable detrimental impact on the rural and agricultural landscape character of the site. It would also have an unacceptable detrimental impact on the street scene of Upper Bristol Road, and would have a harmful impact on views of the site from the adjacent Green Belt and surrounding area.

Whilst this site does not form an important view that should be protected under Policy CNP15 of the Clutton Neighbourhood Plan, the harm is nevertheless considered unacceptable as it would have a harmful impact on landscape character and cause visual harm to the Green Belt.

Whilst concerns have been raised by local residents that the development would have a harmful impact on their residential amenity, in particular, from cars entering and exiting the site at a point opposite their dwellings, it is nevertheless considered that the development is unlikely to have an adverse effect on the residential amenity of the occupiers of any neighbouring dwellings.

In terms of the impact of the development on highway safety, the application has been supported by a Transport Statement and would use the existing entrance to the agricultural field to gain access to the farm shop site. The farm shop would provide a total of 50 parking spaces, cycle parking spaces as well as a servicing bay. The development has raised no objections from the Highways Development Officer and therefore, subject to the provision of a footpath, the development is considered to be acceptable.

The scheme includes a number of sustainable features that are considered to be acceptable and meet the requirements of Policy CNP5 of the Clutton Neighbourhood Plan as well as Policy CP2 of the Core Strategy.

Turning to drainage and sewage infrastructure, the drainage approach is considered acceptable by the Drainage and Flooding Team. In terms of foul sewage the development proposes an on-site solution rather than connection to the mains sewage which is also considered to be acceptable in this instance.

The proposal has been met with some objection by local residents that, in implementing a previous permission for the agricultural access and track, contaminated material was imported onto the land which has introduced a risk to the quality of the drinking water in wells on the opposite side of the A37. As these concerns relate to a previous permission, and can therefore only be given limited weight, the Contaminated Land Officer and Public Protection Officer of the Council have provided comments. They have concluded that the information submitted shows that the submitted information does not indicate the presence of contaminants at concentrations that would present an unacceptable risk to human health or the environment on the site. Furthermore the Public Protection Officer has confirmed that the well in question is not actually used for private drinking water and that, whilst some of the tests carried out have failed, as there is no baseline data on which to judge these against, no identified harm attributable to this development site is considered proven to a level that would justify refusal of the proposal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development, by reason of the provision of a new building, its size and relationship with existing buildings along the Upper Bristol Road and its location within an agricultural field on open farmland separated from the limits of the main settlement by the Upper Bristol Road/A37 is not considered to represent an appropriately located small scale local shop and would have an adverse impact on the viability of the existing shops within Clutton village itself. Furthermore the development would result in the loss of good quality agricultural land which, overall, is contrary to Policy S.9 and ET.8 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

2 The proposed development, by reason of the proposed change of use of the agricultural field to retail, the size and design of the building, provision of the car park and service areas and the presence of significant views of the site from the adjacent Green Belt, public viewpoints and adjacent public footpath, would lead to a significant and unacceptable detrimental impact on the existing rural landscape character and appearance of the site itself, as well as the street scene of Upper Bristol Road and would have a significant harmful impact on views of the site from the adjacent Green Belt as well as public viewpoints. This is contrary to Policies GB.2, D.4, NE.1 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

PLANS LIST:

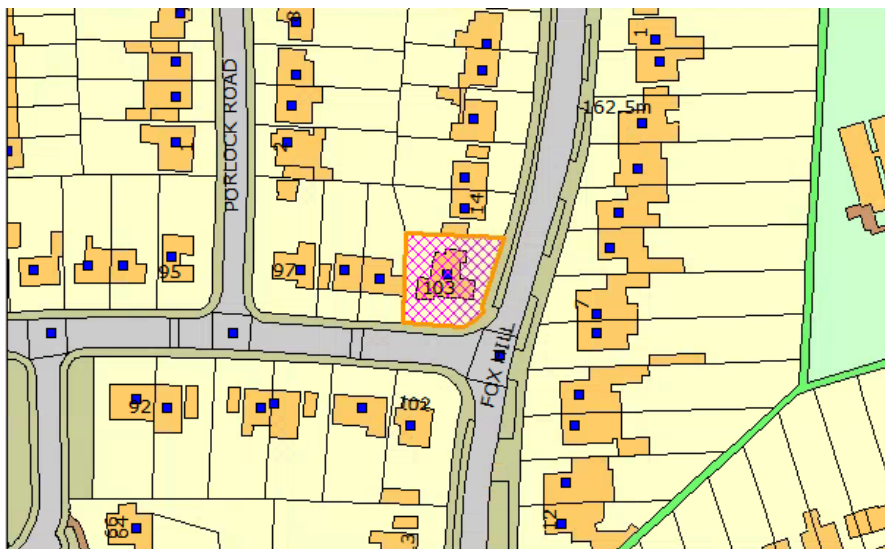
1 PLANS LIST:

This decision relates to drawing nos 3928 (08)010 Rev C, 3928 (08)011 Rev C, 3928 (08)020 Rev D, 3928 (08)021 Rev B, 3928 (08)022 Rev B, 3928 (08)030 Rev C, 3928 (08)001

2 Decision Making Statement:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. Notwithstanding the advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No: 003
Application No: 16/00686/FUL
Site Location: 103 Hawthorn Grove Combe Down Bath Bath And North East Somerset BA2 5QQ



Ward: Combe Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Cherry Beath Councillor Bob Goodman
Application Type: Full Application
Proposal: Change of use from 3 bed dwelling (use class C3) to 4 bed house of multiple occupation (HMO) (use class C4)
Constraints: Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,
Applicant: Mr Jehad Masoud
Expiry Date: 11th April 2016

REPORT

REASON FOR CONSIDERATION BY COMMITTEE - This application has been referred to the Development Management Committee due to a Local Member raising issues in relation to parking concerns and the impact on the residential amenity and the character of the surrounding area. The Chair of Committee has considered the case and agreed that the application should be referred to the Development Control Committee stating "I have read the application and comments from the Agent, objectors and highways observations. The Officer has addressed the concerns raised but due to the controversial nature of this application I recommend it be taken to committee for decision ".

A decision on this application was deferred at the last meeting of the Committee to allow Members to visit the site.

Site Description:

The application site consists of a fully detached two storey dwelling located to the south of Bath's city centre on Hawthorne Grove, Combe Down. The site is located within the World Heritage Site but not the Conservation Area.

The application seeks planning permission for the change of use of the building from a 3 bedroom residential dwelling (Use Class C3) to a 4 bedroom house of multiple occupation (HMO) (Use Class C4).

Although this change of use would ordinarily constitute permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015, planning permission is required in this case as a result of an Article 4 Direction which removes permitted development rights for this change of use within the City of Bath.

Relevant History:

N/A

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation:

Highways:

This site is located on the junction between Hawthorn Grove and Fox Hill with a vehicular access onto Fox Hill. There are up to 3 no. potential off-street parking spaces within the site including a single detached garage which is considered sufficient to accommodate the proposed HMO.

While occupancy is likely to increase, and there may be concerns over increased parking demand and vehicle movements, the site is very sustainable with good access to bus services and car-use should therefore be less intense.

There is also the evidence from surveys carried out by Dept. for Communities and Local Govt. which states that rented accommodation can have up to 0.5 fewer cars than owner occupied households. In this instance therefore car-ownership would be similar to or even less than the current domestic use of the property. Given this, and the sites sustainable location, it is not considered that there would be a significant impact on the local highway.

Highways, therefore, have no objection to this application.

Environmental Health:
No comments.

Third Parties:

Five formal objections were submitted and their main concerns can be summarised as follows:

- Increase of vehicles parking along Hawthorne Grove.
- Property only includes two parking spaces.
- Already a high concentration of HMOs/student accommodation in the area.
- Negative impact on the visual appearance of the property.
- HMO policy is under review and the application should not therefore be considered at this stage.
- Reduction in availability of mid range housing for families.
- The increase in a transient population on an estate that needs community involvement and commitment in order to regenerate in a positive way.

A petition has also been submitted with 21 signatures, agreeing to the points made in the above formal objections.

POLICIES/LEGISLATION

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

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

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

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

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

The following B&NES Local Plan policies remain saved and will be considered:

- D2 - General Design and public realm considerations
- D4 - Townscape considerations
- T24 - General development control and access policy
- T.26 - On-site parking provision

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes.

D.1 General urban design principles

D.2 Local character and distinctiveness

D.6 Amenity

ST.1 Promoting sustainable travel.

H.2 HMO's

However, currently the Plan has limited weight in the determination of planning applications.

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

NATIONAL PLANNING PRACTICE GUIDANCE, 2014

Due consideration has been given to the recently published NPPG, March 2014

HOUSES IN MULTIPLE OCCUPATION IN BATH SUPPLEMENTARY DOCUMENT (SPD) - ADOPTED JUNE 2013.

OFFICER ASSESSMENT

The primary issues to consider when determining this application relate to the principle of the change of use, the character and appearance of the area, residential amenity and highway safety.

CHANGE OF USE:

The proposal involves the change of use of the building from a 3 bedroom residential dwelling (Use Class C3) to a 4 bedroom house of multiple occupation (HMO) (Use Class C4). The guidance within the SPD confirms the two tests which relate to applications for a change of use of a dwelling to a small HMO. The first test identifies whether the site falls within an area with an existing concentration of HMOs. In this case, the property is not located within a census output area in which HMO properties represent at least 25% of households. The change of use of this property would not therefore create an unacceptable concentration of HMOs in the area.

The local member has highlighted that the HMO policy is under review. I can confirm that the Article 4 Direction and the related SPD have full weight in the assessment of this application. The draft Placemaking Plan which has limited weight has not changed any fundamental views towards the assessment of HMO's (see Policy H2).

CHARACTER AND APPEARANCE:

No physical alterations would be required to the exterior of the building; it is therefore considered that the proposal will preserve the character and appearance of the building and surrounding area.

RESIDENTIAL AMENITY:

This proposal involves the conversion of the second reception room into a fourth bedroom. The new layout is considered to provide a sufficient standard of accommodation for the occupiers of the property. The Environmental Health team did not wish to make any comments regarding the change of use. The proposal is therefore considered to provide an acceptable level of residential amenity for the current and future occupiers.

The proposal is also considered to preserve the residential amenity of adjacent occupiers. Whilst a shared housing unit may have different patterns of behaviour to a single family unit, there is no evidence to suggest that the proposed HMO would be used materially differently to that of a dwelling house. The proposal is not considered to result in an increase in harm so significant as to warrant a refusal of this application. Local residents have raised concerns in relation to the loss of mid-level family housing and a change in the character of the area (single family households). This cannot be used as a reason for refusal as the 25% limit is already controlling this element of the proposal. It is important to note that local residents would be able to report instances of disturbance if they arise and these would be investigated by the Environmental Protection Team.

HIGHWAY SAFETY AND PARKING:

The Councils Highways Development Control team have made no objection to the proposal, making the following conclusions:

" This site is located on the junction between Hawthorn Grove and Fox Hill with a vehicular access onto Fox Hill. There are up to 3 no. potential off-street parking spaces within the site including a single detached garage which is considered sufficient to accommodate the proposed HMO.

While occupancy is likely to increase, and there may be concerns over increased parking demand and vehicle movements, the site is very sustainable with good access to bus services and car-use should therefore be less intense.

There is also the evidence from surveys carried out by Dept. for Communities and Local Govt. which states that rented accommodation can have up to 0.5 fewer cars than owner occupied households. In this instance therefore car-ownership would be similar to or even less than the current domestic use of the property. Given this, and the sites sustainable location, it is not considered that there would be a significant impact on the local highway."

Local residents have raised concerns regarding the proposed parking provision. The highways officer has assessed this application stating that there are 3 on-site parking spaces. During the case officers site visit it was noted that the existing single garage has been closed up. There is however 1 additional parking space behind the existing boundary fence/gates. In conjunction with the 2 available spaces on the driveway, this gives a total of 3 onsite parking spaces. The highways assessment is therefore considered to be accurate.

CONCLUSION:

In light of the points raised above, the proposal is considered to have an acceptable impact on the mixture of housing in the area and is recommended for permission.

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 existing parking areas 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 order to retain an appropriate level of parking on-site.

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 drawings entitled 'Floor Plans' and 'Site Location Plan' received on the 15th February 2016, and the 'Proposed Floor Plans' received on the 18th February 2016.

2 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/revised proposals was taken and consent was granted.

Item No: 004
Application No: 16/00078/FUL
Site Location: 285 Kelston Road Newbridge Bath Bath And North East Somerset BA1 9AB



Ward: Newbridge	Parish: N/A	LB Grade: N/A
Ward Members:	Councillor Donal Hassett	Councillor Caroline Roberts
Application Type:	Full Application	
Proposal:	Erection of single storey dwelling house on land formerly used as nursery (Resubmission)	
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Article 4, British Waterways Major and EIA, Greenbelt, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
Applicant:	Mr David Paradise	
Expiry Date:	4th March 2016	
Case Officer:	Alice Barnes	

REPORT

Reason for reporting the application to committee

The application is being referred to the committee at the request of Councillor Caroline Roberts.

The application has been referred to the chair of the committee who has agreed that the application will be considered by the committee.

The application was considered by the committee on the 6th April and was deferred for a site visit on the 25th April.

Description of site and application

The application site is located within the green belt and outside of the built up area of Bath. The site is located within the World Heritage Site boundary. The application site comprises an open area of land which is currently disused. It occupies a hillside position within the Avon valley. The site is currently accessed from Kelston Road. The access provides access to a number of properties within the hillside. Kelston Road is a classified road. The existing site is located outside of the built up area of Bath and has a rural character.

The application proposes the erection of a single storey dwellinghouse. The land has been described as being previously used as a nursery but there is no visual evidence on site to show the sites former use. The proposed dwelling would utilise the existing vehicular entrance to the site. The building has been designed with a flat roof and is a single storey, it can be described and being of a contemporary design.

Relevant History

Whilst there is no recorded history to this application the applicant has stated that the site has previously been used as a nursery.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Councillor Caroline Roberts: A similar property has already been built on nearby land.

Highways: Originally objected to the application but this has been withdrawn. Highways raised concerns regarding the possible sale or renting of the applicants existing dwelling at no. 285 and thus the possible increase in use of the shared access off Kelston Road. However, the applicant has indicated that the 2 no. garages, which are accessed directly off Kelston Road further to the south-east, currently serve no. 285 and will be included in any sale or rental agreement.

Kelston Parish Meeting: No comments received

Representations: No representations have been 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 - Green Belt

B1 - Bath Spatial Strategy

B4 - The World Heritage Site and its Setting

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

D.2: General design and public realm considerations

D.4: Townscape considerations

GB.2: Visual Amenities of the Green Belt

HG.10: Housing outside settlement

National Policy

The National Planning Policy Framework adopted March 2012

National Planning Practice Guidance 2014

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications.

D.2 - Local character and distinctiveness

D.3 - Urban Fabric

D.5 - Building design

D.6 - Amenity

ST.7 - Transport requirements for managing development

OFFICER ASSESSMENT

The application site is located outside of the built up area of Bath and within the green belt. The application site is a disused area of land which is described by the applicant as being a former nursery. The site is located adjacent to some existing dwellinghouses of varying designs which follow the existing road. The site is outside of the open area and within the open countryside. The surrounding area is rural in character, the site is set above the existing Avon valley.

Principle of development

Paragraph 89 of the National Planning Policy Framework states that the construction of new buildings within the green belt is considered to be inappropriate development.

Paragraph 89 goes on to list exceptions to this such as buildings for agriculture and forestry. As the proposed development would result in the provision of a new dwellinghouse it would not be considered to comply with paragraph 89 of the NPPF.

The applicant has stated that the site formally accommodated a building which has since burned down. This is not clear on visiting the site and there is no clear evidence to show what buildings may have previously existed on site. The national planning policy framework classes brownfield land as land which is of was occupied by a permanent structure. Exceptions to this include land that was previously developed but where the remains of the permanent structure or fixed surface have blended into the landscape in the process of time. In this case a concrete plinth is partially visible on site but has become surrounded and partially covered by vegetation so has blended into the landscape. Therefore the site cannot be considered to be brownfield land.

However in the event that the site is classed as being a brownfield site then paragraph 89 allows for the redevelopment of brownfield sites which would not have a greater impact on the openness of the green belt. In this case the proposed development would result in an increase in the built form within the existing site which would have a greater impact on the openness of the surrounding green belt.

The provision of a dwelling at this site would be inappropriate development contrary to current green belt policy contained within paragraph 89 of the NPPF.

The application site is located just inside the boundary for the city of Bath. Policy B1 of the Core strategy does allow for small scale intensification of housing distributed within the urban area. Whilst the application site lies within the city boundary it is clearly within the open countryside outside of the urban area. Therefore the provision of the dwelling is considered to be contrary to policy B1.

The site is located outside of the built up area of Bath. Policy HG.10 of the local plan relates to houses outside of settlements. This policy allows for the provision of dwellings for agriculture or forestry workers. As the development would be used as a private

dwelling the provision of a dwelling outside of any settlement would be considered to be contrary to policy HG.10 of the local plan.

Paragraph 80 of the NPPF outlines the five purposes of including land in the green belt. Most relevant to this case is the purpose of safeguarding the countryside from encroachment and preserving the setting and special character of historic towns. In this case the proposed development will be sited within an open area of land outside of the urban area on the surrounding hills.. Baths World Heritage Site is strongly characterised by its surrounding green hillsides, which provide an important green setting to the built up area. The proposed dwelling would be located within the open green hillside within the World Heritage Site and the proposed development is considered to undermine and harm the World Heritage Site and its setting. The development would therefore encroach into the open countryside and is considered to be in conflict with the purposes of including land within the green belt.

Impact on openness and landscape

The site is currently an open and site within the countryside with no buildings. To introduce a new built form on the site would be considered to harm the openness and visual amenity of the surrounding green belt. The application would introduce a dwelling (with associated activities) and hard surfaces into the open site which would erode the rural character of the surrounding site and harm openness.

In conclusion the proposal would constitute harmful inappropriate development that would harm the setting of the World Heritage Site and erode its visual amenity and reduce openness.

Design

The surrounding streetscene is characterised by a variety of dwelling styles. The proposed dwelling would be of a contemporary design. When taken in isolation the proposed dwelling is considered to be of an acceptable design.

Highways

The highways officer originally objected to the application but following the receipt of further information have withdrawn their objection. The applicant currently resides at number 285 close to the application site and the highways officer was originally concerned that the development would lead to increased use of the access onto the classified road if the occupiers of number 285 already use the vehicle access. However the applicant has advised that there are two garages which are accessed from Kelston Road which are used by number 285. The applicant has only been currently using the access to transport his ill partner to no. 285 rather than using the stepped access from the Kelston Road. It has also been specified that any future occupiers of no. 285 will not have permission to use the access track as it's under the applicants ownership. Therefore the proposed development will not result in a significant increase to traffic along the existing access and the development is no considered to be harm to highway safety.

Amenity

The proposed dwelling would be set at a lower level than the nearby property of number 307. Being a single storey it will not appear overbearing to the occupiers of number 307 and will not result in increased overlooking of the neighbouring property. No other properties would be adversely affected by the proposal.

The case for very special circumstances

Councillor Roberts has made reference to a recent application at a nearby property but has not specified which application this was. Permission has been granted at number 347 adjacent to the entrance to the site for the extension of a garage to provide ancillary accommodation. Permission was not granted for a new dwelling within the green belt. Limited extensions of existing dwellings are not inappropriate. It is therefore not comparable to the proposed development and does not form circumstances with which to permit a new dwelling within the green belt.

There are no very special circumstances made which would outweigh the harm to the green belt identified above.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development is located within the Green Belt and outside of the built up area of Bath where the principle of development is not accepted. The development will introduce a new built form into an open green space which occupies a hillside position within the open countryside. The development will conflict with the purposes of including land within the green belt and is harmful to the openness of the surrounding green belt. The development will encroach onto the open green hillside which is characteristic of Baths World Heritage Site. No very special circumstances exist to outweigh the harm caused by the development. It is therefore contrary to policies HG.10 and GB.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007 Policy B1, B4 and CP8 of the Core Strategy and paragraphs 80 and 89 of the National Planning Policy Framework adopted March 2012

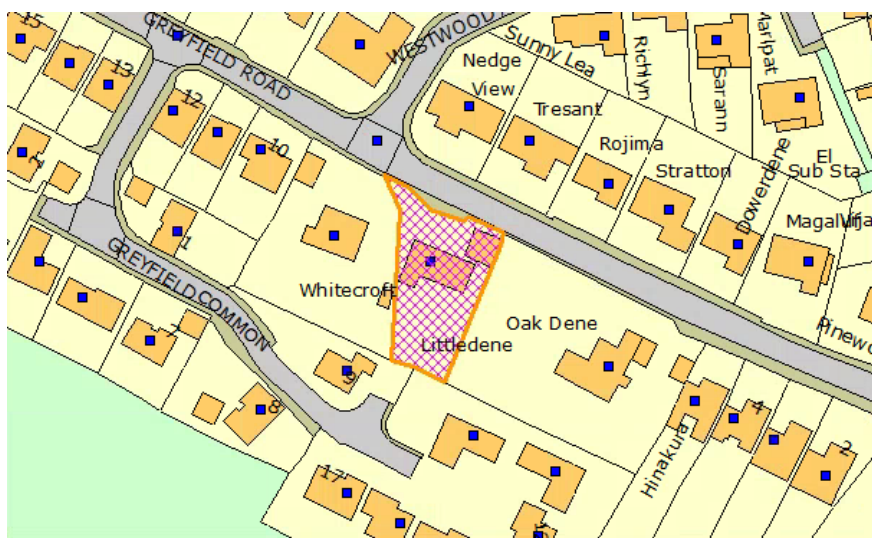
PLANS LIST:

- 1 Site location plan
- Land ownership
- Topographical survey
- Block plan
- Proposed elevations
- Proposed layout plan

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into

correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No: 005
Application No: 16/00061/FUL
Site Location: Little Dene Greyfield Road High Littleton Bristol Bath And North East Somerset



Ward: High Littleton **Parish:** High Littleton **LB Grade:** N/A
Ward Members: Councillor L J Kew
Application Type: Full Application
Proposal: Erection of first floor extension of bungalow with attic accommodation and erection of a front porch (amended description)
Constraints: Airport Safeguarding Zones, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones, Tree Preservation Order,
Applicant: Mr & Mrs King
Expiry Date: 6th May 2016
Case Officer: Kate Whitfield

REPORT

Reason for application being considered by Committee: The Parish Council has raised objections to this application based on material planning grounds and therefore the Chair of Committee has decided that the application is put forward for determination by the Development Management Committee.

The application refers to a detached residential bungalow located in the village of High Littleton.

Planning permission is sought for the following:

- The addition of a first floor to the dwelling and the provision of additional accommodation within the roof space.
- The erection of a porch on the front elevation.

Amended plans were received during the course of the application. The original application included proposals for two new dormer windows on the rear elevation and an increase in the height of a freestanding garage on the site to also allow additional accommodation in the roof space of this structure. These elements were subsequently removed from the proposal.

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Arboricultural Officer:

The Beech and Horse Chestnut trees growing at the front of the property are protected by a Tree Preservation Order. These are significant trees which contribute towards the visual amenity of the area.

The creation of living accommodation above the garage would have resulted in an objection, however, the proposal has been revised and this part of the application has since been withdrawn.

Precautionary measures to ensure that the protected trees are not damaged during construction activities are essential in view of the limited working space available.

No objection subject to provision of a detailed Arboricultural Method Statement with Tree Protection Plan.

Responses to the original plans submitted:

High Littleton Parish Council:

Object in principle. Contrary to policies D2 and D4 of the Local Plan. If the dormer windows were on the other aspect we would look more favourably at this application.

Five public representations were received on the original proposal. All objected. In summary the following points were raised:

- The proposal represents over development of the site. The size and scale of the property would be disproportionate to other houses in the area. The property lies on a higher ground level to neighbouring dwellings and the raised height of both the house and the annexe will dominate views within the area.
- The proposal does not accord with the spirit and guidance in the Hallatrow and High Littleton Design Statement.
- Privacy will be impeded as the windows will overlook main rooms of neighbouring properties. Any measures taken to prevent the loss of privacy would have to involve either extremely tall trees or fencing. Both of which would be unsightly and could potentially be removed by new occupants.

- The second floor roof accommodation should be omitted thus allowing the roof height to be reduced. Otherwise it will set a precedent for similar extensions elsewhere.
- There is insufficient parking provision on the site for the size of the property. The parking of vehicles relating to the building works will cause an obstruction.
- The site contains two large Ash and Beech trees which lie close to the road and make an important contribution to the street scene. The application does not demonstrate that these can be adequately protected.
- The value of neighbouring properties will be negatively affected

The following further representations were received following the submission of amended plans:

High Littleton Parish Council:

The Council agreed to Object in Principle due to over development contrary to D2 and D4 of the Local Plan.

4 further public representations were received on the amended plans. In summary the following points were made:

- The extension is too large, an over development of the site and visually out of character with the area. The scale is not appropriate to this location in High Littleton, and erodes and cramps the setting of its immediate neighbours. It does not positively enhance the character of Greyfield Road.
- The proposed development does not accord with the general principles in Policies D2 & D4 (saved policy of the Bath & North East Somerset Local Plan 2007) or the guidance, spirit and purpose of the Hallatrow and High Littleton Design Statement.
- The proposal will infringe the privacy of neighbouring houses that surround it.
- The proposal will cause parking problems for the neighbourhood.
- The applicant has not demonstrated that the protected trees on the site can be protected from harm which might result from ground excavations and buildings works associated with such a substantial 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:

- Bath and North East Somerset Core Strategy (July 2014);
- Saved policies from the Bath and North East Somerset Local Plan (2007)
- West of England Joint Waste Core Strategy (2011).

CORE STRATEGY

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

CP6: Environmental Quality

LOCAL PLAN

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

NE.4: Trees and Woodland Conservation

T.26: On-site parking and servicing provision

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. The Plan has limited weight in the determination of planning applications, however, the following policies would be relevant :

D1: General Urban Design Principles

D2: Local Character and Distinctiveness

D6: Amenity

NE6: Trees and Woodland Conservation

ST7: Transport Requirements For Managing Development

The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations. The following sections of the NPPF are of particular relevance:

Section 7: Requiring good design

The Hallatrow and High Littleton Village Design Statement Supplementary Planning Document (August 2013) is also relevant in the determination of this planning application.

OFFICER ASSESSMENT

The main issues to consider are:

- (i) The impact of the proposals on the character and appearance of the property and surrounding area.
- (ii) The impact on the residential amenity of neighbouring properties.

- (i) The impact of the proposals on the character and appearance of the property and surrounding area.

The application property is a three bedroom bungalow within a moderately sized plot. A double garage lies in front and at right angles to the dwelling. Both buildings are rendered and painted white under pitched, tiled roofs.

The proposal seeks to install a first floor to the dwelling, along with utilising the roof space for further accommodation. This does represent a large increase the size of the dwelling (from 3 to 6 bedrooms). However, the footprint itself will remain unaltered, the proposal simply extending the dwelling upwards in the same lines and proportions. The new roof will have roof lights on the front and rear elevations to serve the attic accommodation.

As a two storey property the dwelling will have a far more significant impact on the street scene. However, the dwelling is set down at a lower level from the road itself and the majority of properties along the southern side of Greyfield Road are two storey, including the two immediate neighbouring properties. Also in terms of age and design there are a wide variety of houses along Greyfield Road. Therefore it is not considered that a larger property will look particularly out of character or context with the surrounding area once the works are completed.

The new first floor of the dwelling will be predominantly timber clad. This should help to break up the appearance of the property and there are no objections to the use of this material in this location.

A new entrance porch is also to be added to front elevation. This represents a small addition in relation to the overall property and will not have any detrimental impact on the appearance of the dwelling.

Some concerns have been raised in the representations over whether the resulting property will have sufficient off street parking, however, the frontage of the site is all hard surfaced and would provide sufficient parking for at least three cars, in addition to the garage on the site. It is therefore considered that there is adequate parking for the size of the dwelling and there should be adequate room for works vehicles and construction materials to be stored whilst works are ongoing.

In relation to concerns raised over the trees on the site it is confirmed that there are 2 trees on the front boundary which are subject to a TPO, however, the Tree Officer has advised that the proposal should have no impact on these, subject to the provision of an arboricultural method statement and adequate tree protection measures being implemented.

Saved Local Plan policy D.4 states that development should only be permitted where it responds to the local context in terms of appearance, materials, siting, spacing and layout. Although the proposed works to this dwelling are very substantial it is considered the proposals accord with this policy and will result in a dwelling which is not detrimental to the character and appearance of the surrounding area.

(ii) The impact on the residential amenity of neighbouring properties.

Saved Local Plan policy D.2 states that development should not cause significant harm to the amenities of existing or proposed occupiers, by reason of loss of light, or increased overlooking, noise, smell, traffic or other disturbance.

Some concerns have been raised in the representations in relation to the overbearing impact and the additional overlooking that could result from the additional floors in the dwelling. These concerns arise from both properties directly opposite the site on Greyfield Road and properties which lie off Greyfield Common and to the rear the application site.

The properties opposite the site are bungalows. As the application site property lies at a lower level to the road these properties opposite currently have a fairly open aspect to the front, looking down onto the roof of the application site bungalow. The increase in the height of the property will therefore undoubtedly alter their outlook. However, there is a

distance of around 25 metres to the properties on the opposite side of Greyfield Road. Within a residential built up area these separation distances are considered sufficient and it is not considered that the addition of a first floor and accommodation in the roof space would be sufficiently overbearing or intrusive to justify refusal of the application.

At the rear the application site has a south facing garden around 20 metres long. Two properties on Greyfield Common back onto the site. It is acknowledged that these houses lie fairly close to the boundary and are sited on a lower ground level, however, neither house lies directly behind the application site bungalow, but instead back more onto the neighbouring properties to the application site. Again, taking into account the distances between the respective properties and the relative positioning of windows, it is not considered that there would be sufficient grounds to refuse the application. Although the outlook of these properties will be altered by the proposal it is not considered that the addition of a first floor to the property would be unduly overbearing or result in additional overlooking to an extent which would be harmful to the amenity of these properties.

The windows in the side elevations of the extension and the rear elevation window closest to the western side boundary all serve en-suite bathrooms. The plans indicate that the side elevation windows will be obscure glazed. A condition to remove 'permitted development' rights in relation to roof extensions has also been added to prevent any dormer windows being added in future without planning permission.

It is therefore concluded that the proposal is acceptable in terms of the impact on residential amenity and complies with saved policy D.2.

Conclusion:

It is considered that the proposed extensions to provide an additional first floor and new porch comply with the relevant planning policies. The siting, scale, design and materials of the proposed extensions are acceptable and the proposal will not be harmful to the character and appearance of the application site property or the visual amenity of the wider area. In addition it is not considered that the impact on neighbouring properties would be sufficiently detrimental to justify refusal of the application.

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 take place until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 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 to the local planning authority. 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 and movement of people and machinery.

Reason: To ensure that the protected trees are not adversely affected by the development.

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

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

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement of the dwelling house consisting of an addition or alteration to its roof shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

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

5 The windows within the eastern and western side elevations of the extension hereby approved shall be permanently fixed except for a top opening light and glazed with obscure glass, and shall thereafter be retained. No further windows or other openings shall be formed in that elevation.

Reason: To preserve the amenity and privacy of neighbouring properties.

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

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

PLANS LIST:

This decision relates to the following plans:

Location Plan, drawing number E378-L-01 dated 7 January 2016

Existing Plans & Elevations, drawing number E378-PL-100 dated 7 January 2016

Proposed Plans, drawing number E378-PL-101 A dated 1 March 2016

Proposed Elevations & Section, drawing number E378-PL-102 A dated 1 March 2016

Proposed Site Block Plan, drawing number E378-PL-105 A dated 1 March 2016

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.

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/revised proposals was taken and consent was granted.

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Bath & North East Somerset Council		
MEETING:	Development Management Committee	AGENDA ITEM NUMBER
MEETING DATE:	4th May 2016	
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.

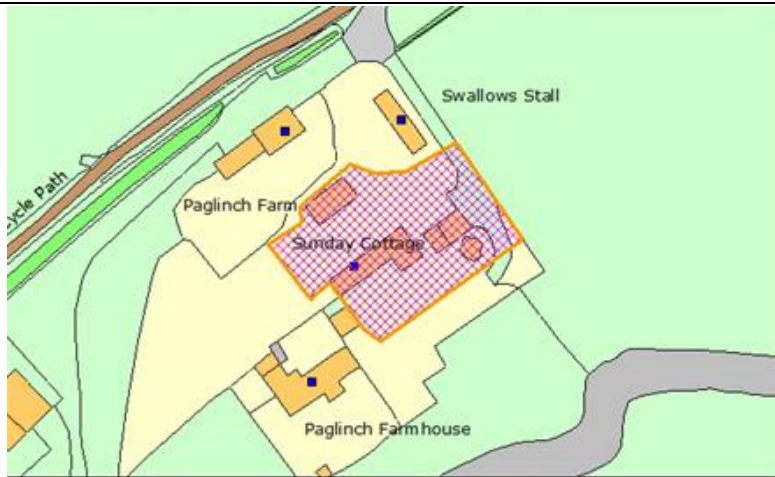
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	16/01108/FUL 29 April 2016	Mr John Davey Sunday Cottage, Access Road To Paglinch Farm, Shoscombe, Bath, Bath And North East Somerset External alterations to existing conservatory, filling door opening (North elevation), insertion of roof lights and alterations to garden studio.	Bathavon South	Sasha Berezina	PERMIT
02	16/01112/LBA 29 April 2016	Mr John Davey Sunday Cottage, Access Road To Paglinch Farm, Shoscombe, Bath, Bath And North East Somerset External alterations to the existing conservatory, filling existing door opening with recessed rubble stone (north elevation), widening of kitchen door and insertion of roof lights at Sunday Cottage. Minor alterations to approved windows and doors at the Garden Studio.	Bathavon South	Sasha Berezina	CONSENT

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

Item No:	01
Application No:	16/01108/FUL
Site Location:	Sunday Cottage Access Road To Paglinch Farm Shoscombe Bath Bath And North East Somerset



Ward: Bathavon South

Parish: Shoscombe

LB Grade: N/A

Ward Members: Councillor Neil Butters

Application Type: Full Application

Proposal: External alterations to existing conservatory, filling door opening (North elevation), insertion of roof lights and alterations to garden studio.

Constraints: Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Listed Building, SSSI - Impact Risk Zones,

Applicant: Mr John Davey

Expiry Date: 29th April 2016

Case Officer: Sasha Berezina

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The applicant is a Bath and North East Somerset Consultant within the Planning and Transport Services Section

DESCRIPTION OF SITE AND APPLICATION:

The site is located in Shoscombe Vale, which is also a SSSI Impact Zone, and is accessed by a private lane which continues on as a cycle path. Sunday Cottage is a curtilage listed building, which forms part of a small group of buildings within the original farmstead of Grade II listed C15 Paglinch Farmhouse. At the gated entrance to the site there is a low mono-pitch outbuilding which was recently converted to create a home studio. Sunday cottage is set at a higher level than the outbuilding due to the sloping topography, but is closely located to the outbuilding, approx. 4 metres and has a strong relationship as it is used as an ancillary store and workshop.

The proposal seeks to carry out minor external alterations to Sunday Cottage and its garden studio.

RELEVANT PLANNING HISTORY

WB 008125A and WB LB 008125B - Approved in 1992 - convert the farm outbuildings into three dwellings. (Condition 2 removed PD rights)

DC - 97/02400/FUL - PER - 6 June 1997 - Conservatory

DC - 14/00064/FUL - PERMIT - 14 March 2014 - Alterations to an existing ancillary outbuilding to form an ancillary garden studio and store.

DC - 14/00065/LBA - CON - 14 March 2014 - Internal and external alterations to an existing ancillary outbuilding to form an ancillary garden studio and store.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Shoscombe Parish Council - Support. Following a site visit and our meeting this evening, the Parish Council supports this application as it was felt the aesthetic look of the building would be enhanced and in keeping. The Parish Council were confident any listed building issues would be addressed.

POLICIES/LEGISLATION

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
- Relevant adopted Neighbourhood Plans

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications.

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.2 Listed Buildings and their Setting

D.2 General Design and public realm considerations

D.4 Townscape considerations

Policies within the Draft Placemaking Plan (December 2015) with limited weight in the determination of planning applications:

D.1 - D.7 & D.10: General Urban design principles: Local Character & Distinctiveness; Urban Fabric; Streets and Spaces; Building Design; Amenity; Lighting; Public Realm

H2: Local Character and Distinctiveness

HE1: Safeguarding heritage assets

Planning (Listed Buildings & Conservation Areas) Act 1990

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

The National Planning Policy Framework (NPPF) and the supporting National Planning Practice Guidance (2014) also represents an important material consideration.

OFFICER ASSESSMENT

The scheme entails minor external alterations to the Cottage and its conservatory, as well as the recently converted Garden Studio. Given the siting of this single storey buildings and the separation distances from the neighbouring properties, the scheme does not raise any overlooking issues and the key material consideration in this case is in relation to the impacts on the listed buildings and their setting.

In relation to the main building, the proposal seeks to replace existing timber panelling to the 1990's conservatory with rubble stone walling, to provide new windows and to insert rooflights in the south and east elevations. The existing kitchen door to the south elevation would be widened to accommodate French doors to match existing doors to the living room.

The alterations to the Studio entail provision of an additional rooflight and swapping of the position of the approved door and window at the south-west corner of the building.

The Cottage appears to have been considerably altered as part of the 1990's conversion and its significance mainly lies in its contribution to the group value of the former farm outbuildings. The existing conservatory was erected under planning permission that was granted in 1997, however it was not completed in accordance with the approved plans and is erected in pseudo-oriental style (instead of glazed oak frames), which appears at odds and detracts from the host building and the wider surroundings. The proposed replacement rubble stone walling and removal of incongruous painted panels and rooflights would offer significant improvement to the appearance of this historic building. The changes to fenestration and openings are considered acceptable, taking into account the variety of window/door styles.

The minor changes to the positioning of the approved windows and doors in the Garden Studio are not considered to have appreciable effect on the appearance of the building or its historic fabric. As such, there would be no harm to its character or significance.

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' Here it is considered that the alterations to the protected building are consistent with the aims and requirements of the primary legislation and planning policy and accompanying guidance.

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

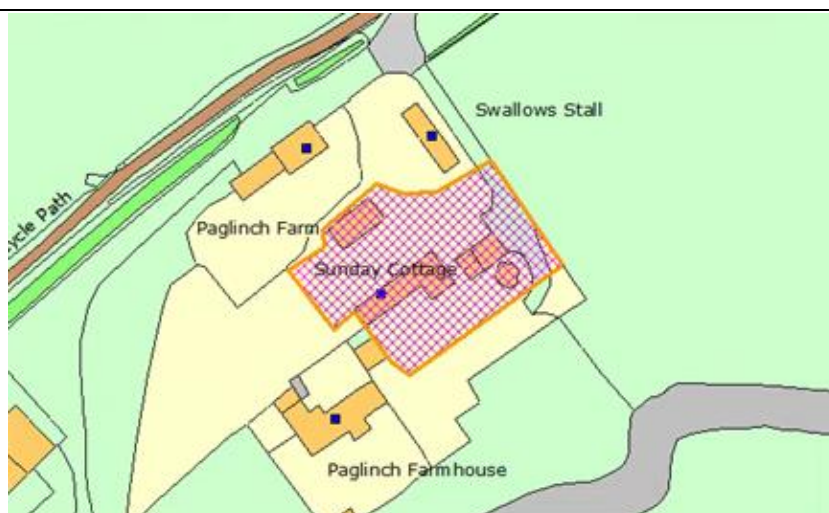
Reason: To define the terms and extent of the permission.

PLANS LIST:

OS Extract	04 Mar 2016	SITE LOCATION PLAN
Drawing	04 Mar 2016	BLOCK PLAN
Drawing	04 Mar 2016	ELEVATIONS AS EXISTING
Drawing	04 Mar 2016	ELEVATIONS AS PROPOSED
Drawing	04 Mar 2016	FLOOR PLANS EXISTING AND PROPOSED
Drawing	04 Mar 2016	JOINERY

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/revised proposals was taken and consent was granted.

Item No:	02
Application No:	16/01112/LBA
Site Location:	Sunday Cottage Access Road To Paglinch Farm Shoscombe Bath Bath And North East Somerset



Ward: Bathavon South

Parish: Shoscombe

LB Grade: N/A

Ward Members: Councillor Neil Butters

Application Type: Listed Building Consent (Alts/exts)

Proposal: External alterations to the existing conservatory, filling existing door opening with recessed rubble stone (north elevation), widening of kitchen door and insertion of roof lights at Sunday Cottage. Minor alterations to approved windows and doors at the Garden Studio.

Constraints: Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Listed Building, SSSI - Impact Risk Zones,

Applicant: Mr John Davey

Expiry Date: 29th April 2016

Case Officer: Sasha Berezina

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The applicant is a Bath and North East Somerset Consultant within the Planning and Transport Services Section

DESCRIPTION OF SITE AND APPLICATION:

Sunday Cottage is a curtilage listed building, which forms part of a small group of buildings within the original farmstead of Grade II listed C15 Paglinch Farmhouse. At the gated entrance to the site there is a low mono-pitch outbuilding which was recently converted to create a home studio. Sunday cottage is set at a higher level than the outbuilding due to the sloping topography, but is closely located to the outbuilding, approx. 4 metres and has a strong relationship as it is used as an ancillary store and workshop.

The proposal seeks to carry out minor external alterations to Sunday Cottage and its garden studio.

RELEVANT PLANNING HISTORY

WB 008125A and WB LB 008125B - Approved in 1992 - convert the farm outbuildings into three dwellings. (Condition 2 removed PD rights)

DC - 97/02400/FUL - PER - 6 June 1997 - Conservatory

DC - 14/00064/FUL - PERMIT - 14 March 2014 - Alterations to an existing ancillary outbuilding to form an ancillary garden studio and store.

DC - 14/00065/LBA - CON - 14 March 2014 - Internal and external alterations to an existing ancillary outbuilding to form an ancillary garden studio and store.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Shoscombe Parish Council commented on the parallel planning application ref. 16/01108/FUL - - Support. Following a site visit and our meeting this evening, the Parish Council supports this application as it was felt the aesthetic look of the building would be enhanced and in keeping. The Parish Council were confident any listed building issues would be addressed.

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works. The Council's development plan comprises:

- Bath & North East Somerset Adopted Core Strategy
- Saved policies in the Bath and North East Somerset Local Plan (2007)
- West of England Joint Waste Core Strategy (2011)
- Adopted Neighbourhood Plans

The following policies of the Adopted Core Strategy are relevant to the determination of the 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 the application.

- BH.2 - Listed buildings and their settings

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of applications.

OFFICER ASSESSMENT

The scheme entails minor external alterations to the Cottage and its conservatory, as well as the recently converted Garden Studio.

In relation to the main building, the proposal seeks to replace existing timber panelling to the 1990's conservatory with rubble stone walling, to provide new windows and to insert rooflights in the south and east elevations. The existing kitchen door to the south elevation would be widened to accommodate French doors to match existing doors to the living room and one of the existing door openings to north elevation would be infilled with recessed rubble stone walling.

The alterations to the Studio entail provision of an additional rooflight and swapping of the position of the approved door and window at the south-west corner of the building.

The Cottage appears to have been considerably altered as part of the 1990's conversion and its significance mainly lies in its contribution to the group value of the former farm outbuildings. The existing conservatory was erected under planning permission that was granted in 1997, however it was not completed in accordance with the approved plans and is erected in pseudo-oriental style (instead of glazed oak frames), which appears at odds and detracts from the host building and the wider surroundings. The proposed replacement rubble stone walling and removal of incongruous painted panels and rooflights would offer significant improvement to the appearance of this historic building. The changes to fenestration and openings are considered acceptable, taking into account the variety of window/door styles.

The minor changes to the positioning of the approved windows and doors in the Garden Studio are not considered to have appreciable effect on the appearance of the building or its historic fabric. As such, there would be no harm to its character or significance.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the alterations to the protected building are consistent with the aims and requirements of the primary legislation and planning policy and accompanying guidance.

RECOMMENDATION

CONSENT

CONDITIONS

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

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

2 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:

OS Extract	04 Mar 2016	SITE LOCATION PLAN
Drawing	04 Mar 2016	BLOCK PLAN
Drawing	04 Mar 2016	ELEVATIONS AS EXISTING
Drawing	04 Mar 2016	ELEVATIONS AS PROPOSED
Drawing	04 Mar 2016	FLOOR PLANS EXISTING AND PROPOSED
Drawing	04 Mar 2016	JOINERY

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/revised proposals was taken and consent was granted.

Bath & North East Somerset Council	
MEETING:	Development Management Committee
MEETING DATE:	4 th May 2016
TITLE:	Tree Preservation Order: Bath and North East Somerset Council (Bondene, 25 Highmead Gardens, Bishop Sutton No.4) Tree Preservation Order 2016
WARD:	Stowey Sutton
AN OPEN PUBLIC ITEM	
List of attachments to this report: Tree Preservation Order map Letter of objection	

1 THE ISSUE

1.1 An objection letter has been received from the owner following the making of the Tree Preservation Order entitled Bath and North East Somerset Council (Bondene, 25 Highmead Gardens, Bishop Sutton No.4) Tree Preservation Order 2016 (“the TPO”).

1.2 The TPO was provisionally made on the 3rd February 2016 to protect a group of trees consisting of two Beech and one Acer species within the grounds of the property and shown on the accompanying map which are considered to make a contribution to the landscape and visual amenity of the locality.

2 RECOMMENDATION

2.1 The Development Management Committee is asked to confirm the Tree Preservation Order entitled Bath and North East Somerset Council (Bondene, 25 Highmead Gardens, Bishop Sutton No.4) Tree Preservation Order 2016 without modification.

3 FINANCIAL IMPLICATIONS

3.1 Financial: Under the law as it stands the owner of a group of trees cannot claim compensation from the Council for making it the subject of a tree preservation order. However if a tree/s within the group and is/are covered by a tree preservation order and the Council refuses an application to fell the tree/s, the owner may be able to claim compensation if he or she suffers a loss or damage as a consequence of that refusal.

3.2 Staffing: None.

3.3 Equalities: In deciding to make the TPO the provisions of the Human Rights Act 1998 have been taken into account. It is considered that Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property) of the convention rights apply in this matter. Confirmation of the TPO is however, considered to be a proportionate interference in the wider public interest.

3.4 Economic: None.

3.5 Environment: The group which is the subject of this report makes an important contribution to the visual amenity and landscape in the local area.

3.6 Council Wide Impacts: The confirmation of the TPO will involve officers from Legal Services. Officers from Development Management will need to take account of the group of trees when considering any application for development or alterations on the site which might affect it.

4 THE REPORT

4.1 Background

4.2 Following the submission of a planning application, officers received a request for the trees to be protected by members of the local community because of the visual contribution which they provided. The trees were assessed and considered to be of sufficient amenity to make a TPO.

4.3 The group is readily visible from surrounding roads and are skyline features as a result of the local topography. The trees are located on land which gently rises to the south towards Burledge Hill.

4.4 The group therefore is considered to provide an important visual amenity and contribute to the landscape character of the locality.

4.5 Responses to the Tree Preservation Order

4.6 The Council is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

4.7 One letter of support has been received from a local resident stating that they consider that the trees are highly visible, help define the character of the area and contribute towards the landscape.

4.8 One letter of objection has been received from the owner of the property. As a result of this objection the decision on whether the TPO should be confirmed or not must be made by Councillors. Committee Members are advised to read the letter of objection.

4.9 The main objections are summarised below.

- i) The planning application has been withdrawn for the time being.
- ii) The trees are not considered important to the locality.
- iii) The owner has planted trees which they consider would compensate for the removal of the trees which are the subject of the TPO.
- iv) The trees will become potentially dangerous to the owners' property, surrounding properties and road.
- v) The trees will require management and pruning in the future.

4.10 The objections to the Tree Preservation Order outlined in section 4.11 above have been considered by the Officer and the following comments are made in respect of each point:

- i) The withdrawal of the planning application does not secure the protection of the trees which could be removed at any time without the Tree Preservation Order.
- ii) The trees are readily visible to the general public and as a response to a potential threat to the trees the Council has received a request for the trees to be protected and a letter of support for the TPO from local residents.
- iii) A TPO does not prevent development but remains a material consideration in assessing planning applications. A TPO provides the opportunity to secure appropriate replacement planting should protected trees require felling for sound arboricultural reasons. Replacement planting conditions can be dispensed with if other trees already exist in the vicinity of the protected trees.
- iv) The owner has not provided any evidence or documentation to support their statement that the trees will become potentially dangerous. Tree owners should ensure that their trees are regularly assessed by a suitably qualified and experienced arborist and that any essential works are undertaken irrespective of whether their trees are protected or not.
- v) A TPO does not prevent management of the trees but an application would be necessary. Applications for works which are supported with sound arboricultural justification will be favourably received. Any reputable tree surgeon will be familiar with the application process and amount and quality of information required.

4.11 Relevant History

4.12 15/05561/OUT- Erection of new, two storey, three bedroom detached house, on land at 25 Highmead Gardens.. WITHDRAWN

5.0 LEGAL AND POLICY FRAMEWORK

Tree Preservation Order

5.1 A tree preservation order is an order made by a local planning authority in respect of trees and woodlands. The principal effect of a tree preservation order is to prohibit the:

Cutting down, uprooting, topping, lopping, wilful damage or wilful destruction of trees without the council's consent.

5.2 The law on tree preservation orders is in the Town and Country Planning Act 1990 and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012 which came into effect on 6th April 2012 .

5.3 A local planning authority may make a tree preservation order if it appears

“Expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”

5.4 The Council's Arboricultural Officers have a written method for assessing the 'Amenity' of trees and woodlands. This is in keeping with Government guidance, and takes account of the visual impact of trees and their contribution to the landscape, their general overall health and condition, their longevity and their possible or likely impact on services and property.

5.5 This assessment concluded, having taken account of, visual amenity, tree health considerations and impact considerations, that it would be expedient in the interest of amenity to make provision for the preservation of the tree. The TPO was made on 3rd February 2016 and took effect immediately and continues in force for a period of six months.

Planning Policy

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

C2.22 'Trees are an important part of our natural life support system: they have a vital role to play in the sustainability of our urban and rural areas. They benefit:

- the local economy – creating potential for employment, encouraging inward investment, bringing in tourism and adding value to property;
- the local environment by reducing the effects of air pollution and storm water run off, reducing energy consumption through moderation of the local climate, and providing a wide range of wildlife habitats;
- the social fabric in terms of recreation and education'

C2.23 'Much of the tree cover in the urban areas is in a critical condition and there is little or no replacement planting for over-mature trees in decline. Infill development has often reduced the space available for planting large tree species. In addition, new tree planting takes many years to mature. The management and retention of significant trees is therefore pressing'

C2.25 'Bath & North East Somerset has a duty under the Town and Country Planning Act 1990 to ensure tree and woodland preservation wherever it is appropriate. The Council will continue to protect trees and woodlands through Tree Preservation Orders (TPOs) as appropriate. There is also a level of protection afforded to trees in Conservation Areas (CAs). However there are many trees of value outside these designations and careful consideration should be given to the removal of any tree'

6. CONCLUSION

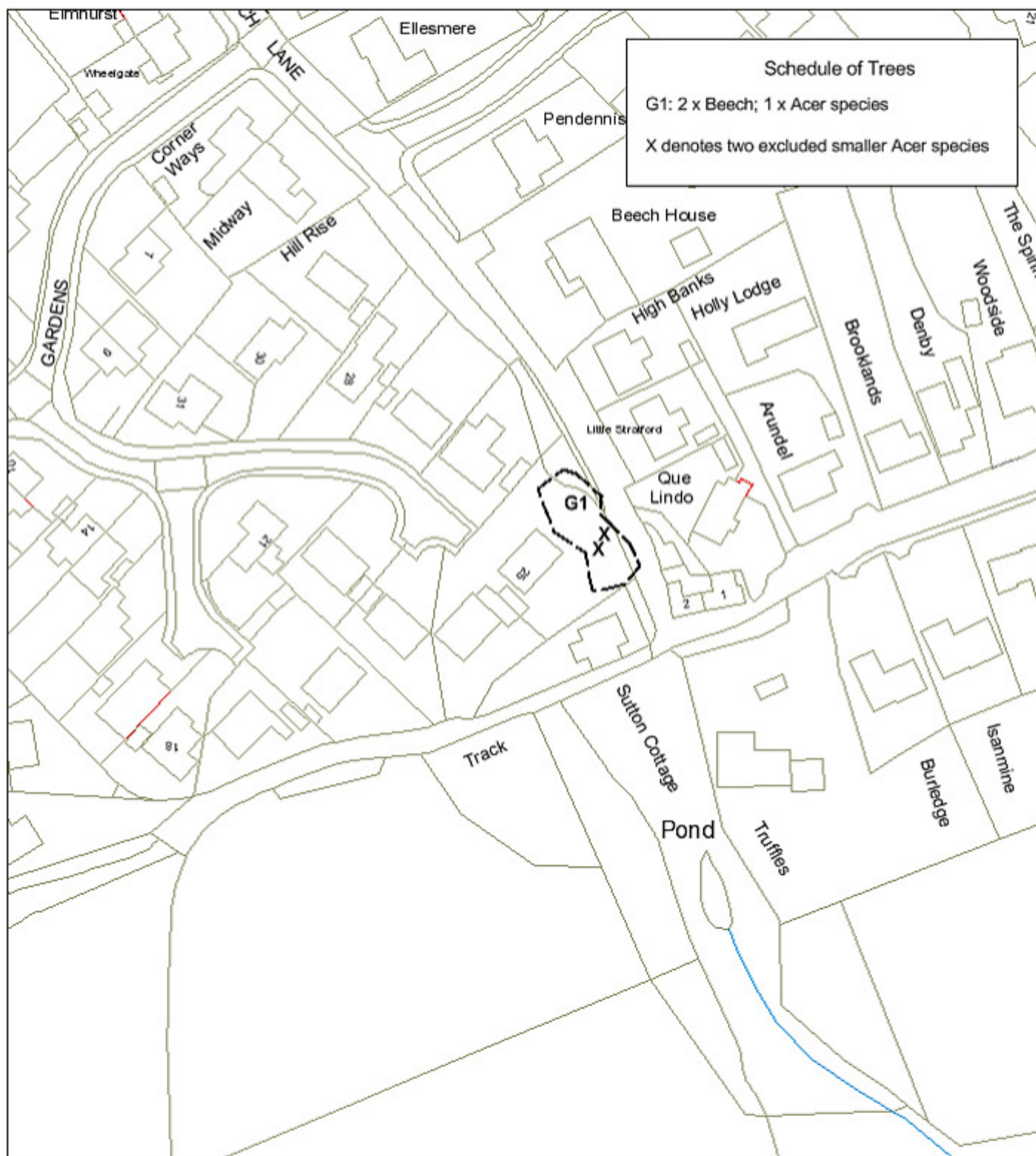
6.1 The group contributes towards the local visual amenity and is valued by members of the local community. This is demonstrated by the request for the trees to be protected and letter of support received.

6.2 Confirmation of the TPO would ensure the retention of the group and ensure that their contribution is duly considered in any subsequent planning application which may be submitted and by the Council during consideration of any application.

6.3 An application supported by sound arboricultural reasons for pruning or felling as the need arose in the future can be made under the TPO. The Council will then be able to condition the quality of the workmanship and appropriate replacement planting if considered appropriate.

6.4 In keeping with the Council's commitment to conserve and enhance the environment, it is recommended that the Committee confirm the TPO without modification.

Contact person	Jane Brewer 01225 477505
Background papers	The provisional Tree Preservation Order documentation and correspondence can be viewed by contacting Jane Brewer on the above telephone number.



Title:
TOWN AND COUNTRY PLANNING ACT 1990
BATH AND NORTH EAST SOMERSET COUNCIL

Scale 1:1250
Date: January 2016
Plan No: 542/4
Grid Ref: ST 587594

(Bondene 25 Highmead Gardens, Bishop Sutton No.4)

TREE PRESERVATION ORDER 2016

Mark Reynolds, Group Manager
Development Management

> MR C D BURKE
> BONDENE
> 25 HIGHMEAD GARDENS
> BISHOP SUTTON
> NR BRISTOL
> AVON
> BS39 5XB
> 22/02/16

> To Emma Watts.

> I OBJECT TO THE TREE PRESERVATION ORDER PLACED ON MY TWO TREES . in connection with the recent planning application submitted by my Son Jon Burke.

> The planning application has been withdrawn for the time being.

> There has been a lot of Development in my area over the past few years, with very Large Houses being built in to the hillside nearby to where I live and I can appreciate some peoples concern. But I don't see why these Trees are so important to the locality, even though I like the trees myself and with a different design development may not need to be fully removed anyway.

> For many years now (16 +) I have nurtured and taken care of this woodland for my now late Mother, and have replanted more young trees (6 young Oak trees for example, at the opposite end of the woodland area. So this would compensate in years to come of any trees that may have to be removed because of any development, or disease, rotten trees.

> Because of the size of the Trees it is near a point whereby the trees are potentially dangerous to my Bungalow and existing houses, and the road nearby, irrespective of whether I intend to develop the site. Therefore they will need to be carefully managed over the coming years and trimmed accordingly. The Electric Company has trimmed some trees and branches over recent years to prevent any contact with overhead power cables.

2

> I am willing to cooperate fully, and enter in to any discussion regarding these trees in the near future, but I strongly object to any TREE PRESERVATION ORDER being placed on my TREES ON MY LAND. The Trees and bushes from time to time over the years require cutting back, and I have carried out this, or had this done by reputable tree surgeons, and will require the same in the future.

> Yours Sincerely

> Christopher Burke

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

APPEALS LODGED

App. Ref: 15/02884/FUL
Location: Land At Rear Of 69 Haycombe Drive Whiteway Road Whiteway Bath
Proposal: Erection of 1no.dwelling with detached garage and associated works
Decision: REFUSE
Decision Date: 16 September 2015
Decision Level: Delegated
Appeal Lodged: 29 March 2016

App. Ref: 15/04009/FUL
Location: Land Between Miller Walk And Simons Close Miller Walk Bathampton Bath
Proposal: Phased erection of four detached self-build houses and their driveways with access as existing and with new local and strategic landscaping and infrastructure following removal of Leylandii hedge.
Decision: REFUSE
Decision Date: 22 December 2015
Decision Level: Delegated
Appeal Lodged: 11 April 2016

APPEALS DECIDED

App. Ref: 15/02083/ADCOU
Location: The Piggery The Green Compton Dando Bristol
Proposal: Prior approval request for change of use from Agricultural Building to 1no. Dwelling (C3).
Decision: REFUSE
Decision Date: 2 July 2015
Decision Level: Delegated
Appeal Lodged: 2 December 2015

Appeal Decision: Dismissed on 22.03.2016

Click [here](#) to view the Appeal Decision

App. Ref: 15/02577/FUL
Location: Priory Nurseries Radstock Road Midsomer Norton Radstock
Proposal: Erection of 4no. single storey dwellings, associated car parking and garaging.
Decision: REFUSE
Decision Date: 7 September 2015
Decision Level: Delegated
Appeal Lodged: 24 November 2015

Appeal Decision: Dismissed on 23.03.2016

Click [here](#) to view the Appeal Decision

App. Ref: 15/03605/AR
Location: Unoccupied Focus Diy Superstore Old Mills Paulton Bristol
Proposal: Display of 1no. internally illuminated Fascia sign, 3no non-illuminated Fascia signs. 1no. set of 2 aluminium extrusion poster frames, 1no. double sided directional freestander and 1no. double sided totem sign.
Decision: Split decision - check file/certificate
Decision Date: 7 October 2015
Decision Level: Delegated
Appeal Lodged: 27 November 2015

Appeal Decision: Allowed on 23.03.2016

Click [here](#) to view the Appeal Decision

App. Ref: 15/04317/FUL
Location: Park Cottage Innox Lane Swainswick Bath
Proposal: Erection of a two storey rear extension.
Decision: REFUSE
Decision Date: 27 November 2015
Decision Level: Delegated
Appeal Lodged: 12 February 2016

Appeal Decision: Dismissed on 23.03.2016

Click [here](#) to view the Appeal Decision

App. Ref: 15/03097/LBA
Location: 15 Somerset Place Lansdown Bath BA1 5AD
Proposal: Internal and external alterations to include internal alterations to lower ground floor to allow reinstatement of kitchen from ground floor. Forming of opening at lower ground floor. Reinstatement of partition to rear at lower ground floor. Amendments to rear extension at ground floor and changes to third floor en-suite.
Decision: REFUSE
Decision Date: 2 September 2015
Decision Level: Delegated
Appeal Lodged: 13 November 2015

Appeal Decision: Dismissed in part/allowed in part on 24.03.2016

Click [here](#) to view the Appeal Decision

App. Ref: 15/04073/OUT
Location: 52 Sladebrook Road Southdown Bath BA2 1LR
Proposal: Erection of 2 No. dwellings, one new and one replacement garage and associated works (Revised Proposal)
Decision: REFUSE

Decision Date: 29 October 2015
Decision Level: Delegated
Appeal Lodged: 29 December 2015

Appeal Decision: Dismissed on 30.03.2016

Click [here](#) to view the Appeal Decision

App. Ref: 15/02760/FUL
Location: 1 - 2 Union Street City Centre Bath BA1 1RP
Proposal: Change of use from storage/ancillary facilities related to ground floor retail unit to four self-contained flats (Use Class C3) with associated internal alterations
Decision: REFUSE
Decision Date: 28 August 2015
Decision Level: Delegated
Appeal Lodged: 27 October 2015

Appeal Decision: Dismissed on 31.03.2016

Click [here](#) to view the Appeal Decision

App. Ref: 15/02761/LBA
Location: 1 - 2 Union Street City Centre Bath BA1 1RP
Proposal: Internal alterations for change of use from storage/ancillary facilities related to ground floor retail unit to four self-contained flats (Use Class C3) with associated internal alterations
Decision: REFUSE
Decision Date: 28 August 2015
Decision Level: Delegated
Appeal Lodged: 27 October 2015

Appeal Decision: Dismissed on 31.03.2016

Click [here](#) to view the Appeal Decision

App. Ref: 15/02883/FUL
Location: Tynning House Bath Road Tunley Bath BA2 0DQ
Proposal: Erection of a single storey dwelling and a garage following demolition of existing garage.
Decision: REFUSE
Decision Date: 27 November 2015
Decision Level: Delegated
Appeal Lodged: 6 January 2016

Appeal Decision: Dismissed on 07.04.2016

Click [here](#) to view the Appeal Decision

App. Ref: 15/02862/FUL
Location: 28 Queens Road Keynsham Bristol BS31 2NH
Proposal: Erection of 1no 3 bed detached house.
Decision: REFUSE
Decision Date: 17 August 2015
Decision Level: Delegated
Appeal Lodged: 19 January 2016

Appeal Decision: Dismissed on 08.04.2016

Click [here](#) to view the Appeal Decision

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Bath & North East Somerset Council		
MEETING:	Development Management Committee	
MEETING DATE:	4 May 2016	AGENDA ITEM NUMBER
TITLE:	Quarterly Performance Report Jan – Mar 2016	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
None		

1 THE ISSUE

At the request of Members and as part of our on-going commitment to making service improvements, this report provides Members with performance information across a range of activities within the Development Management function. This report covers the period from 1 Jan– 31 Mar 2016.

Bath & North East Somerset Development Management are finalists in the RTPI National Awards in the Planning Team of the Year category for the second year running. We have also been shortlisted in the South West RTPI awards for the Octagon scheme which is open now as the 'Burger Lobster' restaurant for excellence in dealing with a heritage project. The winners will be announced 5th May in London.

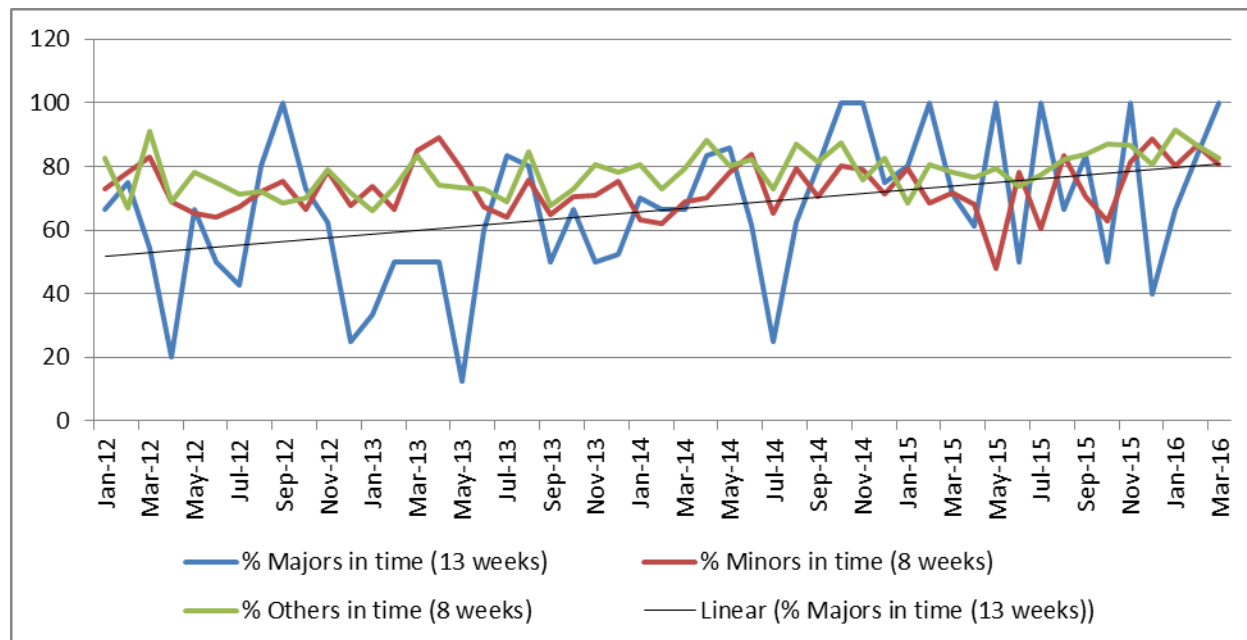
2 RECOMMENDATION

Members are asked to note the contents of the performance report.

3 THE REPORT

Tables, charts and commentary

Table 1 - Comparison of applications determined within target times



% of planning applications in time	2014/15				2015/16			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
% Majors in time	73%	64%	80%	83%	64%	78%	59%	85%
% Minors in time	77%	72%	77%	72%	67%	71%	76%	82%
% Others in time	83%	80%	82%	75%	77%	81%	85%	87%

Table 2 highlights:

- Excellent performance on planning applications in Jan to Mar 2016, well above national targets in all three categories.

Note: Major (10+ dwellings/0.5 hectares and over, 1000+ sqm/1 hectare and over); Minor (1-10 dwellings/less than 0.5 hectares, Up to 999 sqm/under 1 hectare); Other (changes of use, householder development, adverts, listed building consents, lawful development certificates, notifications, etc).

Table 2 - Recent planning application performance statistics

Application nos.	2014/15				2015/16			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Received	645	589	605	700	650	646	589	675
Withdrawn	43	45	59	56	52	73	76	65
Delegated no. and %	532 (96%)	540 (95%)	443 (95%)	536 (95%)	553 (97%)	570 (96%)	514 (96%)	488 (97%)
Refused no. and %	52 (9%)	76 (13%)	42 (9%)	64 (11%)	56 (10%)	35 (6%)	52 (10%)	35 (7%)

Table 2 highlights:

- B&NES have shown a 1% rise in planning application numbers when compared to the previous 12 month period which is in line with the national trend (1%).
- The current delegation rate is slightly above the last published England average of 93% (Year to Dec 2015).
- Percentage of refusals on applications remains very low when compared with the last published England average of 12% (Year ending Dec 2015).

Table 3 – Dwelling numbers

Dwelling numbers	2014/15				2015/16			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Major residential (10 or more dwellings) decisions	13	9	1	5	13	2	9	4
Major residential decisions granted	7	2	1	3	9	2	8	3
Number of dwellings applied for on Major schemes	543	463	982	391	1137	180	225	354
Number of dwellings permitted on Major schemes	212	120	145	149	1636	114	719	228
Number of dwellings refused on Major schemes	299	292	32	66	103	41	151	83

Table 3 highlights:

- Numbers of major residential planning decisions (10 or more dwellings) over the last 12 months were the same as the previous year, but nearly all were permitted proposals.

Table 4 - Planning Appeals summary

	Apr – Jun 2015	Jul – Sep 2015	Oct – Dec 2015	Jan – Mar 2016
Appeals lodged	27	27	20	19
Appeals decided	23	23	25	25
Appeals allowed	5 (25%)	8 (42%)	8 (42%)	7 (28%)
Appeals dismissed	15 (75%)	11 (58%)	11 (58%)	18 (72%)

Highlights:

- Appeal costs in association with applications overturned at committee amount to £39,721.95 for the last financial year.
- In the year to Mar 2016 there has been a 1% drop in appeal numbers.
- Over the last 12 months our performance on appeals allowed is still slightly better than the national average at 34% (national average approx. 35%).

Table 5 - Enforcement Investigations summary

	Apr – Jun 2015	Jul – Sep 2015	Oct – Dec 2015	Jan – Mar 2016
Investigations launched	147	220	133	194
Investigations on hand	326	450	369	322
Investigations closed	122	98	216	296
Enforcement Notices issued	1	2	3	3
Planning Contravention Notices served	2	3	9	6
Breach of Condition Notices served	2	0	0	1

The figure shown in **Table 5** indicates a 45% increase in the number of investigations received this quarter, when compared with the previous quarter. 10 notices have been served during this quarter. 32 legal notices were served in the last financial year, up 77% on the previous year.

Table 6 – Other areas of work (application handled but not included in national returns)

The service also has formal procedures in place to deal with pre-application advice, householder development planning questionnaires, discharging conditions on planning permissions, prior approvals, prior notifications and non-material amendments to list a few. **Table 6** below shows the total number of these types of procedures that require resource to action and determine.

During the last quarter the volume of these procedures received in the service has increased slightly from the previous quarter figure following the trough in the winter months.

Table 6

	Apr – Jun 2015	Jul – Sep 2015	Oct – Dec 2015	Jan – Mar 2016
Other types of work	579	507	530	574

Table 7 – Works to Trees

Table 7 below shows the number and percentage of tree applications and notifications determined.

Table 7

	Apr – Jun 2015	Jul – Sep 2015	Oct – Dec 2015	Jan – Mar 2016
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	32	20	16	22
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	91%	80%	100%	100%

Number of notifications for works to trees within a Conservation Area (CA)	179	161	207	164
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	98%	98%	100%	99%

Table 7 highlights:

- There has been a drop in the number of TPOs and Notifications in the last quarter after the seasonal rise during autumn.
- Performance on determining applications for works to trees subject to Tree Preservation Orders and on dealing with notifications for works to trees within a Conservation Area remains excellent.

Table 8 - Customer transactions using telephone

Table 8 below details the number of incoming calls to the service for the Development Management function. Calls to the service as a whole have seen an increase during the last quarter.

Table 8

	Apr – Jun 2015	Jul – Sep 2015	Oct – Dec 2015	Jan – Mar 2016
Planning Information Officers	1811	1929	1927	2070
Planning Officers	1311	1130	779	802
Planning Administration	1522	1252	970	1220
Planning & Conservation Team	791	403	380	279
Enforcement Team	970	637	516	451

Table 9 - Electronic transactions

The Planning Services web pages continue to be amongst the most popular across the whole Council website, particularly '[View and Comment on Planning Applications](#)' (an average of 15,000 hits per month) and '[Apply for Planning Permission](#)' (average of 1,200 hits per month). The former is the most popular web page after the council's home page.

Table 9 below shows a continuing upward trend in online submissions via the [Planning Portal](#). The benefits to agents and applicants include an online help function, immediate delivery and acknowledgement, and savings on printing and postage costs. Secure fee payments can also be made online through the Planning Portal facility.

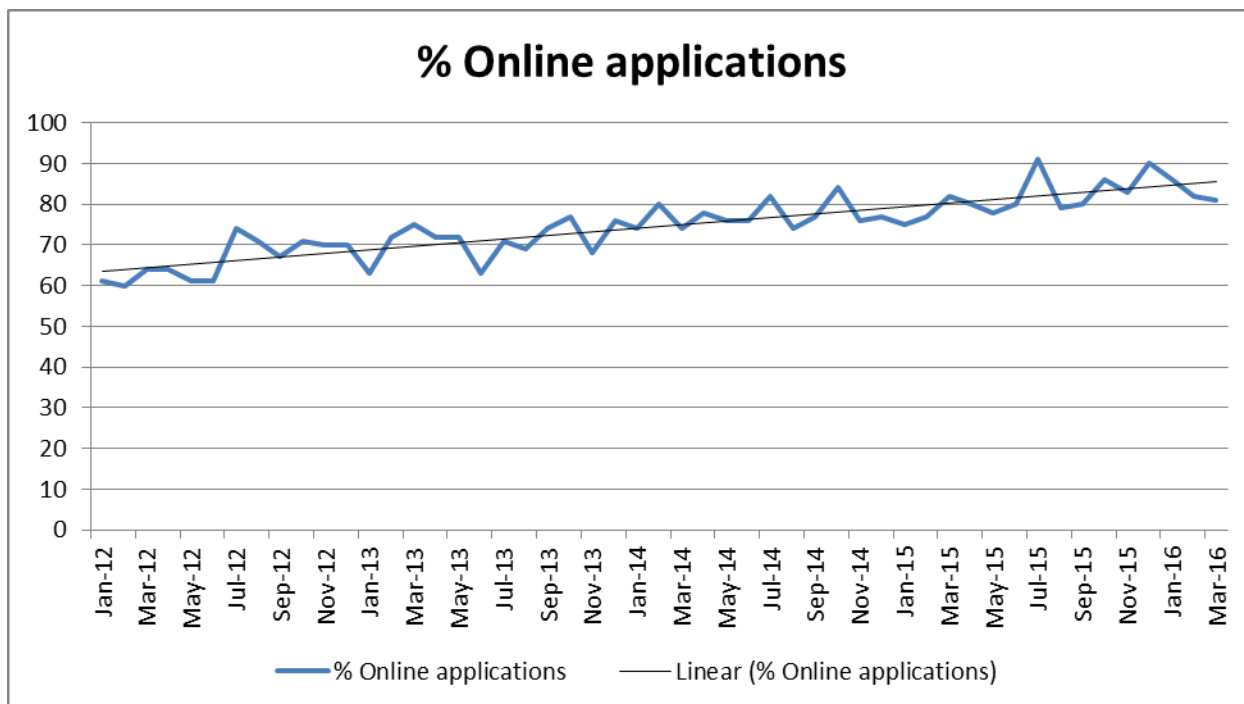


Table 10 - Customer Feedback

We have received more compliments than complaints in Planning. None were upheld for the last 9 months.

Table 10

Customer Feedback	Apr – Jun 2015	Jul – Sep 2015	Oct – Dec 2015	Jan – Mar 2016
Compliments received	15	11	18	6
Complaints received	14	9	4	5
Complaints upheld	1	0	0	0
Complaints Not upheld	6	8	2	4
Complaints Partly upheld	1	1	2	1

Table 11 - Ombudsman Complaints

When a customer remains dissatisfied with the outcome of the Corporate Complaints investigation they can take their complaint to the **Local Government Ombudsman** for an independent view.

Table 11

Ombudsman Complaints	Apr – Jun 15	Jul – Sep 15	Oct – Dec 15	Jan – Mar 16
Complaints received	3	3	3	3
Complaints upheld	0	0	0	2
Complaints Not upheld	3	4	2	2

Table 12 – Section 106 Agreements and Community Infrastructure Levy (CIL)

Members will be aware of the Planning Obligations SPD was first published July 2009. Planning Services have spent the last few years compiling a database of Section 106 Agreements. This is still in progress, but does enable the S106 Monitoring Officer to actively monitor the delivery of agreed obligations. The Council started to charge the Community Infrastructure Levy (CIL) from April of last year. Early CIL collection figures have been added to the table below – these financial overview sums will be refreshed for every quarterly report.

Table 12 (Note: all figures are for guidance only because of the further work still being undertaken in monitoring)

Section 106 and CIL	Apr – Jun 2015	Jul – Sep 2015	Oct – Dec 2015	Jan – Mar 2016	Annual running total (fin year)
S106 Funds agreed	£956,447.83	£134,000.00	£0	£225,708.23	£1,325,242.05
S106 Funds received	£1,713,443.00	£1,815,656.00	£2,075,426.35	£857,628.70	£6,462,154.05
CIL sums overview Potential to date	£2,202,970.00				
CIL sums overview Collected to date	£99,748.00				

Table 13 – Accredited Agents

A list of current Accredited Agents is displayed on the [council website](#). These agents have shown they fully understand how to submit a properly prepared planning application which means they are quicker for us to process and so reduce delays for the customer.

Table 13

	Apr – Jun 2015	Jul – Sep 2015	Oct – Dec 2015	Jan – Mar 2016
Numbers of Accredited Agents	25	25	29	29
Numbers of householder applications submitted	30	28	43	44

by Accredited Agents				
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Table 14 – Chair referrals

Table 14 below shows the numbers of planning applications where Chair decision has been sought to either decide the application under delegated authority or refer to Development Management Committee. *A further analysis of Chair referral cases is attached as an Appendix item to this report.*

	Apr – Jun 2015	Jul – Sept 2015	Oct – Dec 2015	Jan – Mar 2016
Chair referral delegated	7	15	20	13
Chair referral to DM Committee	7	14	10	8

Table 15 – 5 Year Housing Land Supply Position April 2015 – March 2020

Total Planned Provision	2011-29	13,000 dwellings	722per annum
Built over years 1-4	11/12 - 14/15	2,190	548 pa
Delivery requirement for years 5-9	15/16 - 19/20	4,308	862 pa
Supply requirement (4,308 plus a 20% buffer)	15/16 - 19/20	5,170	1,034 pa
Deliverable Supply	15/16 - 19/20	6,104	1,220 pa
Deliverable Supply over 20% buffer requirement	15/16 - 19/20	934	

Between 2015 and 2020 BANES needs to deliver 4,308 dwellings and be able to identify a deliverable supply of 5,170 dwellings (a 20% buffer) in order to ensure that this is achieved. Against these requirements the Council can currently identify a deliverable supply of 6,104. Not all of this deliverable supply has a full, reserved matters, or outline planning permission. Further, the supply figure can change if planning and development timetables change. For example if a major planning application is refused, this would entail time to prepare revisions or appeal the decision, or the preparation of a planning application may take longer than expected, or it may take longer than expected for a land trader to sell on a planning permission to a developer.

Contact person	John Theobald, Project/Technical and Management Support Officer, Development 01225 477519
Background papers	CLG General Development Management statistical returns PS1 and PS2 + Planning applications statistics on the DCLG website: https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics
Please contact the report author if you need to access this report in an alternative format	

Application no	ADDRESS	PROPOSAL	Decision Level	Decision Date	Status	Notes
15/03743/LBA	12 Henrietta VillasBathwickBathBA2 6LX	Internal alterations to add a set of wedding doors to ground floor living room/dining room.	COMMDC	16-Feb-16	CON	Applicant is Cllr Bob Goodman
13/04822/EFUL	Broad MeadBroadmead LaneKeynsham	Development of land off Broadmead Lane, Keynsham, for a marina which comprises: 326 berths and designed to accommodate a variety of craft sizes; a marina facilities building with 24-hour access to toilets, showers and laundry, together with day time access to a reception and chandlery; car parking for a maximum of 144 cars will be designed as a series of satellite car parks screened by suitable vegetation; and a tearoom and office included within the facilities building.	COMMDC	14-Jan-16	RF	Application has been referred to Committee by the Development Group Manager - considers that the application should be determined by Committee.
15/02162/EFUL	Former Bath Press PremisesLower Bristol RoadWestmorelandBath	Demolition of existing buildings and redevelopment of the site to provide a residential-led mixed-use development comprising 244 dwellings (Use Class C3) and 1,485.2 square metres (GIA) flexible employment space (Use Class B1), basement car park, substation, associated landscaping and access.	COMMDC	17-Feb-16	PDE	Application has been referred to Committee by the Development Group Manager due to the scale and nature of the development. A request has also been made by Cllr June Player for this application to be considered by Committee if it is to be recommended for permission.
15/02627/FUL	Closed Public ToiletsNorth Parade RoadBathwickBathBath And North East SomersetBA2 4EU	Demolition of dilapidated former public convenience, and construction of new artist studio building (B1 Use)	COMMDC	02-Mar-16	PERMIT	Application has been referred to committee by the Divisional Director of Development due to the protracted history of planning applications/pre applications on this site.
15/03453/FUL	48 Box RoadBathfordBathBath And North East SomersetBA1 7QH	Erection of 4no four-bedroom dwellings, two with a detached double garage, following demolition of existing bungalow. To include associated hard and soft landscaping works, construction of retaining walls to sections of the north, east and west boundaries, and improvements to site access.	COMMDC	11-Feb-16	PERMIT	Application is being referred to the committee at the request of Councillor Alison Millar and Councillor Martin Veal as the development is considered to be overdevelopment of the site and concern is raised with regards to the trees within the site.
15/02616/FUL	Norwood DeneThe AvenueClaverton DownBathBath And North East SomersetBA2 7AX	Erection of 7 No. apartments and associated works.	COMMDC	09-Mar-16	PERMIT	Application is being reported at the request of Councillor Matthew Cochrane.
15/05286/FUL	Lower BarnPackhorse LaneSouth StokeBathBA2 7DJ	Erection of an agricultural building	CHAIR	20-Jan-16	PERMIT	Chair referral Delegated decision
15/05281/FUL	7 Stockwood ValeKeynshamBristolBath And North East SomersetBS31 2AW	Erection of single storey rear extension.	CHAIR	22-Jan-16	PERMIT	Chair referral Delegated decision
15/05233/FUL	14 Rock RoadKeynshamBristolBath And North East SomersetBS31 1BL	Erection of two storey building containing 3no. 2 bedroom and 1no. 1 bedroom flats.	CHAIR	18-Jan-16	PERMIT	Chair referral Delegated decision
15/04445/FUL	106 High StreetBathfordBathBath And North East SomersetBA1 7TH	Erection of 1no. dwelling with new vehicular access and associated works	CHAIR	19-Jan-16	PERMIT	Chair referral Delegated decision
15/04840/OUT	Ashleigh GarageHigh StreetPaultonBristol	Erection of 1no. residential dwelling following demolition of existing garages.(Outline application with access, layout and scale to be determined and other matters reserved) (Resubmission).	CHAIR	07-Mar-16	RF	Chair referral Delegated decision
15/05546/FUL	Public ToiletsDominion RoadTwertonBathBath And North East SomersetBA2 1DW	Erection of first floor extension to facilitate the conversion of former public convenience to 1 no dwelling (resubmission).	CHAIR	11-Mar-16	RF	Chair referral Delegated decision
15/02054/FUL	Rj King & SonsMill RoadRadstockBA3 5TX	Erection of 7no. 2 bed dwellings with associated parking.	CHAIR	11-Feb-16	PERMIT	Chair referral Delegated decision
15/05077/FUL	31 St Anne's AvenueKeynshamBristolBath And North East SomersetBS31 2EJ	Erection of 2no new dwelling flats attached to the side of No. 31 St Anne's Avenue, with associated works for the provision of off-road parking spaces and waste storage and the necessary alterations to the existing dwelling to facilitate all the works	CHAIR	14-Jan-16	PERMIT	Chair referral Delegated decision

14/05424/VAR	The Coach House Bath Old RoadRadstockBath And North East SomersetBA3 3HE	Variation of condition 8 of application 04/03208/FUL. (Conversion and extension of existing buildings to form 3 no. dwellings and replacement of garage block with 3-bedroom house)	CHAIR	15-Jan-16	PERMIT	Chair referral Delegated decision
15/04218/FUL	Tudor Cottage Mill LaneMonkton CombeBathBath And North East SomersetBA2 7HD	Erection of extension within the footprint of the existing garage and erection of shed.(Amendment to previously approved scheme)	CHAIR	02-Mar-16	PERMIT	Chair referral Delegated decision
15/04713/RES	W T Burden Ltd Bath RoadFarmboroughBathBA2 0BD	Approval of reserved matters with regard to outline application 14/00862/OUT for the construction of 14 new dwellings with associated access, roads, car parking, domestic gardens and landscaping.	CHAIR	20-Jan-16	APP	Chair referral Delegated decision
16/00124/FUL	15 Greenlands RoadPeasedown St. JohnBathBath And North East SomersetBA2 8EZ	Erection of 1no five bed dwelling, detached garage and creation of driveway.	CHAIR	08-Mar-16	PERMIT	Chair referral Delegated decision
16/00207/VAR	Abbeyfield House6 Westbourne AvenueKeynshamBristolBath And North East SomersetBS31 2JD	Variation of condition 8 (new plans list) of application 14/00675/FUL (Extension to existing residential Abbeyfield Home to include erection of two storey and single storey rear extension; new dormers; reconfiguration of existing internal layout to facilitate increase in number of bedrooms from 12 No. to 14 No. rooms; 3 No. additional car parking spaces; and secure cycle facilities.)	CHAIR	21-Mar-16	PERMIT	Chair referral Delegated decision
15/01802/FUL	Church Farm Derelict PropertyChurch HillHigh LittletonBristol	Construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall.	COMMDC	11-Feb-16	PDE	Chair referral to committee. Due to the objections to the proposal by the Parish Council.
15/05519/LBA	23 Royal CrescentCity CentreBathBath And North East SomersetBA1 2LT	Replace existing flat roof with lead proof slated pitched roof to summer house with alterations to parapet (Revised partially retrospective proposal)	COMMDC	10-Mar-16	RF	Chair referral to committee. I have looked at the planning history to this application and the present third third party comments including Ward Cllrs views and the Officer's report addressing the points made. The application remains controversial and for this reason I recommend it be taken to committee for decision.
15/05518/FUL	23 Royal CrescentCity CentreBathBath And North East SomersetBA1 2LT	Replace existing flat roof with lead proof slated pitched roof to summer house with alterations to parapet (Revised partially retrospective proposal)	COMMDC	10-Mar-16	RF	Chair referral to committee. I have looked at the planning history to this application and the present third third party comments including Ward Cllrs views and the Officer's report addressing the points made. The application remains controversial and for this reason I recommend it be taken to committee for decision.
15/04391/FUL	Kings CottageNempnett StreetNempnett ThrubwellBristolBath And North East SomersetBS40 8YW	Change of use of a traditional stone barn and its curtilage to create a two bed holiday cottage with associated external works.	COMMDC	14-Jan-16	PERMIT	Chair referral to committee. I have read through the information carefully & note the Parish Council support, the report from the Officer was awaiting comments from PROW which I have now seen & they do not appear to object which I felt was one reason for the Officer being minded to refuse the application. I am aware recently amended guidelines regarding disused barns being converted into homes no longer need to be in a sustainable location which is another reason for refusal. I therefore recommend this application be taken to committee as the position relating to Policy is not clear cut.

15/04215/RES	Parcel 3300Temple Inn LaneTemple CloudBristol	Approval of reserved matters with regard to outline application 13/03562/OUT allowed on appeal on 19.08.2015 for 70 dwellings and associated roads, drainage, landscaping, open space, parking, layout, scale and appearance.	COMMD C	16-Feb-16	APP	Chair referral to committee. I note many objection comments relate to matters of principle and cannot be revisited however as the application has caused much controversy I feel it should be brought to committee where the reserved matters can be addressed, the layout as presented discussed and relationship with neighbouring area addressed.
15/05108/FUL	Willow FarmFlatts LaneFarmboroughBathBath And North East SomersetBA2 0HJ	Change of use of land to residential curtilage (Retrospective).	COMMD C	10-Mar-16	PERMIT	Chair referral to committee. I note the Parish Council concerns & have read the Officer's report where it is clear special circumstances are required as the curtilage is within the Green Belt. I note the applicant is prepared to accept conditions regarding no buildings are constructed within the curtilage but in view of the history of the site & Parish Council comments I recommend the application be determined by committee.
15/05116/FUL	Unit 33Fourth AvenueWestfieldRadstockBA3 4XE	Extension of garage yard for extra storage space (Retrospective)	COMMD C	23-Mar-16	PDE	Chair referral to committee. The application has been requested by Ward Cllr to go to committee, the PC are against it and I note there are some resident objections. The Officer has addressed points made in relation to policy but as it is controversial I recommend this decision be made by committee.
14/04003/OUT	Parcel 6781Cobblers WayWestfieldRadstockBA3 3SA	Outline planning application (all matters reserved aside from access) seeking permission for 81 no. residential dwellings and associated works on land at the former St Peter's Factory, Cobblers Way, Westfield, Radstock.	COMMD C	02-Mar-16	APP	Chair referral to committee. This is a significant development which has raised objections from Westfield Parish Council and some residents, I therefore request this application is taken to committee for decision.
15/05235/FUL	Recreation GroundPulteney MewsBathwickBathBath And North East SomersetBA2 4DS	Part demolition of existing permanent West Stand (retaining rear wall and concrete slab) together with terraces in north west corner of the site and removal of existing temporary stands and seating; erection of temporary covered West Stand and seating, including camera gantry, uncovered seating and associated works and ancillary facilities including retention of existing floodlighting, erection of boundary fence with new access gates onto riverside path, provision of toilets and food and bar facilities within temporary stand (temporary application for a period of up to four years).	COMMD C	11-Feb-16	PERMIT	Cllr Jonathan Carr requested application be dealt with by committee. To summarise briefly, the two applications have significant interplay, and are unusual in nature, requiring a series of works over several years, and the outcome of each impacts on the other and on potential future development at the site. The site is of strategic importance to the council's Core strategy, Placemaking plan, and several other policies, and is subject to legal complexities in which the council is an interested party. The two applications must therefore be considered together by the committee.

15/05237/FUL	Recreation GroundPulteney MewsBathwickBathBath And North East SomersetBA2 4DS	Erection of temporary spectator stands along the north and eastern sides of the playing field; erection of hospitality boxes to either side of the retained south stand; erection of control box and screen/scoreboard between north and east stands including fence enclosure. Associated works and ancillary facilities comprising floodlighting, and toilets, food and bar facilities within temporary north and east stands (temporary application for period of up to four years).	COMMD C	11-Feb-16	PERMIT	CLlr Jonathan Carr requested application be dealt with by committee. To summarise briefly, the two applications have significant interplay, and are unusual in nature, requiring a series of works over several years, and the outcome of each impacts on the other and on potential future development at the site. The site is of strategic importance to the council's Core strategy, Placemaking plan, and several other policies, and is subject to legal complexities in which the council is an interested party. The two applications must therefore be considered together by the committee.
15/02290/LBA	Church Farm Derelict PropertyChurch HillHigh LittletonBristol	External alterations to create a new agricultural entrance to the rear of Church farm from the A39	COMMD C	11-Feb-16	CON	Parish Council view contrary to Officer recommendation.