

Democratic Services

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: (01225) 477000 *main switchboard*

Direct Lines - Tel: 01225 394414

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

Date: 22 June 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, 29th June, 2016

You are invited to attend a meeting of the **Development Management Committee**, to be held on **Wednesday, 29th June, 2016 at 11.00 am** in the **Council Chamber - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 28th June 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

Marie Todd
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 Marie Todd who is available by telephoning Bath 01225 394414 or by calling at the Guildhall Bath (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Marie Todd 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 Marie Todd 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, 29th June, 2016

at 11.00 am in the Council Chamber - Guildhall, Bath

AGENDA

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: 1 JUNE 2016 (PAGES 9 - 26)
9. MAJOR DEVELOPMENTS
The Senior Professional – Major Developments to provide a verbal update
10. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 27 - 52)
11. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 53 - 118)
12. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 119 - 126)

To note the report

The Committee Administrator for this meeting is Marie Todd who can be contacted on 01225 394414.

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 Marie Todd Democratic Services Officer Tel No. 01225 39 4414

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

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, 1st June, 2016, 2.00 pm

| | |
|---------------------------------|--------------------------------------|
| Councillor Rob Appleyard | - Bath & North East Somerset Council |
| Councillor Jasper Martin Becker | - Bath & North East Somerset Council |
| Councillor Paul Crossley | - Bath & North East Somerset Council |
| Councillor Matthew Davies | - Bath & North East Somerset Council |
| Councillor Sally Davis | - Bath & North East Somerset Council |
| Councillor Eleanor Jackson | - Bath & North East Somerset Council |
| Councillor Les Kew | - Bath & North East Somerset Council |
| Councillor Bryan Organ | - Bath & North East Somerset Council |
| Councillor Caroline Roberts | - Bath & North East Somerset Council |
| Councillor Vic Pritchard | - Bath & North East Somerset Council |

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

2 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor David Veale and Councillor Vic Pritchard took his place as a substitute member.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

6 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 these items were discussed.

7 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors or Co-opted Members.

8 **MINUTES: 4 MAY 2016**

The minutes of the meeting held on 4 May 2016 were approved as a correct record and signed by the Chairman.

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

The Committee considered:

- A report by the Group Manager (Development Management) on various planning applications.
- An update report by the Group Manager (Development Management) on Items 1 and 5, attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. on Items 1-5, a copy of the speakers' list is attached as *Appendix 2* to these minutes.

RESOLVED that, in accordance with the Committee's delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 3* to these minutes.

Item No. 1

Application No: 16/01310/FUL

**Site Location: Street Record, Abbey Church Yard, City Centre, Bath -
Temporary change of use of the site as a temporary Christmas Market for 25 days from 24 November 2016 to 18 December 2016 inclusive, including 173 retail chalets, 6 catering units and 4 mobile catering units**

The Case Officer reported on the application and her recommendation to grant planning permission.

The registered speakers made statements for and against the application.

Councillor Peter Turner, the local ward member, spoke against the application.

Councillors asked questions for clarification to which the Case Officer responded. In response to a question from Councillor Roberts officers confirmed that if the application was permitted, this would be for one year only and the applicants would have to submit a further application next year.

Councillor Appleyard stated that he supported the Christmas Market in principle but had some concerns as it created a block in the middle of the city centre. He felt that the market should be aimed more at families and hoped that the organisers would review arrangements to include more facilities for younger people. He hoped that local traders would be able to work with the market organisers to address their concerns about the effect of the market on independent traders.

Councillor Kew felt that he was unable to support the extension to the market. The time extension would lead to the market continuing until very close to Christmas and

could adversely affect local traders. It would not necessarily lead to an increase in visitor numbers.

Councillor Jackson expressed concerns regarding the proposed 10am start time on a Sunday. This could be an issue for people attending church services and an 11am start would be preferable.

Councillor Pritchard stated that an extension of the market may dilute its effect and could be intrusive to local residents.

Councillor Organ supported the market but did not support the request for an extra week. He felt that the 18 December date was too close to Christmas.

Councillor Crossley supported the application. He stated that the market was very successful and was good for the city. The market secured business and trade although there were some knock-on effects and the organisers should be asked to address these. Councillor Crossley moved the officer's recommendation to permit planning permission. This was seconded by Councillor Roberts.

The motion was put to the vote and was **LOST** by 2 votes for and 8 votes against.

Councillor Pritchard then moved that the application be refused for the following reasons:

- The proposed development, due to the length of the change of use proposed, is considered to have a detrimental impact upon the residential amenity of the surrounding occupiers by virtue of increased noise and disturbance.
- The proposed development, due to the length of the change of use proposed and the scale and type of operation, is considered to have an unacceptable impact upon some local businesses.

This was seconded by Councillor Appleyard.

The motion was put to the vote and it was **RESOLVED** to **REFUSE** the application by 8 votes for, 1 vote against and 1 abstention.

Item No. 2

Application No: 16/00898/FUL

Site Location: Somersby Orchard, The Gug, High Littleton, Bristol – Erection of a new dwelling following demolition of an existing dwelling within residential curtilage

The case officer reported on the application and her recommendation to refuse planning permission.

The registered speakers made statements for the application.

Councillor Karen Warrington, the local ward member, spoke in favour of the application.

Councillors asked questions for clarification to which the Case Officer responded. The Case Officer confirmed that the applicant could extend the existing dwelling

using permitted development rights.

Councillor Kew stated that he believed there were very special circumstances to justify the proposed development. The original house was not environmentally friendly; the proposed new dwelling would be in line with the Clutton Neighbourhood Plan and would be a more sustainable property. No objections to the application had been received and the property was located in a well screened site. It would be an improved use of the land and built on the existing footprint.

Councillor Kew moved that authority be delegated to officers to permit the application subject to conditions. This was seconded by Councillor Crossley.

Councillor Crossley stated that it would be preferable to create a higher quality, modern building than to extend the existing dwelling. The new building would only be an 8% volume increase over and above the existing permitted development rights. It was noted that the applicant had restored an orchard on this land which had provided work in the area.

Councillor Jackson queried whether the demolition and rebuild of the dwelling in this greenbelt area would lead to a precedent being created.

The Team Manager, Development Management, explained that if the application was permitted it would be possible to add a condition to remove the permitted development rights on the new dwelling. This would mean that planning permission would have to be sought for any further extension or enlargement of the dwelling. Councillor Kew and Councillor Crossley agreed that this should be included in the motion.

The motion was put to the vote and it was **RESOLVED** unanimously to delegate authority to officers to **PERMIT** the application subject to conditions to include the removal of permitted development rights for the new dwelling.

Item No. 3

Application No: 15/04971/FUL

Site Location: Parcel 3515, Charmydown Lane, Swainswick, Bath -

Construction of new and replacement track to serve dwellings, farms and farmland along the upper section of Charmydown Lane, Upper Swainswick, Bath, BA1 8AB

The Case Officer reported on the application and her recommendation to permit.

The registered speakers made statements for and against the application.

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

Councillor Crossley moved that planning permission be granted subject to the conditions set out in the officer's report. He stated that the proposal offered an imaginative solution to access the farm building. This was seconded by Councillor Organ.

Councillor Jackson supported the application on road safety grounds and felt that the concerns expressed by the Parish Council should be addressed by planning

conditions.

Officers confirmed that a condition would be included to require that no fences, gates or any other means of enclosure shall be constructed within or adjacent to the track unless a further planning permission has been granted.

The motion was put to the vote and it was **RESOLVED** unanimously to **PERMIT** the application.

Item No. 4

Application No: 16/01359/FUL

153 Newbridge Hill, Newbridge, Bath, BA1 3PX - Provision of additional 9 parking spaces at the rear of 153/155 Newbridge Hill, Bath (Resubmission of 15/01226/FUL)

The Case Officer reported on the application and his recommendation to refuse.

The registered speaker made a statement for the application.

Councillor Donal Hassett, the local ward member, spoke in favour of the application.

Members asked questions for clarification to which the Case Officer responded. It was confirmed that this application requested four extra spaces in addition to the five spaces that had already been approved.

Councillor Roberts, also a local ward member, was in favour of the application although had some concerns that approval may lead to more requests for parking spaces which could encroach onto the green areas in the ward.

Councillor Jackson moved that planning permission be refused for the reasons set out in the officer report and that the proposed development would be contrary to policy T20. This was seconded by Councillor Appleyard. Officers suggested including an additional reason for refusal that the proposed development would result in increased disturbance to public transport links and with no adequate demonstration of need is contrary to saved policy T20 of the Bath and North East Somerset Local Plan.

The motion was put to the vote and it was **RESOLVED** to **REFUSE** planning permission by 5 votes for, 3 votes against and 2 abstentions.

Item No. 5

Application No: 16/00991/FUL

Land Opposite Rowan House, High Street, Freshford, Bath – Creation of new access opening and construction of parking area for two cars

The Case Officer reported on the application and her recommendation to refuse.

The registered speaker spoke in favour of the application.

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

Councillor Jackson moved that consideration of this application be deferred pending a site visit. This was seconded by Councillor Appleyard.

The motion was put to the vote and it was **RESOLVED** to **DEFER** consideration of this application pending a site visit to allow the Committee to understand the context of the site, by 6 votes for, 3 votes against and 1 abstention.

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

The Committee considered the appeals report and noted that only one appeal had been allowed. The Committee praised officers for the work they had undertaken to achieve this. Officers were also congratulated for the commendations they had received regarding the Burger and Lobster restaurant development in Bath.

The meeting ended at 4.05 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date 1st June 2016

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

ITEMS FOR PLANNING PERMISSION

ITEM

| Item No. | Application No. | Address |
|-----------------|------------------------|---|
| 1 | 16/01310/FUL | Street Record Abbey Church Yard City Centre |

Third Party comments

Bath Preservation Trust

BPT note that the response referenced in the report was not a formal response but a reflection of the potential benefit on the visitor business of the Trust as runner of 4 museums in the City given in response to an online questionnaire. Our Architecture and Planning Committee did not submit a formal response to the planning application. In other contexts BPT have noted that the Christmas market is one of the peak traffic periods where congestion becomes highly problematic and it is to be hoped that an extended Christmas Market would spread that congestion rather than merely add to it. We would encourage consideration of more temporary parking locations to ameliorate congestion for regular business, school and residential users of the City during this period, and that the market should be used to pilot a variety of alternative traffic solutions which could then constructively inform B&NES Transport Strategy. This could include additional public shuttle buses from temporary locations such as the Racecourse.

Walcot Street Traders Association (WSTA)

An written representation has been received, which included a number of emails sent directly to WSTA rather than the LPA. In summary it is highlighted how much the proposed extension of the market would impact these

businesses and might result in closures should the downturn in trade continue.

It is stated that the market has a negative effect on the viability and vitality of retail in Walcot. Further, extending the market to 18th December (taken down by 22nd December) the WSTA argue gives very little time for people to return to the city. The fears are that they will continue to shop elsewhere. The WSTA reality is that there will only be five/6 days trading - 19th - 23/24th December - before Christmas when people will wish to walk out into the less congested city.

WSTA note that many of the smaller, independent “artisan” businesses would not be able to stock or staff the chalets. By our very nature, much of what we in Walcot sell is handmade, often “one-offs” or limited in number and by the method of production.

Policies

The report should also make reference to the following Local Plan Policies:

- S.2: Retail development proposals within the centres identified under S.1
- S.5: Primary shopping frontages for Bath, Keynsham and Midsomer Norton
- S.6: A3, A4 and A5 uses in Bath City Centre.

| | | |
|----|--------------|---|
| 5. | 16/00991/FUL | Land Opposite Rowan House High Street Freshford |
|----|--------------|---|

Update to Officer Assessment within the Report :

It is considered that whilst the harm caused to the Conservation Area's significance as a heritage asset would be less than substantial in terms of paragraph 134 of the Framework, no significant public benefits arise from the proposal to justify the application being granted.

BATH AND NORTH EAST SOMERSET COUNCIL

MEMBERS OF THE PUBLIC AND REPRESENTATIVES WISHING TO MAKE A
STATEMENT AT THE MEETING OF THE DEVELOPMENT MANAGEMENT
COMMITTEE ON WEDNESDAY 1 JUNE 2016

| A. MAIN PLANS LIST | | | |
|--------------------|---|--|--|
| ITEM NO. | SITE NAME | SPEAKER | FOR/AGAINST |
| 1 | Street Record, Abbey Church Yard, Bath | Nick Tobin – Vice-Chairman, Federation of Bath Residents' Associations | Against (To share 6 minutes) |
| | | Martin Tracy or Jenny Pollitt – Walcot Street Traders' Association | Against (To share 6 minutes) |
| | | David James, Andrew Peters and Susan Keeling - Bath Tourism Plus | For (Up to 6 minutes) |
| | | Councillor Peter Turner – Ward Councillor | |
| 2 | Somersby Orchard, The Gug, High Littleton | Rosemary Naish | Chair of Clutton Parish Council |
| | | Chris Beavan, PlanningSphere | For |
| | | Councillor Karen Warrington – Ward Councillor | |
| 3 | Charmydown Lane, Swainswick | Donald MacIntyre | Chair of St Catherine's Parish Meeting |
| | | Janet Montgomery, Dormie Holdings | For |
| 4 | 153 Newbridge Hill, Bath | Mary Bowen | For |
| | | Councillor Donal Hassett – Ward Councillor | |
| 5 | High Street, Freshford | Roger Paine | Freshford Parish Council |

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BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

1st June 2016

DECISIONS

| | |
|--------------------------|--|
| Item No: | 01 |
| Application No: | 16/01310/FUL |
| Site Location: | Street Record, Abbey Church Yard, City Centre, Bath |
| Ward: Abbey | Parish: N/A LB Grade: N/A |
| Application Type: | Full Application |
| Proposal: | Temporary change of use of the site as a temporary Christmas Market for 25 days from 24th November 2016 to 18th December 2016 inclusive, including 173 retail chalets, 6 catering units and 4 mobile catering units. |
| Constraints: | Affordable Housing, Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Scheduled Ancient Monument SAM, Air Quality Management Area, Article 4, Bath Core Office Area, Centres and Retailing, Conservation Area, Cycle Route, Forest of Avon, Hotspring Protection, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Prime Shop Front, Public Right of Way, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site, |
| Applicant: | Bath Tourism Plus |
| Expiry Date: | 17th June 2016 |
| Case Officer: | Tessa Hampden |

DECISION REFUSE

1 The proposed development, due to the length of the change of use proposed, is considered to have a detrimental impact upon the residential amenity of the surrounding occupier by virtue of increased noise and disturbance. The development is therefore contrary to saved policy D2 of the Local Plan 2007

2 The proposed development, due to the length of the change of use proposed and the scale and type of operation, is considered to have an unacceptable impact upon some local businesses. The development is therefore contrary to saved policy S2 of the Local Plan 2007, and the aims of the National Planning Policy Framework

PLANS LIST:

05 Apr 2016 SITE 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 Framework. Discussions were held with the agent, but this application was refused by Members at Planning Committee

| | |
|--------------------------|---|
| Item No: | 02 |
| Application No: | 16/00898/FUL |
| Site Location: | Somersby Orchard, The Gug, High Littleton, Bristol |
| Ward: Clutton | Parish: Clutton LB Grade: N/A |
| Application Type: | Full Application |
| Proposal: | Erection of a new dwelling following demolition of an existing dwelling within residential curtilage. |
| Constraints: | Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Hazards & Pipelines, Neighbourhood Plan, SSSI - Impact Risk Zones, |
| Applicant: | Mr & Mrs Paul Wyatt |
| Expiry Date: | 21st April 2016 |
| Case Officer: | Tessa Hampden |

DECISION PERMIT

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

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

2 Prior to the construction of the development infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) shall be undertaken to verify that soakaways will be suitable for the development. The soakaways shall be installed prior to the occupation of the development unless the infiltration test results demonstrate that soakaways are not appropriate in accordance with Building regulations Part H, section 3 (3.30). If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, should be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with policy CP5 of the Bath and North East Somerset Core Strategy.

3 The development hereby permitted shall be carried out only in accordance with the ecological mitigation proposals and recommendations described in section 7 and Table 5 of the approved Ecological Survey by Clarkson and Woods dated February 2016.

Reason: to prevent harm to ecology and to provide replacement habitat and biodiversity opportunities in line with the requirements of NPPF

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 extension, or enlargement of the dwelling hereby approved shall

be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority because of the siting of the development in the Green Belt

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

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

PLANS LIST:

| | | |
|-------------|----------|-------------------------------|
| 24 Feb 2016 | 0575.003 | EXISTING PLANS AND ELEVATIONS |
| 24 Feb 2016 | 0575.004 | PROPOSED PLANS AND ELEVATIONS |
| 24 Feb 2016 | 0575.001 | SITE LOCATION PLAN |
| 24 Feb 2016 | 0575.002 | BLOCK PLAN |

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

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. A positive view of the submitted/revised proposals was taken by Committee and consent was granted.

| | | |
|-----------------------------|---|----------------------|
| Item No: | 03 | |
| Application No: | 15/04971/FUL | |
| Site Location: | Parcel 3515, Charmydown Lane, Swainswick, Bath | |
| Ward: Bathavon North | Parish: Batheaston | LB Grade: N/A |
| Application Type: | Full Application | |
| Proposal: | Construction of new and replacement track to serve dwellings, farms and farmland along the upper section of Charmydown Lane, Upper Swainswick, Bath BA1 8AB | |
| Constraints: | Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Greenbelt, MOD Safeguarded Areas, Public Right of Way, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, Water Source Areas, | |
| Applicant: | Dormie Holdings Ltd C/o Brimble Lea & Partners | |
| Expiry Date: | 3rd June 2016 | |
| Case Officer: | Alice Barnes | |

DECISION PERMIT

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

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

2 No development shall take place until full details of a Wildlife Protection, Management and Enhancement Scheme in accordance with the recommendations and proposals described in the approved ecological assessment by Tyler Grange dated 2nd March 2016 have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Full details of all proposed ecological mitigation, compensation, enhancement and protection measures, including fenced exclusion zones if applicable, new habitat creation and other ecological features to provide ecological benefit, with all measures and locations being shown on a plan

(ii) Full details and specifications for planting and seeding, to include species compositions, numbers, sizes and positions of planting, with measures also incorporated into soft landscape design and shown on all relevant plans and drawings

(iii) A list of wildlife conservation management aims and objectives to include species specific objectives where applicable for example creation of tussocky grassland habitat to benefit barn owl, and proposed management operations to achieve the aims and objectives

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

Reason: To avoid harm to wildlife and to mitigate for ecological impacts

3 No development shall take place until an annotated tree protection plan following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures) to protect the trees within the woodland belt has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The plan shall include proposed tree protection measures during site preparation (including clearance), during construction and landscaping operations ensuring that no-dig construction methods are used within the rooting areas of the trees where the new track is constructed through the woodland belt.

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

4 All ground works shall be monitored in accordance with the Archaeological Written Scheme of Investigation (Archaeology and Planning Solutions, February 2015) submitted with this application, providing a controlled watching brief with provision for the detailed excavation and recording of any significant deposits or features encountered.

Reason: The site is within an area of significant archaeological interest and the Council wish to protect and record any archaeological remains disturbed by the development.

5 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 fences, gates or any other means of enclosure shall be constructed within or adjacent to the track unless a further planning permission has been granted.

Reason: To safeguard the nearby public right of way and the openness of the surrounding green belt.

6 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) hours of operation, contractor parking and traffic management. The development shall thereafter be carried out in accordance with the details approved.

Reason: Details are required prior to the commencement of the development to ensure the safe operation of the highway and to ensure that the construction of the development does not cause disruption to the highway. To ensure that the development does not occur during anti-social hours in the interests of residential amenity. To ensure that the proposed development does not block or disrupt the existing public right of way.

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

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

PLANS LIST:

- Site location plan 1743 SL 01 a
- Detailed site plan 1743 A1 L3
- Proposed farm track 1743 A3 L4
- Proposed plans 1743 A1 L1 rev E
- Proposed plans 1743 A1 L2 rev E

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

| | | |
|--------------------------|---|----------------------|
| Item No: | 04 | |
| Application No: | 16/01359/FUL | |
| Site Location: | 153 Newbridge Hill, Newbridge, Bath, BA1 3PX | |
| Ward: Newbridge | Parish: N/A | LB Grade: N/A |
| Application Type: | Full Application | |
| Proposal: | Provision of additional 9 parking spaces at the rear of 153/155 Newbridge Hill (Resubmission of 15/01226/FUL) | |

| | |
|----------------------|--|
| Constraints: | Affordable Housing, Agric Land Class 1,2,3a, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site, |
| Applicant: | Ms Amy Dyer |
| Expiry Date: | 6th June 2016 |
| Case Officer: | Martin Almond |

DECISION REFUSE

1 The proposed development due to its intended use, location and size would result in development which does not respect the existing character and appearance of the locality and as such is contrary to the provision of saved policies D.2 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

2 The proposal development by virtue of its size, scale and siting in this backland location would detract from the open and regular pattern of the existing built environment which would harm the character and appearance of the City of Bath Conservation Area. The development is therefore contrary to saved policy BH.6 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

3 The increase in the number of parking spaces will result in an increased number of vehicle movements which will result in increased disturbance to the existing residential properties and as such the proposal is contrary to saved policy D.2 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

4 The proposed development will create further reliance on private car use which in this sustainable location, close to public transport links and with no adequate demonstration of need is contrary to saved policy T.20 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

PLANS LIST:

This decision relates to drawings 1102 P62, 1102 P63, 1102P64, 1102 P65 and 1102 P61 dated as received 22nd March 2016.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. The applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

| | |
|-----------------------------|--|
| Item No: | 05 |
| Application No: | 16/00991/FUL |
| Site Location: | Land Opposite Rowan House, High Street, Freshford, Bath |
| Ward: Bathavon South | Parish: Freshford LB Grade: II |
| Application Type: | Full Application |
| Proposal: | Creation of new access opening and construction of parking area for two cars. |
| Constraints: | Affordable Housing, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building, MOD Safeguarded Areas, Neighbourhood Plan, SSSI - Impact Risk Zones, |
| Applicant: | Mr Peter King |
| Expiry Date: | 5th May 2016 |
| Case Officer: | Kate Whitfield |

DECISION

Defer for site visit - to allow Members to understand the context of the site

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| Bath & North East Somerset Council | |
|---|--|
| MEETING: | Development Management Committee |
| MEETING DATE: | 29th June 2016 |
| RESPONSIBLE OFFICER: | Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079) |
| TITLE: | SITE VISIT AGENDA |
| WARDS: | ALL |
| BACKGROUND PAPERS: | |
| AN OPEN PUBLIC ITEM | |

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

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| ITEM NO. | APPLICATION NO. & TARGET DATE: | APPLICANTS NAME/SITE ADDRESS and PROPOSAL | WARD: | OFFICER: | REC: |
|----------|--------------------------------|---|----------------|----------------|--------|
| 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 | 16/00991/FUL 5 May 2016 | Mr Peter King Land Opposite Rowan House, High Street, Freshford, Bath, Creation of new access opening and construction of parking area for two cars. | Bathavon South | Kate Whitfield | REFUSE |

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.

The application was then deferred from the May agenda due to the receipt of additional information that resulted in an objection from the Senior Arboricultural Officer.

DESCRIPTION OF SITE AND APPLICATION

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. Following the receipt of additional information, the Senior Arboricultural Officer objected to the applications as she considered that the development was likely to result in harm to the row of beech trees that would expedite their demise. The application was then amended by moving the pre-prep building further into the site. It will be sited approx. 14m from the western boundary of the site and level with the frontage of High Vinnells. This is approx.

5m further from the trees than the previous proposal and approx. 8m further from the north boundary of the site. All other elements of the scheme remain the same.

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.

Following the receipt of amended plans, the Landscape Architect has stated that the development is not acceptable in its current form and raises the following points;

- Greenfield site in a sensitive location that forms part of the important green hillsides, which are a key component of the World Heritage Site's Outstanding Universal Value
- Proposal will lead to a significant loss of green space and a loss to the distinct character of the historic park and the conservation area
- Recognised that this building has been moved 4m further from the line of beech trees, which is an improvement.
- The nature of the mature trees would enable views into the site and allow views to the proposed buildings.
- Impact of proposed buildings and the long term impact on the quality and character of the site, with particular reference to the trees would result in significant harm to the conservation area, historic parkland, AONB and World Heritage Site.
- Landscape view remains that the proposals are unacceptable

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.

Following the receipt of amended plans, Historic England offer the following comments;

- Believe previous comments are still applicable
- Not satisfied that due consideration has been given to the contribution that the site makes to the character and appearance of the conservation area or the Outstanding Universal Value of the World Heritage Site.
- Unconvinced about the principle of development of the site
- It should be judged against paragraph 134 of the NPPF.

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 renotified 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 necessary 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 Vines)
- 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 renotified 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

Following the receipt of revised plans, a further 8 letters of representation have been received. The following points have been raised:

- No of the previous concerns have been addressed
- Does not overcome the most recent arboricultural objection
- Overdevelopment of a green site
- Significant concerns over the impact on the adjacent trees and the conservation area as a whole
- Pressure due to the use of the area by children for the removal of the trees, which will fundamentally alter the character and appearance of the World Heritage Site
- Adverse impact on highway safety
- Lack of engagement between the school and adjacent properties
- will result in a significant increase in traffic levels
- Lack of a masterplan
- Bath should be preserving its skyline

- Roads outside the control of the Local Authority does not absolve them of responsibility for safety

POLICIES/LEGISLATION

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

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

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 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. The proposed nursery building has been resited to be further from the trees and sit tightly against the High Vinnells building. 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, the avenue is considered potentially vulnerable to environmental and man made changes by virtue of their maturity, species and location. Tree protection measures during construction are therefore essential and the revisions submitted increase the area available which can be protected by fencing throughout the build. 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.

The comments of Historic England are noted. It is not considered that the proposed development will cause substantial harm to the heritage assets and as such, paragraph 134 becomes engaged. This states that were less than substantial harm will be caused, it should be weighed against the public benefits of the proposal. Paragraph 72 states that local authorities should give "great weight to the need to create, expand or alter schools" Whilst it is acknowledged that Kingswood is a private school, the NPPF makes no distinction between schools within and outside the control of the local authority. The nursery building will also provide education to children in reception, which is within a formal education setting. In view of this, Officers are satisfied that, when the duty under paragraph 72 is balanced against the impact on the heritage assets (which is detailed in the previous section), and the future proofing of the site with the additional planting, the proposed development is acceptable.

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 and it is approx 14m from the site boundary. 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 nursery building has been moved further away from the trees than the previous submission. This has helped to mitigate the impact on the trees in terms of the impact of development. 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 does not entirely remove Arboricultural concerns. 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. There is disagreement between the applicant and the adjoining residents regarding the level of pre-application consultation. 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, and the residents do not agree with this statement. 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 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 revised 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, 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.

4 No development or other operations shall commence on site until a time and date has been agreed with the Local Authority Senior Arboricultural Officer for a pre-commencement site meeting with the Site Manager and Project Arboriculturalist.

Reason: To ensure that the contents of the Detailed Arboricultural Method Statement and revised Tree Protection Plan is understood and complied with by all parties.

5 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.

6 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.

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

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

8 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.

9 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

10 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

11 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.

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

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

13 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.

14 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

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

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

PLANS LIST:

This decision relates to the 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 D - Proposed Ground Floor Plan (rec'd 27 May 2016)
- 1480/P/111 D - Proposed Roof Plan (rec'd 27 May 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 C - Proposed South Elevation (rec'd 27 May 2016)
- 1480/P/201 C - Proposed North Elevation (rec'd 27 May 2016)
- 1480/P/202 D - Proposed West Elevation (rec'd 27 May 2016)
- 1480/P/203 C - Proposed East Elevation (rec'd 27 May 2016)
- 1480/P/204 C - Proposed South Elevation Entrance (rec'd 27 May 2016)
- 1480/P/205 - Proposed North Elevation Reception Entrance (rec'd 27 May 2016)
- 1480/P/305 D - Proposed Section A 1 (rec'd 27 May 2016)
- 1480/P/306 D - Proposed Section A 2 (rec'd 27 May 2016)
- 1480/P/307 D - Proposed Section B 1 (rec'd 27 May 2016)
- 1480/P/308 D - Proposed Section B 2 (rec'd 27 May 2016)
- 1480/P/320 D - Proposed Section C (rec'd 27 May 2016)
- 1480/P/321 D - Proposed Section D (rec'd 27 May 2016)
- 1480/P/322 D - Proposed Section E (rec'd 27 May 2016)
- 1480/P/323 D - Proposed Section F (rec'd 27 May 2016)
- 1480/P/324 D - Proposed Section G (rec'd 27 May 2016)
- 1480/P/325 D - Proposed Section H (rec'd 27 May 2016)
- 1480/P/326 D - Proposed Section J (rec'd 27 May 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 D - Proposed Site Plan (rec'd 27 May 2016)
- 1465/P/105 B - Tree Survey Plan (rec'd 12 November 2015)
- 1465/P/110 B - Proposed Ground Floor Plan (rec'd 12 November 2015)
- 1465/P/111 B - Proposed First Floor Plan (rec'd 12 November 2015)
- 1465/P/112 B - Proposed Roof Plan (rec'd 12 November 2015)
- 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 2015)
- 1465/P/201 B - Proposed Elevations East (rec'd 12 November 2015)
- 1465/P/202 B - Proposed Elevations South (rec'd 12 November 2015)
- 1465/P/203 B - Proposed Elevations West (rec'd 12 November 2015)
- 1465/P/220 A - Stair Study
- 1465/P/300 B - Proposed Section A (rec'd 12 November 2015)
- 1465/P/301 B - Proposed Section B (rec'd 12 November 2015)
- 1465/P/302 B - Proposed Section C (rec'd 12 November 2015)
- 1465/P/303 B - Proposed Section D (rec'd 12 November 2015)
- 1465/P/304 B - Proposed Section E (rec'd 12 November 2015)
- 1465/P/305 B - Proposed Section F (rec'd 12 November 2015)
- 1465/P/306 B - Proposed Section G (rec'd 12 November 2015)
- 1465/P/320 A - Section Detail Study
- 1465_SCH_10_Room Area A - Schedule Room Area Schedule

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.

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.

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

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

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: 16/00991/FUL
Site Location: Land Opposite Rowan House High Street Freshford Bath



Ward: Bathavon South **Parish:** Freshford **LB Grade:** II

Ward Members: Councillor Neil Butters

Application Type: Full Application

Proposal: Creation of new access opening and construction of parking area for two cars.

Constraints: Affordable Housing, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building, MOD Safeguarded Areas, Neighbourhood Plan, SSSI - Impact Risk Zones,

Applicant: Mr Peter King

Expiry Date: 5th May 2016

Case Officer: Kate Whitfield

REPORT

The Parish Council has expressed support for this application based on material planning grounds. This is contrary to the Officer's recommendation of refusal and therefore it has

been agreed that the application should be determined by the Planning Committee. Consideration of this application was deferred at the last meeting of the Committee to allow Members to visit the site.

The application site is an area of garden land on the south eastern side of the 'High Street' in the village of Freshford. The area is under the same ownership as a Grade II Listed residential property, 'Rowan House', located on the opposite side of road. The site lies within the designated Conservation Area for Freshford and the entire village lies within the Cotswolds Area of Outstanding Natural Beauty and the Bristol / Bath Greenbelt.

Planning permission is sought to convert around a 7 by 9 metre section of the garden area to a parking bay. This will require the complete removal of a 7 metre length of stone boundary wall and the lowering of around 2.5 metre wide sections of the wall on either side of the new access. The parking area is to be surfaced in a permeable material.

Relevant Planning History:

DC - 98/02520/OUT - REF - 9 July 1998 - Erection of single storey dwelling and garage.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Freshford Parish Council :

This proposal seeks approval to the utilisation of part of a vegetable garden, on the opposite side of the road to the main dwelling, Rowan House, as an off street parking space for two vehicles, with associated boundary wall works.

Freshford High Street is narrow, with little or no space for parking on the road outside houses. Vehicles sometimes park on the pavement causing safety and access problems. Several dwellings in the High Street own land used for gardens on the opposite side of the road to the main house, and provision for parking has been made in some cases.

In this proposal approximately one-sixth of the vegetable garden is to be converted into parking spaces for two vehicles. At present there is a stone wall boundary along the road about 1.5 m high. About 7.0 m of this wall will be demolished to provide access, and a further 4.0m of wall reduced in height, to enable drivers to see movements along the road in terms of access and safety. It is understood that the Highways Authority will be commenting on this aspect.

The Neighbourhood Plan Villages Design Statement provides guidance for building work. In this particular case the Conservation Report document of 2007 is also relevant, in that one of the main attributes of the village that it seeks to conserve is the presence of many fine stone walls along roads and in gardens. In this case the Council will expect boundary and other walls, together with other works, to be in materials and in a style in keeping with the immediate location, and in sympathy with the main dwellings in the High Street. The Application covers these points.

The Parish Council supported this Application, with the above comments, at its meeting on April 11 2016.

Bath and North East Somerset Council Highways Team :

The applicant is seeking permission to create a new access opening and construct a hardstanding area for parking on garden land opposite Rowan House (formerly Belle Vue), High Street, Freshford.

The site, which is 9m x 7m in area, currently forms part of a vegetable garden and is bound by a 1.5m high stone wall to the northwest. The applicant proposes to create a 7m wide opening in the wall with the height reduced to 600mm on both sides to improve visibility. It is noted that there are a number of vehicular access onto High Street in close proximity to the site which serve residents of properties along the opposite side of the road. It is therefore unlikely an additional access will have a detrimental impact on the safety and operation of the public highway. It is also acknowledged that the provision of off-street parking to serve the occupants of Rowan House will help alleviate the current demand for on-street parking in Freshford.

It is therefore recommended that no highway objection be raised subject to conditions being attached to any permission granted relating to the retention of the parking area and confirmation of the surfacing materials and means of surface water disposal.

No third party 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:

- 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).

RELEVANT CORE STRATEGY POLICIES

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 Core Strategy are relevant to the determination of this application:

CP6: Environmental Quality
CP8 : Greenbelt
DW1 : District Wide Spatial Strategy

RELEVANT LOCAL PLAN POLICIES

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

D.2: General Design and public realm considerations

D.4: Townscape considerations
BH.2 : Listed Buildings and their settings
BH.6: Development within or affecting Conservation Areas.
BH.7 : Demolition within Conservation Areas
GB.2 : Visual Amenities of the Green Belt
NE.2 : Areas of Outstanding Natural Beauty
T.26: On-site parking and servicing provision

RELEVANT PLACEMAKING PLAN POLICIES

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
HE1 : Historic Environment
NE2 : Conserving and Enhancing the Landscape and Landscape Character
GB1 : Visual Amenities of the Green Belt
ST7 : Transport Requirements For Managing Development

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight. The following sections of the NPPF are of particular relevance:
Section 7: Requiring good design
Section 9 : Protecting Green Belt land
Section 12 : Conserving and Enhancing the Historic Environment.

The adopted Freshford and Limpley Stoke Neighbourhood Development Plan 2014 to 2039 and the Freshford and Sharpstone Conservation Area Character Appraisal (March 2007) is also relevant in the determination of this planning application.

In addition, where development affects a listed building or its setting there is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 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 also a duty under Section 72 of the same Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

OFFICER ASSESSMENT

It is considered that this proposal, in particular the demolition of a section of boundary wall along the High Street, will have a detrimental impact on the character and appearance of the Freshford Conservation Area. It is therefore recommended for refusal.

The south eastern side of the High Street in Freshford is currently undeveloped, save for a few garage and shed structures, and provides large garden areas for properties on the opposite side of the High Street. It generally provides an attractive 'green boundary' to the southern side of the village, separating it from the countryside beyond.

The proposal is to convert a section of one of these garden areas to a hard surfaced parking bay, which will be accessed directly from the High Street. Due to their age many of the properties within Freshford do not benefit from off street parking and it is recognised that this is placing pressure on the limited availability of street parking within the village. The rationale behind the application is therefore acknowledged.

The proposed parking area will measure 9 by 7 metres and will take up a relatively small area of the large garden. However, of more significance is the extent of the boundary stone wall along the High Street which will need to be removed to allow safe access to and from the parking area.

Boundary rubble walls within the village are specifically highlighted as a feature of special interest in the Freshford and Sharpstone Conservation Area Character Appraisal. It states :

"Protection of the boundary walls is a high priority and they should not be neglected. Traditional repairs with lime mortar should be encouraged. The removal of boundary walls to provide access or parking should be resisted."

Accesses have been created onto parking areas at either end of the High Street, however, this new access would be established in a more central section and within a largely unbroken stretch of wall. It is acknowledged that there are benefits to the Applicant of an off road parking space, however, in this case it is not considered that these outweigh the loss of a significant section of the boundary wall and the detrimental visual impact this will have on the character of the area and the setting of Listed Buildings opposite the site.

In addition to the Conservation Area Appraisal, saved Local Plan policy BH.7 states that the total or substantial demolition of structures which make a positive contribution to the character and appearance of the Conservation Area should not be permitted, unless the proposed development would make a significantly greater contribution to the Conservation Area. It is not considered that this proposal will achieve this and therefore it is deemed to be contrary to this policy.

The Applicant has advised that it is the intention to surface the parking area with a permeable surface, similar in colour to Bath stone and the surfacing on a nearby public footpath in Freshford. However, no specific details are known at this stage and therefore a condition would be required to provide this information for prior approval, to ensure it meets the requirements of the Highways Officer and is suitable from a visual amenity perspective. A 3 metre section of new wall is also to be built along the side boundary of the parking area, replacing a dead hedge, however this is not considered to mitigate for the loss of the front boundary wall.

However, the application is recommended for refusal as it is considered that it fails to preserve or enhance the Freshford Conservation Area or the setting of adjacent Listed Buildings and is therefore contrary to saved Local Plan policies BH.2, BH.6 and BH.7. For the above reasons it is also considered that the Local Authority has fulfilled its duties under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the setting of neighbouring Listed Buildings and the character of the surrounding Conservation Area.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 It is considered that the proposed development would result in an unacceptable loss of a substantial part the boundary wall along the High Street in Freshford, detrimentally affecting the setting of the heritage assets and the character and appearance of the Freshford Conservation Area. The proposal therefore conflicts with the principles and policies set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12: Conserving and Enhancing the Historic Environment of National Planning Policy Framework and the policies BH.2, BH.6 and BH.7 of Bath and North East Somerset Local Plan (including minerals and wastes) adopted October 2007.

PLANS LIST:

This decision relates to the following plans dated as received 10 March 2016 :
Site Location Plan, Ref C
Detail Plan, Ref E
and the Proposed Block Plan, Ref D dated as received 27 May 2016.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The submitted application was unacceptable for the stated reasons and it has not been possible to agree on an acceptable scheme to enable approval. The applicant was therefore advised that the application was to be recommended for refusal.

| Bath & North East Somerset Council | |
|---|--|
| MEETING: | Development Management Committee |
| MEETING DATE: | 29th June 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 | |

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

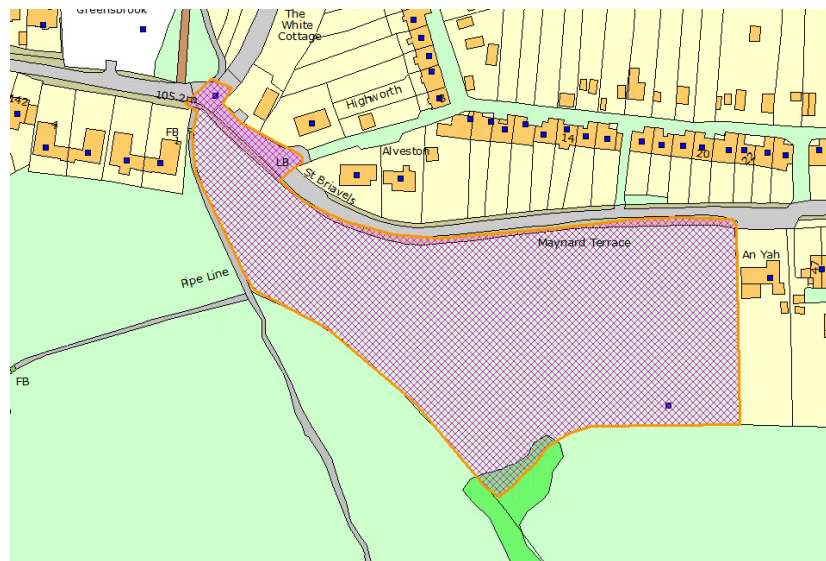
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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| ITEM NO. | APPLICATION NO. & TARGET DATE: | APPLICANTS NAME/SITE ADDRESS and PROPOSAL | WARD: | OFFICER: | REC: |
|----------|--------------------------------|---|----------------------|-------------------|-----------------------|
| 01 | 14/05692/RES 3 June 2016 | Curo Enterprise Ltd Parcel 0006, Maynard Terrace, Clutton, Bristol, Bath And North East Somerset Approval of Reserved Matters (appearance, landscaping, layout and scale) with regard to outline application 12/01882/OUT for erection of 36no. dwellings and associated infrastructure. | Clutton | Suzanne D'Arcy | Delegate to PERMIT |
| 02 | 15/05759/FUL 4 July 2016 | Mr Richard Curry Court Farm , The Street, Compton Martin, Bristol, Bath And North East Somerset Erection of 2no. semi-detached dwelling houses in existing carpark (resubmission). | Chew Valley South | Corey Smith | PERMIT |
| 03 | 16/01338/FUL 1 June 2016 | Ms Lindsay Dell 26 Primrose Hill, Upper Weston, Bath, Bath And North East Somerset, BA1 2UT Erection of two storey side extension. | Weston | Alice Barnes | PERMIT |
| 04 | 16/01219/FUL 30 June 2016 | Mr And Mrs C And V Bush The Cottage, Pipehouse Lane, Freshford, Bath, Bath And North East Somerset Erection of 1no. detached dwelling with access and associated works. | Bathavon South | Kate Whitfield | REFUSE |
| 05 | 16/02046/FUL 21 June 2016 | Mr Matthew Davies Richmond Lodge, Weston Park, Upper Weston, Bath, BA1 4AL Erection of 1no cottage and 2no town houses following demolition of existing dwelling and 2no garages | Weston | Alice Barnes | PERMIT |
| 06 | 16/01221/FUL 4 July 2016 | Mr M Alexander 15 Kenilworth Close, Keynsham, Bristol, Bath And North East Somerset, BS31 2PB Erection of 1no two bed dwelling. | Keynsham South | Emma Watts | PERMIT |

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

Item No: 01
Application No: 14/05692/RES
Site Location: Parcel 0006 Maynard Terrace Clutton Bristol Bath And North East Somerset

**Ward:** Clutton**Parish:** Clutton**LB Grade:** N/A**Ward Members:** Councillor Karen Warrington**Application Type:** PI Permission (Approval Reserved Matters)

Proposal: Approval of Reserved Matters (appearance, landscaping, layout and scale) with regard to outline application 12/01882/OUT for erection of 36no. dwellings and associated infrastructure.

Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,

Applicant: Curo Enterprise Ltd**Expiry Date:** 3rd June 2016**Case Officer:** Suzanne D'Arcy**REPORT**

REASON FOR REPORTING THE APPLICATION TO COMMITTEE

The application has been reported to the Development Management Committee as the Outline application (and subsequent variation applications) were determined at Committee level.

DESCRIPTION OF SITE AND APPLICATION

The site is located on land to the south of Maynard Terrace. The site is currently a green field site, which is used for agriculture. The site approx. 1.5 hectares.

The site is located outside of the Housing Development Boundary of Clutton. The site is an undulating site, which is higher to the north and east, and then slopes down towards the south western boundary. There are hedgerows marking the north, south west and eastern boundaries of the site.

Maynard Terrace is characterised by two storey terraced properties to the north of the site. There is a detached property, adjacent to the eastern boundary of the site, with a further row of terraced properties beyond.

This is a reserved matters application, following the grant of outline consent for 36 dwellings on appeal under reference 12/01882/OUT. The matters to be determined are appearance, landscape, layout and scale as access was considered at outline stage.

The application has been through various amendments since submission, following on from the receipt of consultation comments. The scheme as currently proposed provides a mix of 2, 3 and 4 bed dwellings, across 9 different house types. The scheme will have 10 affordable rented dwellings and 3 shared ownership, with 23 market dwellings.

The proposed dwellings will predominantly be 2 storey in nature and plot 15 will be a bungalow. The materials proposed will be a mix of brick, render and rubble with clay roof tiles.

Relevant History

11/04300/OUT - Erection of 43no. dwellings and associated works. - Withdrawn 14th December 2011

12/01882/OUT - Erection of 36no. dwellings and associated works (revised resubmission) - Refused 17th December 2012. Allowed on appeal 11th July 2013

14/00039/OUT - Outline planning application for a residential development of up to 36 dwellings and associated infrastructure. - Refused 14th April 2014

15/02435/MDOBL - Modification of Planning Obligation 12/01882/OUT to reduce the affordable housing provision to 33% (Erection of 36no. dwellings and associated works (revised resubmission)) - Refused 5th August 2015

15/04031/MDOBL - Modification of Planning Obligation 12/01882/OUT to reduce the affordable housing provision to 33% (Erection of 36no. dwellings and associated works (revised resubmission)) - Approved by Development Management Committee (decision yet to be issued)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Arboriculture - No objection subject to conditions

Archaeology - No further comments

Contaminated Land - No further comments

Drainage - Conditions 6 and 7 of the outline permission need to be addressed to ensure the proposed scheme is acceptable

Ecology - No objections subject to conditions and clarifications

Environmental Health - No comments

Highways - No objection, but would like further clarity on the following;

- Who is responsible for the maintenance of the parking bays along Maynard Terrace?
- Who is responsible for the footpath between these spaces and plots 4 - 13?
- Clarity on the termination of the footpath adjacent to plots 14 and 15

Housing - Offer the following comments;

- Design, layout and construction standards are compliant with Policy CP9
- No 1 bed dwellings provided
- Expectation that Curo will formally agree the under-occupation
- Support a reverse of the tenure split shown (Officer note - this is an error on the plans and it is intended that there is a 9 dwellings for rent and 3 for shared ownership as per the s106 Agreement).

Landscape - The change to the front hedge is an improvement as a relocated hedge will always look poor until properly re-established and, even then there is no guarantee. If it is a poorer specimen to start with, then it will always struggle. This allows for a new hedge and the change to the layout gives more protection with the new path. The relocated hedge should be happier away from the road. Minor revisions to the shrub planting could be sought however these are small matters and do not give rise to objections.

Parks - Contributions have been requested

Planning Policy - Object to the proposal, and offer the following comments;

- Concern over the distribution of affordable dwelling but advise that this is not significant enough to lead to an objection
- Not in accordance with CNP3 due to lack of single bedroom or dwellings for the elderly/limited mobility
- No details relating to the connection to the fibre optic service
- Unclear from the plans if the Manual for Streets hierarchy has been applied
- Matters relating to sewage disposal should be referred to Wessex Water
- Refer to the Planning Obligations Officer in relation to traffic calming
- Refer to the Highways Officer in relation to car parking provision
- Street lighting is in accordance with CNP21

Public Rights of Way - No comments received

Urban Design - Offer the following comments;

- Design has responded to the Clutton Neighbourhood Plan design criteria through altering the window proportions
- Reconstituted "rubble" stone is not considered appropriate

- Smaller quantities of natural rubble stone would be more acceptable

Waste Services - No comments received

Clutton Parish Council - Object to the proposal and offer the following comments;

- Many of the Parish Council's previous objections have not been addressed
- Basic layout and design raises fundamental problems
- Destroy the rural character of Maynard Terrace
- No attempt to integrate the design with the existing community
- Disregard to the existing building line
- Coal mining works and associated safety aspect has not been addressed
- Insufficient parking in line with policy CNP20
- No bicycle parking
- No Building for Life 12 assessment (Officer note: This has now been submitted and assessed)
- Some compliance with the Neighbourhood Plan in relation to materials but this does not outweigh the other failings of the scheme
- Removal of hedgerow is harm to ecology and reduces the amount of screening to the development
- How will the loss of the hedge be compensated?
- Gradient is steep in the north east corner and the plans do not show how this is overcome
- No one bedroom dwellings, so it doesn't address the established need
- No new ecology survey has been submitted
- Clutton Neighbourhood Plan is now made and as such has equal weight with other policies
- Nothing to show the proposals in the context of Maynard Terrace
- Does not contribute positively to the wider context
- No attempt at an alternative layout to address Parish Council concerns
- Loss of amenity to existing residents
- No adequate storage for refuse and recycling
- Inadequate footpath width
- Improvements in landscaping with the use of more native species
- Still some use of non-native species, which is contrary to CNP15
- B&NES needs to be satisfied with the technical details of the waste management plan
- B&NES needs to be satisfied with the technical details of the sewerage arrangements
- The local school is now an academy and may not be able to cope with the additional pupils
- Proposal lack sensitivity and regard to the surroundings of the site and should be refused in line with the Inspectors comments.

Coal Authority - Offer the following comments;

- Site is within the defined Development High Risk Area
- Evidence suggests that there was an exploration shaft on site
- Condition should be imposed to ensure the remedial works are carried out

Environment Agency - No comments received

Wessex Water - No further comments

Representations: The application has been through 3 public consultations. At the time of writing the report, 280 objections from 218 individuals have been received, raising the following points;

- Out of keeping with Maynard Terrace
- Different materials, symmetry and layout to Maynard Terrace
- Inadequate parking
- Plan SK11 is outdated
- Concern over time for reconsultation (Officer note: The Council has advertised the application in accordance with its statutory obligations
- Ecology issues regarding the removal of the hedgerow
- Inappropriate parking
- Increased traffic on the road
- Lack of housing provision for the identified local need
- Development introduces an urban street form into a rural setting
- Dominates the setting of Maynard Terrace, an undesignated heritage asset
- Unacceptable layout
- Concern over mining heritage
- What are the plans for the remedial works in relation to the Coal Boards concerns?
- Lack of access to rear gardens
- Dwellings closely packed together
- Over development of green belt land
- Dangerous road junction
- Not wanted by the Parish Council and most villagers
- No affordable homes
- Fails to respect Maynard Terrace building line
- No public consultation regarding the departure of the design from that shown in the public exhibition
- Revised design is more insensitive to rural surroundings
- Planning Inspector said that "if the development fails to demonstrate adequate regard for and sensitivity to the site's surroundings then the Council would be entitled to refuse permission" this is the case with this application
- Cul-de-sac design would be more in keeping with Clutton
- Affordable housing is clustered together
- How will remedial work be dealt with?
- Increased light pollution
- Increased risk of subsidence
- Inadequate garden space
- Site to the south of the development should remain untouched
- Benefit of the scheme has been reduced following the reduction in the level of affordable housing
- Has the s106 Agreement been signed? (Officer note: The s106 Agreement has now been signed)
- Parking provision is out of keeping with Maynard Terrace
- Lack of public consultation over amended design
- Overlooking to terrace opposite
- Overshadowing of An Yah's garden
- Contrary to Policy CP6, CNP2 and NPPF paragraphs 64 and 66
- Loss of amenity and deterioration of the local environment
- Adverse impact on highway safety from on street parking
- Inadequate drainage detail submitted

- Overshadowing of terrace opposite
- Overdevelopment in the village
- Detrimental impact on the countryside
- Pavements do not appear to be wide enough
- Clutton Neighbourhood Plan identifies that 35% of dwellings should be designed for the elderly, those of impaired mobility or single bedrooms dwellings. Only one dwelling meets these standards
- Proposal is very different from those shown at outline
- No notification received (Officer note: The Council advertised the application in accordance with its statutory obligations)
- Danger to pedestrian safety
- Affordable housing will not be easily accessible to the elderly/pushchairs due to the steep site
- Higher houses will overlook the ones lower on the site
- Lack of Heritage Statement
- No reference to the existing terrace
- Does not meeting the Building for Life Standards
- Access junction is dangerous
- Danger to pedestrian safety from construction traffic
- No site notices have been posted (Officer note: Site notices were posted at the beginning of the application process - January 2015. Further site notices are not required for the receipt of amended plans and the Council notified interested parties in writing when amended information was received)
- No drawings showing the development in the context of the wider surroundings
- A condition should be imposed that does not allow materials to be stored on Site B
- Location of mine shaft needs to be determined
- No chimneys, porches and materials proposed are different to the terrace
- Lack of local infrastructure to support the development
- No longer support the development following the reduction in the level of affordable housing
- House 14 is in the front garden of house 15
- Does not comply with Clutton Neighbourhood plan
- Lack of access for emergency services
- Removal of the hedge is in breach of 1997 Hedgerows Act
- Poor landscaping
- Poor design will not engender any pride in the place and it will decline into and badly maintained and uncared for development.
- Scale is hard to gauge from the drawings (Officer note: The plans have been submitted to a recognised scale)
- More affordable housing is not needed
- Other brownfield sites should be developed first
- Unsustainable location
- No capacity in local school
- Outside BANES Core Strategy zones
- BANES should insist on some amenity
- Loss of view to Maynard Terrace (Officer's note: This is not a material planning consideration)
- Conditions set out by the Planning Inspector have been ignored
- Application should be considered by the Planning Committee
- How can a refused application continue to be reconsidered?

- Lack of local employment opportunities
- Would set a precedent for future development
- Sewage is at full capacity
- Adverse impact on amenity of Maynard Terrace due to headlights shining into properties
- No benefit to local residents

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
 RA1 - Development in the villages meeting the listed criteria
 CP2 - Sustainable construction
 CP6 - Environmental quality
 CP9 - Affordable housing
 CP10 - Housing mix
 CP13 - Infrastructure provision

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
 IMP.1: Planning obligations
 CF.3: Contributions from new development to community facilities
 ES.2: Energy conservation and protection of environmental resources
 ES.5: Foul and surface water drainage
 ES.14: Unstable land
 ES.15: Contaminated land
 HG.7: Minimum housing density
 HG.10: Housing outside settlements (agricultural and other essential dwellings)
 SR.3: Provision of recreational facilities to meet the needs of new developments
 NE.1: Landscape character
 NE.4: Trees and woodland conservation
 NE.9: Locally important wildlife sites
 NE.10: Nationally important species and habitats
 NE.11: Locally important species and their habitats
 NE.12: Natural features: retention, new provision and management
 NE.14: Flood risk
 T.1: Overarching access policy
 T.23: Airport/Aerodrome Safeguarding Areas
 T.24: General development control and access policy
 T.25: Transport assessments and travel plans

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. However, currently the Plan has limited weight in the determination of planning applications. The following polices are relevant:

- SD1 - Presumption in favour of sustainable development
- D1 - General urban design principles
- D2 - Local character and distinctiveness
- D3 - Urban fabric
- D4 - Streets and spaces
- D5 - Building Design
- D6 - Amenity
- NE2 - Conserving and enhancing the landscape and landscape character
- NE2A - Landscapes setting of settlements
- NE3 - Sites, species and habitats
- NE4 - Ecosystem services
- NE5 - Ecological networks
- NE6 - Trees and woodland conservation
- PCS5 - Contamination
- PCS6 - Unstable Land
- ST1 - Promoting sustainable travel
- ST7 - Transport requirements for managing development

Clutton Neighbourhood Plan - made September 2015. The following policies are relevant

- CNP2 - Build character
- CNP3 - Housing development boundary and types of new dwellings
- CNP4 - Future infrastructure provision
- CNP5 - Sustainability by design
- CNP6 - Safe roads
- CNP7 - Sewage disposal
- CNP15 - Landscape and ecology
- CNP18 - Pedestrian links
- CNP19 - Traffic impacts of residential developments
- CNP20 - Car parking provision

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

Planning Obligations Supplementary Planning Document - Adopted July 2009

OFFICER ASSESSMENT

Principle of development

The principle of residential development was established with the granting of the outline consent on appeal in 2013. The purpose of this application is to consider the outstanding matters, namely appearance, layout, scale and landscaping. Matters relating to access to the site were determined as part of the outline application. The level of affordable housing

shown on the plans is 33% as agreed by the Committee as part of the recent variation (ref: 15/04031/MDOBL).

Policy CP6 of the Core Strategy requires the application to be accompanied by a Building for Life 12 design assessment and should achieve a majority of greens. Since the adoption of the Core Strategy, the accreditation scheme for Building for Life has been removed. The applicants have submitted an assessment of the application in context of the design assessment and this has been checked by the Council. The application has a majority of greens as part of the assessment and Officers agree with the assessment as submitted. In view of this, it is considered that the proposed scheme complies with Policy CP6.

Housing mix

The application proposes a mix of 2, 3 and 4 bed dwellings. No 1 bed dwellings are proposed as part of the mix and none were proposed at the outline stage. The site was purchased on the basis of the indicative mix and at that time the Neighbourhood Plan had not emerged. Furthermore, it should be noted that the application was submitted prior to the adoption of the Clutton Neighbourhood Plan. Policy CNP3 of the Clutton Neighbourhood Plan states that "at least 35% of these dwellings must be designed for the elderly and those of impaired mobility or single bedroom dwellings in order to meet the need identified in the 2013 Clutton Housing Needs Survey or a more recent independently conducted Housing Needs Survey." The supporting text for this policy states that "current plans for approved sites, as yet unbuilt, envisage the building of 61 dwelling of 2 bedrooms and over." It acknowledges that these dwellings will fulfil Clutton's requirement for 50 dwellings through Core Strategy Policy RA1. Section 3.3.3.2 goes on to state that it would be "prudent to identify policies for housing development which may be required later in the plan period" and that there is a need for 1 bedroom dwellings and dwellings for the elderly or with limited mobility which is "not being met by houses given permission and waiting construction". It concludes by stating that "this policy (CNP3) enables the identification of broad areas for the delivery of extra dwellings."

Whilst the comments of the Planning Policy team are noted, Officers are of the view that Policy CNP3 refers to future development for a later time in the plan period rather than dwellings, which currently have permission but have not yet been constructed as indicated in the supporting text.

In view of this, it is considered that this development does not fall within the parameters of Policy CNP3. Notwithstanding this, there is no definition of dwellings designed for the elderly or those of limited mobility in neither the Clutton Neighbourhood Plan nor other documents adopted by the Council. In the absence of such a definition, it is considered reasonable to use the Lifetime Homes Standards. The s106 Agreement requires 60% of the affordable housing provision fall within the Lifetime Homes standards and this would result in 8 dwellings. The Clutton Neighbourhood Plan requires 13 dwellings to fall within this category. It is understood that there is an agreement between Curo and Housing Services for the under-occupation of some units and this will provide some mitigation for the lack of one bedroom dwellings than required by the Clutton Neighbourhood Plan. It should also be noted that it has been proved through the viability assessment that an overprovision of affordable housing would make the scheme unviable. It is therefore logical to conclude that a further change to the mix of dwellings to provide further units

would render the scheme unviable. Furthermore, this is an important site in terms of the Council's housing allocation as the application site has been allocated through the Core Strategy process and is included with the Strategic Housing Land Availability Assessment (SHLAA). The site is included within the housing trajectory for the next five years. Great weight should be given to the need for housing and it is not considered that the adverse impacts of permitting the scheme outweigh the benefits of additional housing.

In view of above, it is considered that the proposed development complies with Policy CNP3 of the Clutton Neighbourhood Plan.

Concerns have been raised about the lack of pepperpotting of the affordable housing throughout the site. The development has been arranged by housing type and the blocks of affordable housing are spread through the site. Furthermore, the design of dwellings is tenure blind. It is therefore considered that the siting of the affordable housing is acceptable by the Housing Services team.

Impact on the character of the area

The application site is currently a green field. Maynard Terrace is a row of terraced properties on the opposite side of the highway, which have a strong character. The dwellings immediately adjacent to the side boundary have a more mixed appearance. In view of this, Officers consider that the site sits within its own context and as such, needs to have a contextual relationship with the adjacent dwellings rather than replicate the design. It is acknowledged that it is forward of the building line of An Yah and that the buildings do not have the long front gardens that is typical of the main terrace. However, there is a requirement to make an efficient use of land in developing the site and it is also good urban design practice for the development to address the street. The outline consent allows for 36 dwellings and creating elongated front gardens would make it difficult to achieve this density of development. The frontage onto Maynard Terrace consists of two terraces of five dwellings with an access between plots 8 and 9. It is considered that this reflects the nature of Maynard Terrace.

The application proposes a mix of brick, render and reconstructed rubble stone. This is reflective of the materials present in Maynard Terrace. The applicant has provided samples of the rubble stone and these are considered to be acceptable but the detailed finish of the construction materials remains to be agreed through a planning condition on the outline consent.

Paragraph 135 of the NPPF refers to the effect of an application on the significance of a non-designated heritage asset. It has been noted previously, by the Senior Conservation Officer, that Maynard Terrace could be considered a non-designated heritage asset. As part of her decision, the Inspector did not recognise Maynard Terrace was a non-designated heritage asset. Notwithstanding this, the benefits of the scheme in terms of the need for housing have been outlined above and this must be given great weight. As stated previously, it is considered that the scheme sits within its own context and the proposed materials are reflective of Maynard Terrace. In view of the above, it is not considered that the proposed development will cause significant harm to the setting of Maynard Terrace, which is not concluded to be a non-designated heritage asset.

A new hedge will be planted along the Maynard Terrace frontage and the existing hedge will be translocated to the rear of the site. The new hedge will provide some softening to the frontage of development. Whilst it is acknowledged that there will be gaps in the hedge, it is considered that this is a better solution than the loss of the hedge in its entirety. The landscape officer also supports this approach. The translocation of the existing hedge is considered to be an appropriate solution at the site in terms of the retention of this hedge which has an ecological value.

There will be no development along the south western boundary, and this boundary is marked by the translocated hedge. This hedge will be adjacent to green space, which will provide further visual separation to the dwellings. It is noted that this will move the urban-rural interface but it is not considered that this will have a significant adverse impact on the long range views.

Several of the representations make reference to the Inspector's statement that "if the development fails to demonstrate adequate regard for and sensitivity to the site's surroundings then the Council will be entitled to refuse permission". For the reasons stated above, it is considered the proposed development is acceptable in terms of its relationship with its surroundings.

Impact on residential amenity

Concerns have been raised by existing occupiers of Maynard Terrace that the proposed development will result in a loss of privacy to the terrace opposite. It is acknowledged that this area is currently used as amenity space by the residents. However, there is a high level of visibility to these areas from the public highway. Furthermore, the frontages of the proposed dwellings are varying distances of between 2.6m and 3.7m from the front boundary of the terrace and between 6.4m and 8.8m from the frontage of the properties. Given the existing level of overlooking into the frontages of Maynard Terrace from both the main road and from other adjoining properties, it is not considered that the proposed dwellings will have a significant adverse impact on the residential amenity of existing occupiers of Maynard Terrace.

Concern has been raised that there will be overlooking to An Yah, which is immediately adjacent to the eastern boundary of the site. Plot 15 is a bungalow and as such, there will be no windows at first floor level. Plot 15 is set further forward of An Yah and, given that it is single storey in nature, it will not have an overbearing impact on the property. It is not considered that there will be any significant adverse impacts on residential amenity of the occupiers of An Yah.

The proposed dwellings are sited to give future occupiers adequate amenity space. Furthermore, there is not considered to be a significant level of mutual overlooking between the proposed dwellings. The comments relating to the relationship between plots 14 and 15 are noted. However, the relationship between the properties is not ideal, viewing between properties would be at a relatively oblique angle and although its garden is modest, it is not excessively small and plot 1 is a bungalow. There is also an element of caveat emptor in relation to plot 14, which is a market dwelling. There is additional amenity space provided to the south west of the site. It is therefore not considered that there would be any significant adverse impacts on the residential amenity of future occupiers.

Highway safety

Concerns have been raised regarding the impact of the access on highway safety grounds and the impact of additional traffic generated by the development. The access was approved as part of the outline and as such, matters relating to this have been considered.

The Highways Officer has raised no objection to the detail of the parking, though he has asked for further clarification on some elements of the scheme, principally who is responsible for the maintenance of the parking bays? This is to ensure that the parking bays will be maintained in the future by Curo (or another management company) as they fall outside the adopted highway, and therefore outside the control of the Local Authority.

The Clutton Neighbourhood Plan states that garages cannot be counted as parking spaces, which is in conflict with the Local Plan. It should be noted that the Local Plan refers to maximum parking standards. The Neighbourhood Plan refers to local Car Ownership rates and refers to the 2011 census. Under Policy CNP20 95.2 spaces would be required. However, the Local Plan requires the provision of 87.5 spaces. The development proposes 88 spaces, which is in compliance with the Local Plan parking standards. This breaks down into 69 on-plot parking spaces, 15 garage spaces and 4 visitor spaces. The application proposes the use of designated parking bays to provide parking for the new development as well as driveways, so there will not be any increase in on-street parking in Maynard Terrace. In view of this, a refusal on these on grounds could not be sustained on appeal.

Ecology

The Councils ecologist is satisfied that the development is broadly acceptable with some minor clarifications relating to landscaping detail which may require some small revisions to landscape drawings to be made. As this reserved matters scheme seeks to discharge landscaping which would usually be subject to a condition it is suggested that the scheme is delegated to officers to clarify these outstanding points and secure the details sought if that is necessary.

Drainage

The Drainage Engineer has raised concerns regarding the diversion of a culvert and he notes that compliance with condition 6 of the outline permission is needed. This condition has yet to be discharged and as such, it is considered that this can be dealt with through the discharge of the condition on the outline permission.

Other matters

Curo have confirmed that they are in discussions with BT regarding connectivity of the site in order to comply with Clutton Neighbourhood Plan Policy CNP4. It is considered that it is reasonable for this to be conditioned so that prior to occupation, the developer will need to show how connectivity will be achieved.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

1 Coal Remediation Works (Pre-commencement)

Prior to the commencement of development, a scheme for the remedial works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the extent of the re-excavation works and definition of the areas proposed for reinforcement on the site. The development shall thereafter be carried out in accordance with the details so approved.

Reason: In the interests of land stability, due to former coal mining works in the area and in accordance with Policy ES.14 of the Bath and North East Somerset Local Plan. This is a condition precedent because any initial construction could have a detrimental effect on the site stability.

2 Sample Panel - Walling (Bespoke Trigger)

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the 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 approved details. "

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

4 Fibre Optic Connectivity (Pre-occupation)

The development hereby approved shall not be occupied until details of connectivity of the development to the Fibre Optic Network have been submitted to and approved in writing by the Local Planning Authority. The development shall hereafter be carried out in accordance with the details so approved.

Reason: In the interests of future sustainability of the development and to comply with Policy CNP4 of the Clutton Neighbourhood Plan.

5 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)

No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan reflecting the current layout has been submitted to and approved in writing by the Local Planning Authority and details within that implemented as appropriate.

The statement shall include retained landscape features and incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations, creation of the SUDS balancing pool, level changes and movement of people and machinery.

Reason: The details are required pre-commencement to ensure that trees to be retained are not adversely affected by the groundworks pre-commencement and in the interest of protection of trees.

6 Compliance with Arboricultural Method Statement (Compliance)

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

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

7 Sensitive Lighting (Bespoke Trigger)

Prior to implementation of any lighting on the site full details of proposed wildlife-friendly lighting design shall be submitted to the LPA for approval in writing. The scheme shall provide:

1. detailed lighting specifications and plans showing numbers, types, positions and heights of lamps;
2. a lux contour plan showing predicted light spill levels across the site and onto adjacent land, and showing dark zones on areas of wildlife habitat and along boundary vegetation within which predicted lux levels shall increase by no more than zero lux compared to existing light levels
3. details of all measures that shall be incorporated into the scheme to minimise light spill onto vegetation and avoid light spill onto adjacent land, thus minimising impacts on bats and other wildlife; for example, through use of: warm white LED; directional lighting, baffles and screening; time switches and remote sensors; adherence to specified times of use; and use of dimming regimes.

Upon approval in writing, the details shall be implemented and thereafter the development shall be operated in accordance with the approved details.

Reason: to provide a sensitive lighting scheme that avoids harm to bat activity and other wildlife

8 On-site Ecological Protection, Mitigation and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme, produced by a suitably experienced ecologist have been submitted to and approved in writing by the local planning authority. These details shall include:

1. all necessary measures to avoid harm to wildlife and protected species including bats, nesting birds and mammals, to include provision of method statements or precautionary working methods for the protection of wildlife, as applicable;

2. Details of proposed reptile mitigation strategy, to include a reptile translocation method statement; and proposed reporting of results and outcome of reptile translocation and mitigation
3. Detailed specifications for provision of features to benefit wildlife, to include, provision of bird and bat boxes and creation of hedgehog access, and all other measures for wildlife, with numbers, positions and types to be incorporated into the scheme and shown on all relevant plans and drawings
4. Details of proposed hedgerow translocation to include finalises details of positioning, method statement, and proposed monitoring and remediation
5. Details of all other necessary measures for the avoidance of harm to wildlife and to protect retained vegetation, including specifications for fenced exclusion zones
6. Findings of any further necessary ecological update surveys or pre-commencement site checks for wildlife
7. Proposed scheme for ecological monitoring, review and reporting of outcomes of completed measures

All works within the scheme shall be carried out in accordance with the approved details and shall be completed prior to the occupation of any part of the development.

Reason: To prevent harm to wildlife during construction and to provide on site biodiversity benefits in line with the requirements of NPPF. The details are required pre-commencement as any site works undertaken could adversely impact wildlife.

9 Plans List (Compliance)

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 documents;

Drawing No. 13514_P00
 Drawing No. 3988/103 Rev. C
 Drawing No. 3988/104 Rev. C
 Drawing No. 3988/105
 Drawing No. 3998/110 Rev. B
 Drawing No. 3998/111 Rev. A
 Drawing No. 3998/112 Rev. A
 Drawing No. 3998/113 Rev. A
 Drawing No. 3998/114 Rev. A
 Drawing No. 3998/115 Rev. A
 Drawing No. 3998/115.1 Rev. A
 Drawing No. 3998/116 Rev. A
 Drawing No. 3998/116.1 Rev. A
 Drawing No. 3998/117 Rev. A
 Drawing No. 3998/117.1 Rev. A
 Drawing No. 3998/118 Rev. B
 Drawing No. 3988/120 Rev. B

Drawing No. SPP1918 P(90) 002 Rev. G
Drawing No. SPP1918 P(90) 003 Rev. G
Drawing No. SPP1918 P(90) 004 Rev. G
Drawing No. SPP1918 P(90) 005 Rev. G
Landscape Management Plan (Swan Paul, November 2014)

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.

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

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.

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

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

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

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

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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

Item No: 02
Application No: 15/05759/FUL
Site Location: Court Farm The Street Compton Martin Bristol Bath And North East Somerset



| | | |
|--------------------------------|--|----------------------|
| Ward: Chew Valley South | Parish: Compton Martin | LB Grade: N/A |
| Ward Members: | Councillor Vic Pritchard | |
| Application Type: | Full Application | |
| Proposal: | Erection of 2no. semi-detached dwelling houses in existing carpark (resubmission). | |
| Constraints: | Airport Safeguarding Zones, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, SSSI - Impact Risk Zones, Water Source Areas, | |
| Applicant: | Mr Richard Curry | |
| Expiry Date: | 4th July 2016 | |
| Case Officer: | Emma Watts | |

REPORT

Reason for application being considered by Committee: The Parish Council has objected to the proposal and as it is considered to be a controversial application the Chair of Committee has decided to refer it to Committee for a decision.

Site Description:

The application relates to Court Farm which is located to the north of the A368 Main Street, towards the western fringe of Compton Martin. More specifically, the site relates to an open tarmac parking area located to the rear of Court Farm. The site falls within the housing development boundary for the village of Compton Martin and in an Area of Outstanding Natural Beauty. The site also borders the Conservation Area.

This application seeks planning permission for the erection of 2no. semi-detached dwelling houses in the existing car park (resubmission).

A similar scheme was refused under planning application 14/05563/FUL. The reasons for refusal were as follows:

- The proposed development is considered to detract from the rural character of this part of the Cotswold Area of Outstanding Natural Beauty, contrary to saved Policies D2, D4 and NE.2 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted October 2007.
- The proposed development by reason of its design and siting would fail to preserve the setting of the adjoining Conservation Area. The proposal would conflict with saved policies D2, D4 and BH.6 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted October 2007.

For the revised scheme to be considered acceptable it would need to overcome the above reasons for refusal.

Relevant Planning History:

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

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

DC - 09/03864/FUL - PERMIT - 3 December 2009 - Erection of single dwellinghouse with annex, office, pool building, clock tower and garaging.

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

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

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

DC - 13/03605/VAR - RF - 16 October 2013 - Variation of condition 3 of application 06/01428/FUL to extend the hours of use of the shop (Erection of building to provide farm shop and tea room and alterations to access)

DC - 13/04847/FUL - PERMIT - 15 July 2014 - Retention of existing building for use as ancillary accommodation (extension) to Court Farmhouse and retention of access track and alterations to car parking to serve adjacent holiday lets (part retrospective)

DC - 14/04681/COND - DISCHG - 3 December 2014 - Discharge of condition 4 of application 13/04847/FUL (Retention of existing building for use as ancillary accommodation to Court Farmhouse and retention of access track and alterations to car parking to serve adjacent holiday lets)

DC - 14/05563/FUL - REFUSED - 29 October 2015 - Erection of 2 no. 2 storey semi-detached dwellings on car park to the rear of Court Farm, Compton Martin.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Drainage and Flooding:

No objections, subject to conditions.

Wales and West Utilities:

Services are located within the subject site. Consultation at a later date will be required.

Highways:

The site has been the subject of a number of previous applications, most notably ref. 14/05563/FUL where permission was refused to erect 2 no. semi-detached dwellings. It is noted that Highways raised no objection to this development which appear identical to the current proposals. The site will be accessed via an existing shared access off the A368 which currently serves Court Farm House and recently constructed holiday cottages to the northwest of the site. Each dwelling will be served by 2 no. parking spaces which will satisfy policy T.26

of the Local Plan. It is also acknowledged that the recently constructed holiday cottages approved under ref. 08/04554/FUL has been allocated 4 no. parking spaces in total which will also satisfy the Local Plan.

No objection, subject to conditions.

Contamination:

Due to the sensitive nature of the development (i.e. 2 No. residential dwellings) and the historical use of the site as an agricultural farm (which may have included storage of vehicles and agricultural machinery and associated oils and fuels which may have incurred leaks and spills, storage of chemicals such as pesticides and herbicides), the relevant precautionary conditions should be applied.

No objections, subject to conditions.

Ecology:

Subject to final details of landscaping and planting, and lighting design (to be secured by condition), I would have no objection to the proposal. However, the planting proposals need to provide more extensive and connected green spaces, and a higher proportion of native shrub, tree and fruiting species to benefit wildlife. Details of lighting design will need to demonstrate provision of connected "dark corridors" along vegetated parts of the site. Provided the LPA is confident, prior to any consent, that these issues can be satisfactorily addressed within the scheme, final details can be secured by condition. Without a satisfactory solution however, I would expect enforcement of conditions in relation to previous consents as requested in my previous comments.

No objections, subject to conditions.

Compton Martin Parish Council:

Object to the proposal and conclude with the following:

The subject site is adjacent to the Compton Martin Conservation Area and within the Area of Outstanding Natural Beauty. The design of the proposed semi-detached dwellings is inferior to the Holiday Cottages (08/04554/FUL - see drawing PL2610/4) which have elevations in 'natural stone and reconstituted stone cills and arched stone lintels' as opposed to 'rough cast render'. The proposed cottages are out of keeping with the existing, extended Court Farm House and the consented 'large neo-Georgian style house*' and, thus, be out of harmony with the surrounding properties and disadvantageous to the Conservation Area, not reflecting 'the grain of surrounding development.' For the reasons set out above, Compton Martin Parish Council objects to the proposed development of 2 semi-detached dwellings and calls upon BNES Planning Department to take all necessary steps to ensure that the applicant complies with the various conditions attached to permissions 08/04554/FUL and 13/04847/FUL which have yet to be discharged.

Third Parties:

Two objections were received and their comments can be summarised as follows:

- Nothing has changed from the previous refused application. All the objections are as before and the required landscaping ordered by BANES has not been complied with.
- The development proposed would make it impossible to meet the landscape condition attached to the July 2014 planning permission.

- The proposed development would make the large scale development permitted in July 2014 both harmful to Compton Martin and unacceptable.
- Removal of the car park would also affect the parking provision in association with the approved Holiday Lets.
- Proposed development is in conflict with the natural appearance of the Mendip Hills AONB and the character and appearance of the Compton Martin Conservation Area.

POLICIES/LEGISLATION

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

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

The 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.

Relevant Local Plan Policies:

- D2 - General Design and public realm considerations
- D4 - Townscape considerations
- T24 - General development control and access policy
- NE.2- Area of Outstanding Natural Beauty
- BH.6 - Development within or affecting Conservation Areas
- NE.1 Landscape Character
- T.26 - Car Parking

Relevant Core Strategy Policies:

- CP6 - Environmental Quality
- CP2 - Sustainable construction

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.1 General urban design principles
- D.2 Local character and distinctiveness
- D.6 Amenity
- ST.1 Promoting sustainable travel.

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.

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK, MARCH 2014

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.

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT

The site is located within the Housing Development Boundary and is a RA2 village as defined within the Core Strategy where new residential development can be considered to be broadly acceptable subject to it being compliant with the relevant saved policies of the Local Plan. Furthermore, the NPPF encourages the effective use of land by re-using land that has been previously developed (brownfield land) focusing development on these areas. The sequential approach advises that Brownfield land is preferred for development than greenfield land.

In terms of the principle of residential development within the housing development boundary this is considered to be acceptable subject to other considerations.

The subject site affects conditions relating to planning applications 13/04847/FUL and 08/04554/FUL and this will be addressed in the relevant sections below.

CHARACTER AND APPEARANCE

The application site is located on the edge of the Conservation Area and as a consequence a key test for development proposals is whether they conserve or enhance the setting of the Conservation Area.

The site comprises part of the car parking area associated with the tea room building which has planning permission for use as ancillary residential accommodation to Court Farm House (13/04847/FUL). The existing car park has consent under application 06/01428/FUL. Conditions 2 and 3 of planning permission 13/04847/FUL required the parking area to be landscaped to provide enough amenity space for Court Farm. The following comments were made in the officer's report:

"The site has lost part of its residential character as a result of the tarmacing of the site, the farmhouse does not benefit from amenity space and this is an intrinsic character of residential sites in this locality, therefore a condition will be attached requiring a landscape scheme for the car park. A balanced scheme which provides some amenity space whilst retaining half the car spaces can be achieved and would enhance the site and allow for the creation of a formal residential curtilage."

The proposed dwellings and amenity areas are within the car park and there is therefore an overlap with this proposal and the above landscaping requirements. The case officer raised concerns regarding this matter and the applicants have submitted a revised landscaping scheme that aims to provide sufficient amenity space for the two new dwellings whilst also improving the amenity areas in connection to Court Farm. The revised scheme has resulted in a large proportion of the parking area being broken up by landscaping (removal of 27 parking spaces). The landscaping design will be addressed later in the report. It is noted that some surrounding properties include large proportions of landscaping in comparison to built form. However, it is also acknowledged that a large proportion of the site was previously occupied by large agricultural barns (1999 Aerial Image). Historically, the farmhouse was not served by a large proportion of open amenity

space; it was largely built up with agricultural type buildings and hard standings. With this in mind, the proposed introduction of two additional dwellings is considered to allow for an adequate amount of open space to serve the subject dwellings and associated farm house. The small building footprints of the semi-detached dwellings also help in allowing an appropriate balance between built form and open space. To this effect, the introduction of two new dwellings in this location is not considered to detract from the rural character of this part of the Conservation Area or the Cotswold Area of Outstanding Natural Beauty.

The proposed dwellings are located close to the eastern boundary and follow a north-south building alignment. This is considered appropriate as it follows a similar alignment to the existing ancillary accommodation and the approved Georgian house complex (08/00228/FUL). The proposed building arrangement is considered to respond appropriately to the development pattern of surrounding buildings. The previous officer had concluded as follows (14/05563/FUL):

"the proposed development fails to respond positively to the established pattern of development in this part of Compoton Martin. The proposed dwellings would appear at odds with the existing dwelling house and farm house setting resulting in an overly intensive pattern of development."

Further consideration of what previously existed on this site has changed the assessment of this case. The above comments are no longer supported. The site has lost its farmyard character and the principle of infill development is supported in this location. The principle public vantage point within the Conservation Area is from 'The Street'; however this view point is limited to a gap between Westlands and Court Farm. The proposed built form will not be highly visible from this perspective, especially when the landscaping is fully implemented. The street view is dominated by a tarmac driveway and the case officer has placed a lot of emphasis on the improvement of landscaping to the front of the ancillary accommodation which is more visible from the street.

The design of the proposed dwellings is of traditional style and this is similar to that proposed in the previous refusal. The key change involves an upgrade of materials from rough cast render to natural random rubble stone and stone lintels under a clay pantile roof. Windows and doors will be of hardwood construction. The proposed materials are reflective of the surrounding area and are considered to preserve the character and appearance of the Conservation Area (similar in appearance to the approved holiday lets). A condition will be applied to ensure samples are submitted for all external surfaces.

RESIDENTIAL AMENITY

The proposed dwellings are located parallel to the eastern boundary line and setback approximately 8m. The eastern elevations include roof lights but no first floor windows. This limits overlooking in this direction. The neighbouring dwelling (Villice Cross) is positioned further back from the alignment of the new dwelling and a loss of privacy to this dwelling is not considered to be an issue.

Both gable ends do not include side elevation windows and there are therefore no overlooking issues in relation to the neighbouring ancillary accommodation and future Georgian house complex.

The private outdoor amenity areas for the new dwellings have been increased during the process of this application. The front and rear gardens are considered sufficient in size and include acceptable planting species. The hornbeam hedging will ensure that the curtilage areas are defined.

LANDSCAPING

A revised landscaping plan has been submitted during the course of this application. The key changes from the previous refusal include the following:

- Re-orientated parking layout with an Increased landscaping area to the front elevation of the proposed semi-detached dwellings.
- An increased area of landscaping to the front of the ancillary accommodation associated with Court Farm.
- A more detailed planting scheme including larger tree species.

The council's landscape architect does not object to the improved scheme. The proposed landscaping is an important element of this application. It will break up the appearance of existing tarmac from the street perspective. An emphasis was placed on the planting of large tree species along the entrance to this development. Consequently, the applicants have included a row of 'Field Maples' along this stretch of proposed landscaping. They are to be planted at a height of 2.75m-3m and will grow to be an appropriate sized street tree. Hornbeam hedgerows are also proposed for landscaping boundaries and they will be important in defining curtilage areas and softening the existing landscape further.

In light of the existing appearance of this site, the proposed landscaping proposals are considered to enhance the rural character of this part of the Cotswold Area of Outstanding Natural Beauty. The necessary compliance conditions will be applied to ensure that the landscaping is carried out prior to the occupation of the proposed dwellings.

HIGHWAYS

The highways officer provided the following feedback:

"The site has been the subject of a number of previous applications, most notably ref. 14/05563/FUL where permission was refused to erect 2 no. semi-detached dwellings. It is noted that Highways raised no objection to this development which appear identical to the current proposals. The site will be accessed via an existing shared access off the A368 which currently serves Court Farm House and recently constructed holiday cottages to the northwest of the site. Each dwelling will be served by 2 no. parking spaces which will satisfy policy T.26 of the Local Plan. It is also acknowledged that the recently constructed holiday cottages approved under ref. 08/04554/FUL has been allocated 4 no. parking spaces in total which will also satisfy the Local Plan."

The parking requirements for the proposed dwellings have therefore been met. No concern was raised regarding the increased traffic onto 'The Street'.

It is noted that the approved holiday accommodation required the provision of 3 parking spaces in accordance with condition 9 of planning application 08/04554/FUL. The site currently includes the provision of two spaces with overflow parking within the existing tarmaced parking area. As a result of the subject application, the overflow parking area will be developed. To overcome this issue, the applicants have proposed an additional two

parking spaces to the rear of Westlands. The highways officer does not object to this arrangement. The location of the additional parking is separate to the curtilage area for the holiday lets, however it is in closer proximity than the previous arrangement (Drawing No. PL3260/2A (13/04847/FUL)). For this reason, the alternative parking spaces are supported in this location.

It is acknowledged that the current access and parking arrangements have developed in an ad-hoc manner (serving various dwellings); however this application needs to be assessed on its own merits.

ECOLOGY

The matters raised by the ecology officer are considered to have been addressed in the revised Landscaping Plan. Lighting design has not been addressed and the relevant condition will be applied in this respect.

OTHER MATTERS:

In terms of the non-compliance of all other related conditions and their relevant planning consents, it will be up to the applicant to submit for the clearance of these conditions. Making reference to the overlap of each application will be important in allowing discharge. Given that the relevant matters are considered to be resolved, it is not considered appropriate to refuse this application on the basis that other conditions have not been discharged.

CONCLUSION

In summary, the reasons for refusal in the previous application are believed to be overcome in this re-submission. An appropriate landscaping and parking plan was essential in dealing with the overlap in conditions for this site. For the reasons set out above, it is recommended that this application is granted planning permission subject to conditions.

RECOMMENDATION

PERMIT

CONDITIONS

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

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

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

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

3 Prior to the construction of the development infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) shall be undertaken to verify that soakaways will be suitable for the development. The soakaways shall be installed prior to the occupation of the development unless the infiltration test results demonstrate that soakaways are not appropriate in accordance with Building regulations Part H, section 3 (3.30). If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, should be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with policy CP5 of the Bath and North East Somerset Core Strategy.

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

Reason: To retain adequate parking provision for the proposed dwellings.

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

Reason: In the interests of highways safety.

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

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

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

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

8 No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the LPA; details to include lamp specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent light spill onto vegetation and adjacent land; and to avoid harm to bat activity and other wildlife.

Reason: To avoid harm to bats and other wildlife.

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

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

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

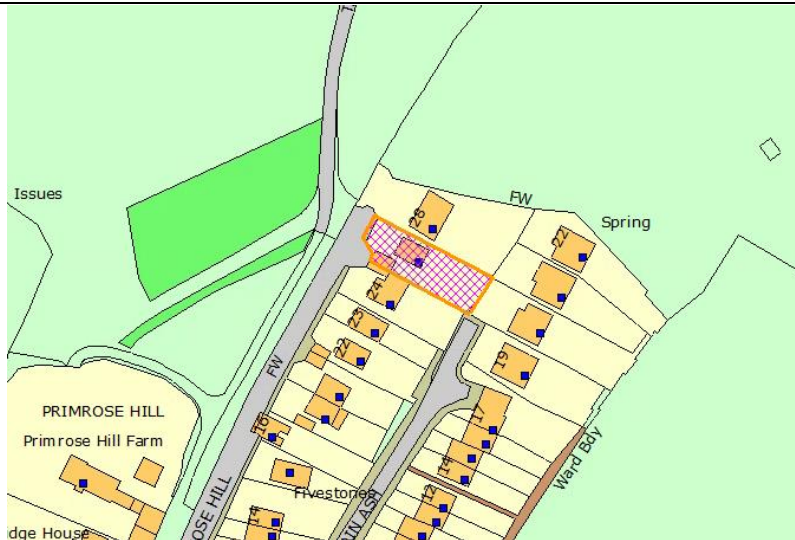
Reason: To define the terms and extent of the permission.

PLANS LIST:

This decision relates to Drawing No.s PL3435 2, PL3435 5A, PL3435 6A, PL3435 7A and PL3435 8A received on the 21st December 2015, and revised Drawing No.s PL3435/3D, PL3435/4D and PL3435/9 received on the 16th May 2016.

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: | 03 |
| Application No: | 16/01338/FUL |
| Site Location: | 26 Primrose Hill Upper Weston Bath Bath And North East Somerset BA1 2UT |



Ward: Weston **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Colin Barrett Councillor Matthew Davies
Application Type: Full Application
Proposal: Erection of two storey side extension.
Constraints: Affordable Housing, Agric Land Class 1,2,3a, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Ms Lindsay Dell
Expiry Date: 1st June 2016
Case Officer: Alice Barnes

REPORT

Reason for reporting application to committee.

The application is being referred to the committee at the request of Councillor Colin Barrett. The application has been referred to the chair of the committee who has agreed that the application can be considered by the committee.

Description of site and application

Primrose Hill is located within the northern slopes of Bath. Number 26 is a detached property located within the World Heritage Site and Conservation Area. The site itself is not located within the green belt but is bordered by open fields to the west. Due to the topography of the site the land slopes upwards to the north and dwellings sit above the existing road.

This is an application for the construction of a two storey side extension. The plans originally included a reduction in the size of the garage which has now been removed from the proposal. The proposed side extension will cover the full side width of the existing dwelling. It includes a pitched roof with a hip end.

Relevant History

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: The applicant is seeking permission to erect a two-storey side extension to the existing dwelling at 26 Primrose Hill, Upper Weston, Bath. The existing dwelling is served by a detached garage, which will be retained.

The proposed extended area will consist of 2 no. bedrooms on the first floor plus a kitchen and dining area at ground floor level. While the increase in the number of bedrooms (from 3 to 4) will result in an increase in demand for off-street parking in accordance with policy T.26 of the Local Plan, Highways DC envisage that any impact on the operation of the adjacent public highway will only be negligible. There also appears to be space to park on Primrose Hill, possibly to the front of the garage, if required.

Councillor Colin Barrett: For reasons of over bearing and potential loss of vehicle parking if the officer is minded to permit it is requested that this application should be considered by the Development Management Committee

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

The plans should not reduce on street parking.

The proposed extension will increase the number of bedrooms and therefore increase the requirement for off street parking. The reduction in the size of the garage will mean that off street parking is lost.

The development will increase on street parking and congestion within the street. There is a lack of on street parking.

The area in front of the existing garage needs to be kept clear to allow for a turning space.

A loss of parking is harmful to highway safety.

The submitted drawings are not accurate and are misleading.

The proposed extension is a disproportionate addition and overly dominant addition to the existing house.

It is harmful to the character of the surrounding Conservation Area.

The dwellings are elevated above the road and the dwelling occupiers a prominent position within the streetscene.

The extension to number 24 has been set back.

The extension would infill the gap between number 26 and 24 resulting in a terracing effect.

The extension will appear overbearing to the occupiers of number 24. There will be a loss of light and views to the property.

The extension will result in a tunnelling effect to the front of number 24.

How will the properties be maintained?

The turning area should be protected by double yellow lines.

The proposed extension will intrude upon the open outlook of number 24.

The extension will block access to a downstairs bathroom window on number 24.

The revised design still does not provide enough parking for a four bedroom dwelling.

There is no design and access statement.

POLICIES/LEGISLATION

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

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

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

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

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

D.2: General design and public realm considerations
D.4: Townscape considerations
Bh.2: Listed buildings and their settings
Bh.6: Development within or affecting Conservation Areas.
T.24: General development control and access policy
T.26: On-site parking and servicing provision

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

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 of the surrounding conservation area.

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
HE.1 - Safeguarding heritage assets
ST.7 - Transport, access and development management

OFFICER ASSESSMENT

The application relates to the construction of a two storey side extension. The existing dwelling is a two storey detached property which includes a pitched roof with a hip end.

The dwelling sits above the road and the rear garden slopes upwards to the rear of the property. The existing garage sits below the dwelling to the front of the property.

The application originally included a reduction in the size of the existing garage. This has been removed from the application.

The existing building is a two storey property with a pitched roof with hip ends. Permission was granted for the provision of a two storey side extension in 2007. That was designed so that the extension would be set back from the front edge. The proposed extension in this application is proposed to be set parallel with the front edge of the property. A two storey side extension has been constructed at the neighbouring property of number 24 which was set back from the front edge of the building.

Design

The proposed extension has been designed to include a pitched roof and a hip end. This will respond to the existing roof slope of the property acceptably. The extension will be constructed using tiles to match the existing building with render on the external elevations and includes windows to match the existing building. The provision of render is considered to be acceptable provided a sample of the proposed render is approved prior to the application of the external render. The built form of the extension is considered to complement the appearance of the host dwelling.

The proposed extension will be clearly visible from the surrounding streetscene. Given that the extension will complement the appearance of the host building the proposed development will preserve the character of the surrounding Conservation Area. A first floor side extension is being constructed at number 28 of a similar design.

Concern has been raised that the extension being located close to the side wall of number 24 will result in a terracing effect between the dwellings. The proposed extension will be located close to the side wall of number 24 but the development will still appear as two separate dwellings. This is not considered to be harmful to the character of the streetscene.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that the proposed development will preserve the character of the surrounding Conservation Area.

Highways

The application originally included alterations to the garage which would have resulted in the loss of an off street parking space. The applicant has revised the plans so that the garage will be retained. Therefore no highways objection is raised.

Concern has been raised within the representations that the proposed development will result in an increased in on street car parking. Photographs have been submitted within the representations to demonstrate that on street parking is in high demand within Primrose Hill. Parking standards within the local plan suggest that a four bedroom dwelling should have a maximum of three spaces meaning that the parking provision of the

dwelling could result in a net gain of one car within the street. This is not considered to cause harm to highway safety that would warrant refusal on the application. It is also noted that a number of properties within the street already include off street parking.

Amenity

The proposed extension will be located close to the boundary with number 24 Primrose Hill.

Number 24 includes a two storey side extension which extends towards the boundary with number 26. The extension at number 24 was set back from the building edge therefore the proposed extension in this case will be set forward of the neighbouring extension by 1.7m to the north of the existing property. . The side wall of the proposed extension will be visible from the front windows of number 24. Concern has been raised by neighbouring occupiers that this will result in harm the amenity of number 24.

The proposed extension will come forward of the building line by 1.7m to the north of number 24 but as the extension will be sited to the north of number 24 the extension is not considered to result in a loss of light. Whilst the extension may intrude into the sightlines to the north of the property as the extension will only protrude 1.7m to the side of the existing extension it is not considered to cause sufficient harm to warrant refusal of the application.

There is one window on the side elevation of number 24 at ground floor level. This is an obscure glazed window to a downstairs toilet. To extend number 26 towards this window as proposed is not considered to cause harm to the amenity of number 24. One window has been located at first floor level on the side elevation of the proposed extension, this will provide light to a bathroom so will be obscure glazed. Therefore the proposed extension is not considered to result in increased overlooking of the neighbouring property.

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 render shall be applied to the external walls until a sample of the proposed render to be used has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with policies D.2, D.4 and Bh.6 of the Bath and North East Somerset Local plan.

3 The proposed window on the first floor side elevation shall be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

Reason: The safeguard the residential amenity of adjoining occupiers from overlooking and loss of privacy in accordance with policy D.2 of the Bath and North East Somerset Local Plan

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

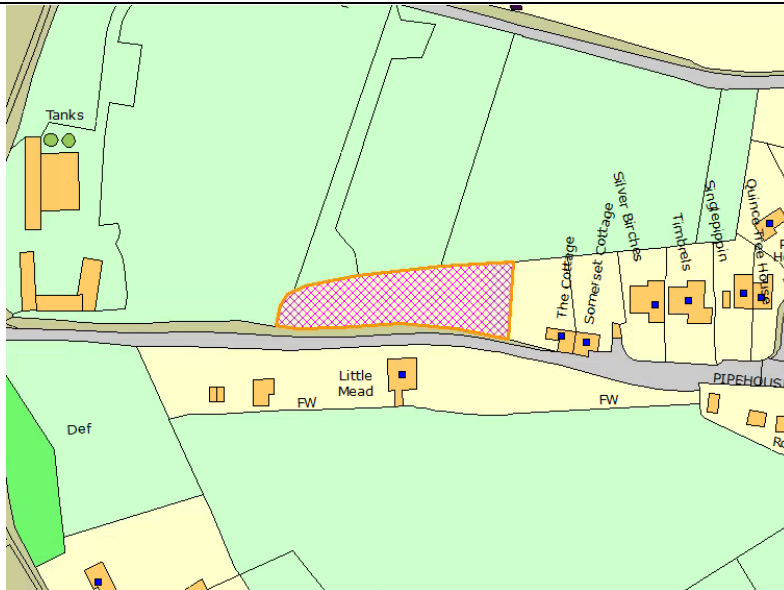
Reason: To define the terms and extent of the permission.

PLANS LIST:

- Site location plan
- Existing plans 001 rev B
- Existing elevations 002 rev B
- Proposed lower ground floor and ground floor 003 B
- Proposed first floor 004 B
- Proposed elevations 005 C
- Proposed section and site plan 006 B

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

| | |
|------------------------|--|
| Item No: | 04 |
| Application No: | 16/01219/FUL |
| Site Location: | The Cottage Pipehouse Lane Freshford Bath Bath And North East Somerset |



Ward: Bathavon South

Parish: Freshford

LB Grade: N/A

Ward Members: Councillor Neil Butters

Application Type: Full Application

Proposal: Erection of 1no. detached dwelling with access and associated works.

Constraints: Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, LLFA - Flood Risk Management, MOD Safeguarded Areas, Neighbourhood Plan, SSSI - Impact Risk Zones,

Applicant: Mr And Mrs C And V Bush

Expiry Date: 30th June 2016

Case Officer: Kate Whitfield

REPORT

The Parish Council has expressed support for this application based on material planning grounds. This is contrary to the Officer's recommendation of refusal and as the Chair of Committee considers the proposal to be controversial she has referred it to Committee for determination.

The application refers to a plot of land which currently forms part of the garden area and residential curtilage of 'The Cottage', a residential property within the village of Freshford.

'The Cottage' lies at the western end of a row of properties along Pipehouse Lane. The entire village, including the application site, lies within the Cotswolds Area of Outstanding Natural Beauty and the Bristol / Bath Green Belt.

Planning permission is sought for the erection of a three bedroom residential dwelling within the site. The application also includes a new driveway and access from Pipehouse Lane.

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Freshford Parish Council :

This Application seeks approval to the building of a two storey detached house in the garden of The Cottage Pipehouse Lane. The land is in the Green Belt, and in the AONB, but not in a Conservation Area. The owner of The Cottage wishes to provide a home for his daughter and her family, who have been unable to buy or rent such accommodation in Freshford where she works, and has been brought up since childhood. Under this proposal, the daughter would buy and move into the existing semi detached house, whilst the applicant would move into the new house built in the garden of The Cottage.

Pipehouse Lane is a narrow 'country lane' with houses of varying styles and ages. The land rises steeply up to the A36 and this house is the last on the right hand side walking up to the main road. The garden in question is steep and this new house would be built further up the hill.

This site is within the Southern Settlement Area in the Freshford and Limpley Stoke Neighbourhood Plan; limited infilling could be supported within such an area in terms of one , but probably no more than two dwellings. This proposal meets the policy objectives of the Neighbourhood Plan. The site is in the Green Belt and development would only be supported in very special circumstances.

In September last, the Council supported an application to build in the garden of a larger house at Greenacre, on the corner of Warminster Road and Midford Lane. This was not associated with any affordability issues, and the new house was to be of one storey, on a flat plot, on the corner of a major trunk road. The proposed new build was smaller than that at The Cottage.

A considerable number of responses to the consultation have been received from residents in Freshford and elsewhere. Many of these comments concern the process of providing accommodation for a family member, rather than the specific building proposal in the application. In terms of the immediate locality in Pipehouse Lane, five responses have been received; two give comments, two support the application, and one is an objection. In addition comments have been received by Councillors expressing various concerns.

These comments have tended to cover three main areas. The Lane is very narrow, shaded with trees and hedgerows and represents the Somerset countryside at its best - development will undermine this attractiveness; the development will lead to more traffic, especially for building and other contractors which could destroy hedgerows, hedges and trees, and create a mud track; this proposal will cause a significant precedent which could lead to further development in other large gardens along the Lane up to the main road. It was noted that access to the site was possible from Ashes Lane, which would lessen the effect in Pipehouse Lane itself.

Under the terms of the Neighbourhood Plan any proposal must comply with the Villages Design Statement in terms of the style of the building and materials used. If this proposal were to be agreed such compliance would be expected and in addition, contractors and any other tradesmen involved in development must be required to keep

traffic movements, parking and potential damage to the road or verges to an absolute minimum. As in previous applications, the Council would not expect this case to be used as any form of precedent.

The Parish Council resolved to support the application, together with the comments set out above.

Bath and North East Somerset Council Planning Policy Team :

In the B&NES Core Strategy (2011-2029), Freshford has been identified as a village 'washed over by the Green Belt'. The Freshford and Limpley Stoke Neighbourhood Plan (2014-2039) was 'made' and brought into force by B&NES in November 2015 and therefore will be used when reaching a policy recommendation on this application.

In the Draft Placemaking Plan the site has been identified as being an 'Ecosystem Services' area (Draft Policy NE4) and ecological networks area (Draft Policy NE5).

Principle of Development

The Freshford and Limpley Stoke neighbourhood plan directs limited growth to sites within the three settlement boundaries. The proposed development is within the southern development boundary as identified in the Freshford and Limpley Stoke Neighbourhood Plan.

Freshford and Limpley Stoke Neighbourhood Plan (2015)

The Freshford and Limpley Stoke Neighbourhood Plan Housing Policy states that:

a) The three Village Settlement Areas define the main built areas of the villages of Freshford and Limpley Stoke and are described as the Northern, Eastern and Southern settlements.

b) Development will be limited to infill sites within the Village Settlement Areas which are shown on Map 2 of the Neighbourhood Plan ('the Plan').

c) Infill is the filling of a gap normally capable of taking no more than two houses.

Infill development must be consistent with the policies set out in the Plan and preserve the openness of the Green Belt.

I note that the proposed development is within the southern housing development boundary and therefore is in accordance with criteria a) and b) of the 'made' Neighbourhood Plan.

The proposed development is not in accordance with the Freshford and Limpley Stoke Neighbourhood Plan criteria c) as it is not within a gap and there would be harm to the openness of the Green Belt. The intention of the neighbourhood Plan Housing Policy is to allow small scale development within gaps which preserve the openness of the Green Belt. This proposed development would have an impact on the openness of the Green Belt and therefore is not in accordance with the National Planning Policy Framework.

Therefore a policy objection would be raised as the development is not in accordance with the Housing Policy within the 'made' Neighbourhood Plan or the National planning Policy Framework.

Bath & NE Somerset Council Highways Team :

Initial Comments :

The application seeks permission to construct a 3 bedroom two-storey detached dwelling and separate access on land to the west of The Cottage, Pipehouse Lane, Freshford, Bath. It is noted that the applicant received pre-application advice under ref. 15/04505/PREAPP where two possible accesses were considered i.e. from Pipehouse Lane and from Ashes Lane to the north. While Highways DC had no objection to either option, the access from Pipehouse Lane, as currently proposed, was considered the more favourable option.

The site will be accessed off Pipehouse Lane, which is a narrow class 4 rural road. It currently serves a high density of residential dwellings which are also served by vehicular accesses. Traffic wishing to access the A36 from the site is prohibited from doing so via Pipehouse Lane, and must instead travel via Freshford and Ashes Lane.

It is noted that a speed limit of 20 mph applies at this location which would generally require the provision of a 2.4m x 25m visibility splay from the access point. The proposed block plan (drawing no. CCC-3) shows the provision of a 2m x 25m visibility splay from the proposed access. These splays shall be taken from the centre of the access point to the nearside edge of the adjoining highway rather than to the centre of the highway as per the proposed block plan submitted. While an X distance of 2.4m is the normal requirement for lightly used accesses such as this, a minimum of 2m will be considered acceptable in this case due to the substandard nature of the adjacent public road, where traffic speeds are expected to be low, and the small-scale nature of the development. A relaxation of the X distance to 2m is considered acceptable for lightly used accesses where site conditions are difficult in both Manual for Streets (paragraph 7.7.7) and TD41/95 of DMRB. In order for the 2m x 25m splay to be achieved to the west, I would recommend the hedgerow fronting the site be maintained to a height of 900mm max.

Highways DC have concerns regarding the width and gradient of the proposed driveway. The proposed block plan suggests a level difference of more than 2m between the driveway and adjoining public road. I would recommend the applicant submit a longitudinal cross-section drawing of the driveway where the gradient shall not at any point be steeper than 1 in 12.5 for a distance of 5 metres from its junction with the public highway. A driveway width of 2.75m minimum is also recommended in order to accommodate 1 no. vehicle.

The provision of a turning area within the site is acknowledged. In accordance with policy T.26 of the local plan, the site will also need to accommodate 2 no. standard parking spaces which will need to be shown on a revised plan prior to approval.

In light of the information received, I recommend that the applicant be asked to provide the following further information:

1. Longitudinal cross-section drawing of the driveway where the gradient shall not at any point be steeper than 1 in 12.5 for a distance of 5 metres from its junction with the public highway.
2. Revised block plan showing the driveway to be a minimum of 2.75m in width.
3. Revised block plan showing the provision of 2 no. standard parking spaces (2.4m x 4.8m) in accordance with Manual for Streets.

4. 2m x 25m visibility splays in accordance with section 7.7 of Manual for Streets. The applicant shall also outline the works required in order to achieve the required visibility particularly to the west.

Until such time as this information is received and subject to it satisfactorily meeting the requirement of Highways DC, I am unable to make a formal recommendation for approval.

Comments on 13th April 2016

I refer to the amended plans numbered CCC-3A and CCC-10 in respect of the above planning application received on 13th April 2016. The following are my comments:

Highways DC are satisfied with the revised plans submitted showing the gradient of the proposed driveway and visibility splays in accordance with Manual for Streets. I therefore recommend that no highway objection be raised subject to conditions being attached to any permission granted relating to the gradient of the access and construction and retention of the access, visibility splay, driveway and parking areas.

Bath & NE Somerset Council Ecologist :

A summary ecological survey and assessment has been submitted, which finds no significant ecological constraints. It identifies key ecological features and the likely use of the site by wildlife including potential use by badger, and likely flight activity by bats.

Provided appropriate wildlife protection measures and wildlife-friendly landscaping are put in place I do not consider the proposal is likely to cause unacceptable harm to ecology or to protected species. Further ecological survey at this stage prior to a decision on the proposal is unlikely to be beneficial.

If the proposal is consented, a Wildlife Protection and Enhancement Scheme (WPES) should be produced by a suitably experienced ecologist. This should include details of measures to protect retained habitats and vegetation such as trees and hedgerows, or to compensate for unavoidable impacts on retained habitats, and details of any necessary pre-commencement checks of the site for example, to check for badger activity.

Sensitive lighting would also be expected for any new external lighting. Subject to this, and to the production and implementation of a WPES, I consider the proposal is not capable of a "likely significant effect" on bats of the SAC and would not expect bat activity surveys in relation to this, unless new reasons become apparent for adverse impacts to be expected.

Representations Received :

30 public representations have been received, of which 26 are in support of the proposal. In summary the following points are made :

- The proposal will provide an opportunity for a family which are already part of the village to remain living there.
- The proposal is in accordance with the neighbourhood plan for Freshford, which highlights the need for housing for people with a local connection. It will ensure the on-going vitality of the village.

- The site is within the 'Southern Settlement Area' defined in the neighbourhood plan as potentially suitable for development.
- The proposal does not represent encroachment of the countryside as the existing garden does not exhibit characteristics of the countryside.
- The proposal does not affect the openness of the Green Belt or the qualities of the AONB. Many of the stated purposes of the Green Belt, as defined in the NPPF, do not apply to this site.
- The development is in keeping with the village and does not impact views or any other houses.

The following concerns are raised :

- The proposal will set a precedent for further development within the Green Belt and AONB. The new dwelling and access constitute substantial and significant works and housing need does not justify harm to the Green Belt or AONB. It is contrary to the planning constraints in place to conserve and enhance the environment of Pipehouse Lane.
- The new access will impact on the narrow country lane.

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:

DW1 : District Wide Spatial Strategy
 CP6: Environmental Quality
 CP8 : Green Belt
 SD1 : Presumption in favour of sustainable development

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
 SC.1: Settlement classification
 HG.4 : Residential Development in the R.3 settlements
 GB.2 : Visual Amenities of the Green Belt
 NE.2 : Areas of Outstanding Natural Beauty
 NE.10 : Nationally Important Species and Habitats
 T.24: General development control and access policy

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
D5 : Building Design
D6 : Amenity
D7 : Infill & Backland Development
NE2 : Conserving and Enhancing the Landscape and Landscape Character
NE3 : Site, Species and Habitats
GB1 : Visual Amenities of the Green Belt
GB2 : Development in Green Belt villages
ST1 : Promoting Sustainable Travel
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 6: Delivery a wide choice of high quality homes
Section 7: Requiring good design
Section 9 : Protecting Green Belt land

The Freshford & Limpley Stoke Neighbourhood Plan 2014 - 2039 Supplementary Planning Guidance (SPG) approved November 2015 is also relevant in the determination of this application.

OFFICER ASSESSMENT

The main issues to consider are :

- (i) The principle of new housing development on the site.
- (ii) Design considerations and the suitability of the site for the proposed dwelling.
- (iii) The impact upon the residential amenity of neighbouring properties.
- (iv) Other Matters - Highways Considerations, Ecology, Drainage.

(i) The Principle of new housing development on the site.

The existing property 'The Cottage' has a large garden area on its western side and it is proposed to separate off a section of this to establish a plot for a new dwelling. The site is located on the western edge of what is termed as the 'Southern Settlement' within the Freshford & Limpley Stoke Neighbourhood Plan. The 'Southern Settlement' is clearly separated from the 'Eastern Settlement' of Freshford by a small gap in built development. The current housing development boundary for Freshford is confined to an area within the 'Eastern Settlement'

Saved Local Plan policy HG.6 states that residential development will only be permitted if it lies within the defined housing development boundary and represents either a subdivision of an existing dwelling, the conversion of an existing building to a dwelling or is on an infill plot between existing development. As the location of the application site does not lie within the housing development boundary it is therefore contrary to this policy.

However, the recently adopted Freshford & Limpley Stoke Neighbourhood Plan is more open to housing development and has set additional development boundaries covering the identified individual settlements. The application site lies on the edge of the existing residential development, however, 'The Cottage' and its garden area are inside the boundary for the 'Southern Settlement'.

This would therefore imply that the proposed site could be potentially acceptable in principle for residential development. However, the Housing Policy set out in the neighbourhood plan goes on to also state that new housing should be limited to 'infill sites' within these areas. An 'infill site' is defined as "the filling of a gap normally capable of taking no more than two houses. Infill development must be consistent with the policies set out in the plan and preserve the openness of the Green Belt".

Due to the location of the application site, on the edge of the settlement, it is not considered that it meets the criteria of an 'infill site'. There is open countryside to the rear and on the western side of the site and a new dwelling would not lie between existing housing. The Applicant maintains that the site is classed as infill due to the existence of another property further to the west but on the opposite, southern side of Pipehouse Lane and the existence of a commercial property adjacent to the A36. However, these buildings are located some distance from the site. It is not agreed that this site represents an infill site as envisaged by the Neighbourhood Plan and therefore the proposal is deemed to be contrary to guidance within this Neighbourhood Plan.

The Parish Council has made reference to similarities to an approved application for a new dwelling on land at 'Greenacre'. However, it is considered that this is clearly an 'infill' site, between existing development, and therefore complies with the policy in the Neighbourhood Plan.

Therefore it is deemed that, due to its location, the principle of development of the application site for open market housing is unacceptable and would be contrary to both saved Local Plan policy HG.6 and the Freshford & Limpley Stoke Neighbourhood Plan.

(ii) Design considerations and the suitability of the site for the proposed dwelling.

The Freshford and Limpley Stoke Neighbourhood Plan also contains a 'Village Design Statement' which states that new development should be mindful and sensitive to the physical and environmental context of the site and its location. This includes the need for development to be proportionate to its site and in relation to its immediate neighbours. The design should be a positive addition to the rural environment, reflecting the character of its setting and the detailing should reflect the materials of the area and specific location.

One detached dwelling is proposed for the site. The main section of the house will be one and a half storeys with three dormer windows in the front elevation. At the rear a flat

roofed, single storey linking section will then adjoin a further pitched roof single storey section containing the living room of the property. The property will be located at a higher ground level to 'The Cottage' but the low roof height and single storey elements of the dwelling should mean that it will not over dominate the neighbouring properties. The side elevation, rather than the front of the property, will face south onto the road, which is different to the line of properties along Pipehouse Lane which are conventionally front facing. However, this orientation works well with the shape of the plot and there are no specific objections to this. The dwelling is to be constructed from a natural limestone with a tiled roof and smooth faced quoins. These materials reflect the materials of 'The Cottage' and other properties along Pipehouse Lane.

In general it is considered that the design and scale of the dwelling is appropriate for a rural village location, however, the site lies within the Cotswolds AONB and the designated Bristol / Bath Green Belt, where there are strict policies to safeguard the countryside from encroachment. National planning policy set out in the NPPF clarifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is reflected in policy CP8 of the Core Strategy, which contains a presumption against inappropriate development.

It is considered that the siting of the proposed open market dwelling, in a prominent location on the edge of the village, will harm the openness of the Green Belt and represent an undesirable encroachment of built development into the surrounding countryside, which conflicts with the purposes of the Green Belt as set out in the NPPF. In addition, the scale of development is considered to also have a detrimental impact on the landscape character of the AONB. Pipehouse Lane itself is a very narrow, rural road and the garden area where the new dwelling is to be located is currently bordered by a very dense hedgerow along the road and contains a number of shrubs, fruit trees and a pond. The works required for the new dwelling are substantial in terms of site clearance. A significant length of hedgerow will need to be removed and the overall development will undoubtedly have a very significant visual impact. It is deemed that the development of this site would be contrary to saved local plan policies GB.2 and NE.2, which state that development which adversely affects the Green Belt and the natural beauty of the landscape of the designated AONB should not be permitted.

It is noted that both the Parish Council and a number of respondents on the application have spoken in favour of the proposal as it would enable a family with strong local connections to live within the village. Whilst this is not disputed these personal circumstances of the Applicant are not considered to be 'very special circumstances' as envisaged under the NPPF and cannot override the adopted policy relating to the long term provision of open market housing within the village. Furthermore, it is considered that the proposal represents an unacceptable encroachment into Green Belt land.

(iii) The impact upon 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.

The only direct neighbouring property to the site is 'The Cottage' itself and all other dwellings within the vicinity are too distant to be materially affected by the proposal. In

terms of the new dwelling's relationship with the 'Cottage' there will be around a 25 metre gap between the respective properties, with the front, principal elevation of the new dwelling facing eastwards towards 'The Cottage'. With this degree of separation it is considered that the future amenity of 'The Cottage' will be retained. The proposal is therefore deemed to accord with saved policy D.2 in respect of its impact on residential amenity.

(iv) Other Matters - Highways Considerations, Drainage.

Highways Considerations

A new access, driveway and parking area will be established for the property off Pipehouse Lane. This road is very narrow, however, following clarification of certain details, the Highways Development Team has raised no objections to the proposed development or the new access.

The property will have two off road parking spaces which is deemed to be sufficient and compliant with saved Local Plan policy T.26.

Ecology

A Preliminary Ecological Appraisal has been submitted with the application. This did not highlight any immediate threats to protected species. The Council Ecologist has advised that there are no objections on ecological grounds, although advised that, if approved, a condition should be added to provide full details of a Wildlife Protection and Enhancement Scheme.

Drainage

The application states that it is intended to use soakaways for surface water drainage, which is preferred. Further details would be required by way of a condition attached to the permission if approved.

Conclusion :

The proposed location of the site is not deemed to be appropriate for the development of a new open market dwelling and would be contrary to Bath and North East Somerset Council Core Strategy policies CP6 and CP8, Bath and North East Somerset Council saved Local Plan policies D.2, D.4, HG.6 and GB.2 and guidance within the Freshford and Limpley Stoke Neighbourhood Plan. It is also considered that the proposal would result in unacceptable harm to the openness of the Green Belt, the character of this part of the AONB and is contrary to national Green Belt policy in the NPPF.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposal represents inappropriate development in the Green Belt which would be harmful to the openness of the Green Belt and contrary to the purpose of the Green Belt

of protecting the countryside from encroachment. Very special circumstances justifying inappropriate development in the Green Belt do not exist. The proposal is therefore contrary to policy CP8 of the Bath and North East Somerset Core Strategy (2014), saved policy GB.2 of the Bath and North East Somerset Local Plan (2007) and guidance in the National Planning Policy Framework.

2 The proposed development, including the removal of a significant length of the front boundary hedgerow, is deemed to adversely affect the natural beauty of the landscape of the Cotswolds Area of Outstanding Natural Beauty. The proposal is therefore contrary to saved policy NE.2 of the Bath and North East Somerset Local Plan (2007).

3 The site is located outside of the identified housing development boundary for the village of Freshford. The proposals do not provide essential accommodation for rural workers and there are no other special circumstances to justify the development. The proposals are therefore contrary to saved policy HG.6 of the Bath and North East Somerset Local Plan adopted October 2007.

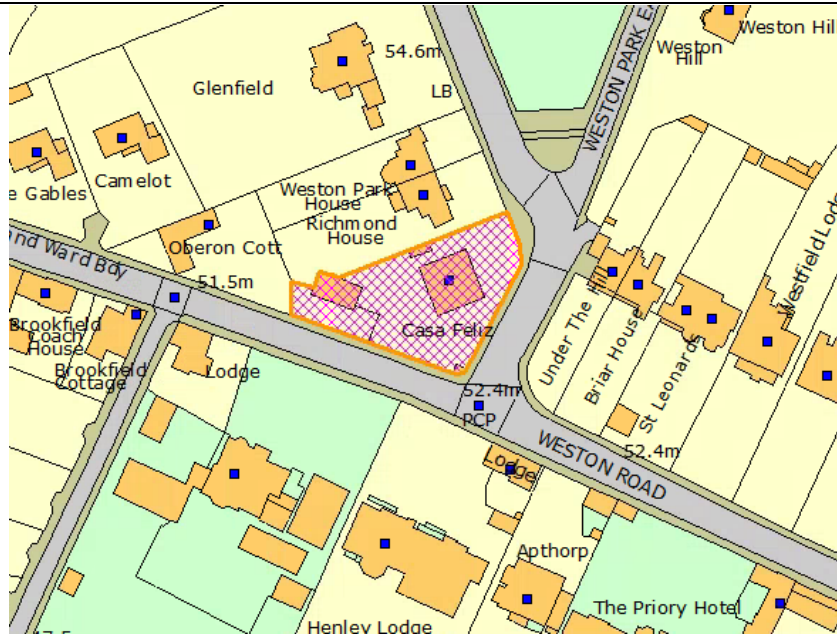
4 The proposed site does not represent an 'infill site' as defined by the Freshford & Limpley Stoke Neighbourhood Plan 2014 - 2039 and therefore the proposal is contrary to the stated Housing Policy within this document.

PLANS LIST:

Existing Block Plan, drawing number CCC-2 dated 14 March 2016
Proposed Floor Plan, drawing number CCC-4 dated 14 March 2016
Proposed South and East Elevations, drawing number CCC-5 dated 14 March 2016
Proposed Sections A-A, drawing number CCC-7 dated 14 March 2016
Proposed Sections B-B, drawing number CCC-8 dated 14 March 2016
Existing and Proposed Location Plan, drawing number CCC-1A dated 30 March 2016
North and West Elevations as Proposed, drawing number CCC-6A dated 30 March 2016
Block Plan as Proposed, drawing number CCC-3A dated 14 April 2016
New Driveway Details as Proposed, drawing number CCC-10 dated 14 April 2016

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

| | |
|------------------------|--|
| Item No: | 05 |
| Application No: | 16/02046/FUL |
| Site Location: | Richmond Lodge Weston Park Upper Weston Bath BA1 4AL |



Ward: Weston **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Colin Barrett Councillor Matthew Davies
Application Type: Full Application
Proposal: Erection of 1no cottage and 2no town houses following demolition of existing dwelling and 2no garages
Constraints: Affordable Housing, Article 4, Conservation Area, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Mr Matthew Davies
Expiry Date: 21st June 2016
Case Officer: Alice Barnes

REPORT

The application is being referred to the committee as the application has been submitted by Councillor Matthew Davies

The application site is located on the western side of Bath. Richmond Lodge occupies a corner plot between Weston Lane and Weston Park. The application site comprises Richmond Lodge, accessed from Weston Lane and part of the rear garden of Richmond House. The site is located within the Conservation Area and World Heritage Site. Richmond House is a Grade II listed building.

This is an application to construct one cottage and two town houses following the demolition of the existing dwelling and two garages.

Permission has been granted for a new dwelling to the rear of Richmond House and the proposed cottage would be located within a similar location with access from Weston Lane.

The proposed town houses will be located adjacent to Richmond House and would front onto Weston Park. They would include vehicle parking to the rear accessed from Weston Lane.

Relevant History

DC - 14/02164/FUL - RF - 5 August 2014 - Construction of new vehicle access.

DC - 15/03636/FUL - PERMIT - 22 October 2015 - Erection of 1no four bed detached dwelling and creation of new access following demolition of 2no existing garages.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: The details of the access in terms of the arrangement of the walls and the achieved visibility splays (2.1m x 25.0m from each access point centreline) are the same as agreed with highways in respect of the previous application 15/03636/FUL.

Parking provision for the new properties will need to comply with the standards set out in the Schedule to Policy T.26 in the Local Plan. Whilst these are 'maximum' standards I would see no reason to accept a lower provision here, as nearby on-street parking in Weston Lane and Weston Park is limited and encouraging further vehicle parking in the unmade northern section of Audley Park Road would be undesirable. The Schedule requires the following:

Two spaces for the cottage (Mews House). I would like to see a swept path plot confirming that a car reversing from the garage is able to turn satisfactorily and conveniently with a second vehicle occupying the position in the forecourt shown on Drawing RHplan5/A, or this general position.

Three spaces for each property are required for the townhouses. This demands that on-site provision for 6 spaces is made and, as before, adequate turning space is available in addition to allow any vehicle to manoeuvre and egress the parking area to Weston Lane in forward gear. Drawing RHplan5/A shows an under-provision of 5 spaces which is not accepted.

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

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
Bh.2: Listed buildings and their settings
Bh.6: Development within or affecting Conservation Areas
T.24: General development control and access policy

National Policy

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

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 of the surrounding conservation area.

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.'

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
HE.1 - Safeguarding heritage assets
ST.7 - Transport, access and development management

OFFICER ASSESSMENT

This is an application to construct one cottage and two town houses following the demolition of the existing dwelling and two garages. Permission has been granted for a new dwelling to the rear of Richmond House and the proposed cottage would be located in a similar position with access from Weston Lane. The proposed town houses will be located adjacent to Richmond House and would front onto Weston Park. They would include vehicle parking to the rear accessed from Weston Lane.

Principle of development

The application site is located within the city of Bath. Policy B1 of the Bath Spatial Strategy allows for housing development within the built up area of Bath. The application site is located within the built up area and therefore the principle of residential development is accepted subject to compliance with all other policies within the local plan.

Demolition of Richmond House

The surrounding area is characterised by large period properties constructed from Bath Stone. The property of Richmond Lodge and its associated garage are proposed to be demolished. Richmond Lodge is a two storey property which sits on the corner of Weston Park and Weston Lane. Contrary to the character of the surrounding area the existing building forms a square shaped building of a much lower height to the surrounding buildings. It is of a modern construction being constructed from reconstituted Bath Stone. Whilst due to its modest size it is not harmful to the surrounding area the building it is also not considered to contribute positively to the character of the surrounding Conservation Area. In this respect no objection is raised to its removal.

Design

The applicant is proposing to construct two town houses adjacent to Richmond House. The proposed dwellings have been designed to echo the built form of Richmond House and will be constructed to a similar height. The siting of the dwellings will continue the line of the development along Weston Park. The dwellings would be accessed from Weston Park but parking can be accessed from Weston Lane.

The applicant is proposing to construct the townhouses using Bath Stone with a slate roof and timber framed windows. The use of these materials will complement the character of the surrounding area. Whilst the new dwellings will be of a larger size than the existing building, they will complement the adjacent properties within the surrounding streetscene. The existing stone boundary wall will also be maintained to preserve the character of the surrounding streetscene.

The proposed cottage would be located in a similar location to a dwelling permitted under reference 15/03636/FUL. The proposed cottage would be a two storey L shaped building constructed from Bath Stone and with a slate roof. The cottage will be located to the rear of the site and as such has been designed with the appearance of a Mews House. The dwelling would have a degree of subservience to the larger properties along Weston Park.

The proposed parking area to the rear will include the provision of a rear access within the boundary wall at Weston Lane. The access will be bordered by gate piers which will complement the character of the existing streetscene. The provision of the wider access is not considered to harm the character of the surrounding streetscene.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that the proposed development will preserve the character of the surrounding Conservation Area.

The dwellings will be located within the setting of Richmond House which is a Grade II listed building. As outlined above the proposed townhouses have been designed to

complement the design of the neighbouring building and use materials to match the character of the surrounding area. The cottage will be set partially within the rear garden of Richmond House. The proposed dwelling will be of a smaller scale than Richmond House and would not be viewed as being part of the curtilage of Richmond House. It is therefore is not considered to result in a harmful impact upon the setting of Richmond House. There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether the development will affect a nearby listed building or its setting. Here it is considered that the proposed extension will not harm the setting of the nearby Grade II listed building.

Highways

The highways officer has advised that the proposed visibility splay is considered to be acceptable. Two parking spaces have been provided for the proposed cottage which is considered to be appropriate

The highways officer objected to the application as only five spaces were proposed for the two town houses however the applicant has now submitted a revised site plan showing the provision of three parking spaces for both townhouses.

The highways officer also requested a swept path analysis to demonstrate that the vehicles can enter and leave the site in forward gear and this has been provided showing that cars will be able to leave the site in forward gear.

Amenity

The proposed town houses will be located adjacent to the side elevation of Richmond House. Given that the properties will be located adjacent to the side elevation they would not appear to be overbearing to the occupiers of Richmond House. The majority of the windows on the side elevations will provide light to either bathrooms or stairwells. One window is located at first floor level to provide light to a study. As the window will look towards the side elevation of Richmond House the window is not considered to harm the amenity of the neighbouring occupiers.

The proposed cottage will be located to the rear of Richmond House. The rear elevation will primarily overlook the rear garden of the proposed property so will not result in increased overlooking of the nearby properties.

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 Prior to the construction of the external surfaces a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, shall be 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: The proposed dwellings will be constructed adjacent to a Grade II listed building within the Conservation Area. Details of materials are required to ensure that the development will preserve the character of the Conservation Area and setting of the nearby listed building in accordance with policy Bh.2 and Bh.6 of the local plan.

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

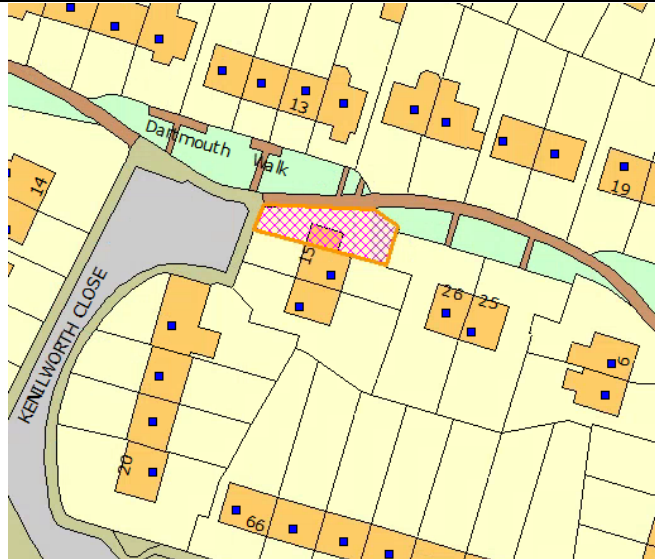
Reason: To define the terms and extent of the permission.

PLANS LIST:

- Site location plan
- Ground floor plan RICH2/a
- Proposed Mews House elevations RICH4/A
- Proposed Mews House Plans RICH5/A
- Existing site and block plan RH1a/A
- 2No. New Town Houses RICH1/A
- 2No. New Town Houses RICH3/a
- Proposed site and block plan RHplan5/C
- Street-scene elevation to Weston Lane RICH6/a
- Existing street-scene elevation to Weston Lane RICH7/a

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

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| Item No: | 06 |
| Application No: | 16/01221/FUL |
| Site Location: | 15 Kenilworth Close Keynsham Bristol Bath And North East Somerset BS31 2PB |



Ward: Keynsham South **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Alan Hale Councillor Lisa O'Brien
Application Type: Full Application
Proposal: Erection of 1no two bed dwelling.
Constraints: Affordable Housing, Airport Safeguarding Zones, Agric Land Class 3b,4,5, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,
Applicant: Mr M Alexander
Expiry Date: 4th July 2016
Case Officer: Emma Watts

REPORT

Reason for reporting application to Committee:

The application is being referred to the Committee because Keynsham Town Council has objected to the application contrary to officer recommendation. The application has been referred to the Chair who agrees that that application should be considered by the Committee.

Description of site and application:

The application site is occupied by a two storey semi-detached house with attached single garage located on the eastern side of Kenilworth Close and to the south of Dartmouth Walk in Keynsham. The site is bounded by a public footpath on its northern side. The application site has a higher ground level than the neighbouring Dartmouth Walk dwellings. The locality is primarily residential and is characterised by two storey terraced and semi-detached dwellings.

Planning permission is sought to erect an attached two storey self-contained dwelling adjacent to No. 15 following the demolition of the existing garage. The proposed new house would measure approximately 5.3m in width, 5.1m high to the eaves and 7.7m high to the ridge of its gabled roof. The ground floor would comprise of a lounge, a

kitchen/dining room and an entrance hall. The first floor would comprise of two bedrooms and a bathroom.

The existing rear garden to No. 15 would be subdivided to provide private enclosed gardens for No. 15 and the proposed dwelling. Hardstanding would be provided at the front of the site to provide one car parking space for the proposed dwelling and two car parking spaces for No. 15 accessed via a widened vehicle crossover.

Relevant planning history:

No relevant recent planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Keynsham Town Council: Object on the following grounds: The proposed plans are out of keeping and incongruous with the street scene. The scale of the development will constitute overcrowding in this section of the site and will have an adverse impact due to the proximity to neighbours. Therefore the plans are contrary to Policy D2 of the Local Plan.

Objections have been received from the owners/occupiers of 13 and 14 Kenilworth Close and 9, 14 and 15 Dartmouth Walk, the content of which is summarised below:

- There is already a high demand for on-street car parking in the close;
- Concerns regarding loss of on-street car parking from the extended dropped kerb;
- Insufficient on-site car parking provision for the existing and proposed dwelling;
- Concerns regarding pedestrian safety from increased cars and parking pressures;
- Overbearing visual impact for the residents of Dartmouth Walk and users of the footpath;
- Concerns regarding loss of light and privacy for residents of Dartmouth Walk, including to front gardens;
- A tree was removed from the site before submitting the application;
- No need for an additional house here;
- Owner of the site doesn't live locally.

Highways:

8 April 2016: in the absence of a car parking plan there are concerns that the proposal would result in increased demand for on street car parking which might lead to indiscriminate parking in the vicinity of the site which would interrupt the free flow of traffic and prejudice the safety of road users. A proposed parking layout plan should be provided.

12 May 2016: whilst the amended proposed block plan shows a shortfall of 1 no. parking space for the proposed dwelling based on the maximum parking standards for a two bed house, the site is in a sustainable location so there is no objection to the proposal subject to conditions relating to:

- Keeping the parking area free of obstruction;
- Surfacing of the parking area;
- Avoiding the discharge of water onto the public highway.

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 (2014)

Saved Policies in the B&NES Local Plan (2007)

West of England Joint Waste Core Strategy (2011) which supersedes all 2007 Local Plan policies on Waste apart from Policies WM.4 and WM.9

The following policies of the Core Strategy (2014) are relevant to the determination of this application:

DW1: District wide spatial strategy

KE1: Keynsham spatial strategy

SD1: Presumption in favour of sustainable development

CP6: Environmental quality

The following saved policies of the Bath and North East Somerset Local Plan (2007) are also relevant to the determination of this application:

D.2: General design and public realm considerations

D.4: Townscape considerations

SC.1: Settlement classification

T.24: General development control and access policy

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. Currently the Plan has limited weight in the determination of planning applications; however, the following policies are relevant to the determination of this application:

D.2: Local character and distinctiveness

D5: Building design

D.6: Amenity

NE.6: Trees and woodland conservation

National Policy:

The National Planning Policy Framework adopted March 2012

National Planning Practice Guidance

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT

The site is located within the housing development boundary of Keynsham. The principle of a new dwelling in this location is acceptable subject to compliance with other relevant policies.

IMPACT ON CHARACTER AND APPEARANCE

The proposal would extend the existing semi-detached pair of dwellings to create a terrace of three two storey houses following the demolition of an existing garage. The proposed dwelling would be in keeping with the character and appearance of the existing semi-detached pair, the street scene and the general locality. The new house would have largely similar proportions to the adjoining dwellings. The external finish materials, fenestration and door openings would reflect the existing building at 15 Kenilworth Close. A condition is recommended requiring the external materials of the new dwelling to match those of No. 15 as indicated in the submission; this will ensure an acceptable finished appearance to the development.

The proposed development would be compatible with the local pattern and grain of development. It is not considered that the proposal would result in an over-development of the site or would have a cramped appearance within the street scene. A minimum gap of approximately 0.5m would be retained between the proposed dwelling and the site boundary, with a more spacious relationship for the majority of the dwelling's depth owing to the irregular shape of the site.

The size of the retained garden at No. 15 would be similar to those at other dwellings in the vicinity such as Nos. 22 and 23 Dartmouth Walk. Whilst the rear garden to the proposed dwelling would be somewhat smaller than other gardens in the vicinity, it is not considered that this would cause demonstrable harm to the character or appearance of the locality. Furthermore, this should be weighed against the benefit of providing an additional dwelling in this sustainable location.

Overall, subject to the above condition, the design, appearance, siting and materials of the proposed new dwelling would have an acceptable impact on the character and appearance of the locality. The proposal would therefore comply with Core Strategy Policy CP6, Local Plan Policies D.2 and D.4 and the aims of the National Planning Policy Framework.

IMPACT ON RESIDENTIAL AMENITIES

The only properties likely to be affected by the proposed development are 15 Kenilworth Close to the south, Nos. 12 to 16 Dartmouth Road inclusive to the north and 26 Dartmouth Walk to the east.

The proposed dwelling would be positioned at a higher ground level than the dwellings on Dartmouth Walk owing to the topography of the area. Whilst the proposed development would be sited to the south of Dartmouth Walk, there would be a separation distance of more than 13m to the front elevation of the nearest dwelling to the north (14 Dartmouth Walk). This is considered sufficient to retain an acceptable level of daylight to the front windows of the neighbouring Dartmouth Walk dwellings. Whilst there may be some increase in overshadowing to the front gardens at Dartmouth Walk during the middle part of the day, those dwellings benefit from considerably larger private gardens to the rear.

One upper floor side window is proposed which would serve a landing. This is not a habitable room and would be located in excess of 13m from the front windows at Dartmouth Walk. As such, this would not cause an unacceptable level of overlooking or loss of privacy to the occupiers of those neighbouring properties.

Given the separation distance between the proposed building and the Dartmouth Walk dwellings to the north (over 13m), it is not considered that the development would cause demonstrable harm to the amenities of neighbouring residents through an overbearing visual impact.

There would be a separation distance of approximately 6m between the upper floor rear windows of the new dwelling and the party boundary with 26 Dartmouth Walk. However, these windows would look onto the front garden of No. 26, which is open to public views, rather than private amenity space. The proposal would therefore not result in an unacceptable level of overlooking for the occupiers of 26 Dartmouth Walk. Given the siting of the new dwelling to the side of No. 26, it is not considered that the development would result in an unacceptable visual impact for the occupiers of that neighbouring property.

Given the relationship between the proposed dwelling and the existing dwelling at 15 Kenilworth Close, the proposed development would not have an adverse impact on the amenities of the occupiers of No. 15 through loss of light, overshadowing, visual impact or loss of privacy.

The proposed dwelling would provide a good level of amenity for its future occupiers. Whilst the proposed garden would be small, it would provide a useable private outside amenity space. All habitable rooms would benefit from a good level of daylight and outlook.

Overall, the proposal would provide an acceptable standard of amenity for neighbouring occupiers and future occupiers of the development. The proposal would therefore comply with the relevant provisions of Policy D.2 of the Local Plan and the aims of the National Planning Policy Framework.

IMPACT ON CAR PARKING PROVISION AND HIGHWAY SAFETY

The proposed development would retain two car parking spaces for the existing dwelling at No. 15 whilst providing one on-site car parking space on hard-standing to the front of the proposed dwelling.

The parking standards set in the Local Plan require a maximum of two car parking spaces for a two bedroom dwelling. Whilst the proposed provision for the new house would fall short of this, the site is in a sustainable location within close proximity of local bus services, local shops and two primary schools. Bicycle storage would also be provided to facilitate this sustainable method of transport. Two car parking spaces for the existing two bedroom dwelling at No. 15 is considered to be sufficient.

It is not considered that the proposal would result in a significant increase in demand for on-street car parking in the area given the level of on-site car parking provision. The proposed widened vehicle cross-over would result in the loss of one currently available space for on-street parking. However, this is not an allocated parking space and other on-street car parking is available in the locality including a generous parking bay further up Kenilworth Close.

No concerns have been raised by the Highways Officer in regards to pedestrian and highway safety or the free flow of traffic.

In conclusion, it is considered that the proposed development would comply with saved Policies T.24 and T.26 of the Local Plan and the aims of the National Planning Policy Framework.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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 permission

2 Materials (Compliance)

All external walling and roofing materials to be used shall match those of the existing building known as 15 Kenilworth Close in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 Parking (Compliance)

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: To ensure sufficient parking are retained at all times in the interests of amenity and highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

4 Bound/Compacted Vehicle Access and Parking Area (Pre-occupation)

No occupation of the development shall commence until the vehicular access and parking area have been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

5 Removal of Permitted Development Rights - No extensions or alterations (Compliance)

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 extension, external alteration or enlargement of the dwelling(s) or

other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority because of the size of the site.

6 Plans List (Compliance)

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.

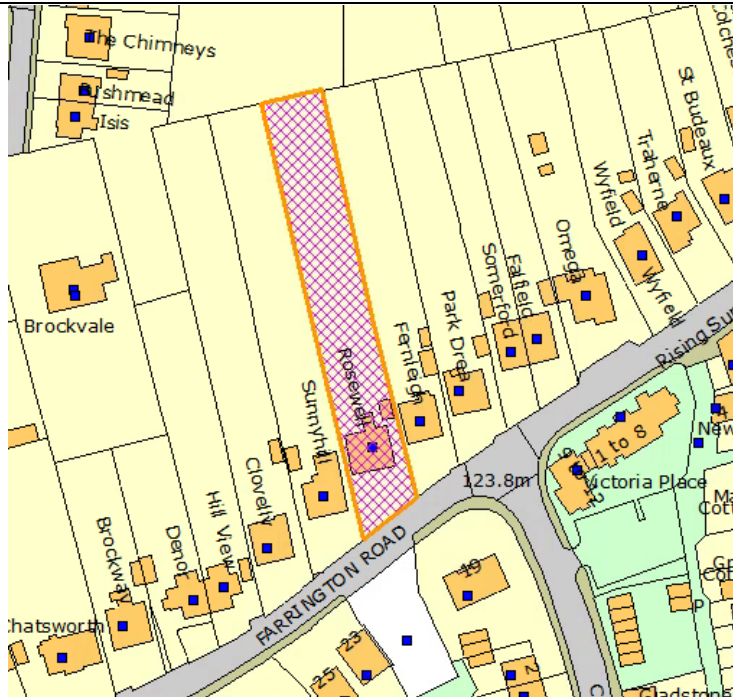
PLANS LIST:

This decision relates to the following drawings and information: R1006/2, R1006/4, Cycle Locker Detail and Design and Access Statement received 14/03/2016, R1006/03 Revision A and R1006/05 Revision A received 03/05/2016 and R1006/01 Revision A received 06/06/2016.

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

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: | 07 |
| Application No: | 16/01046/FUL |
| Site Location: | Rosewell Farrington Road Paulton Bristol Bath And North East Somerset |



Ward: Paulton **Parish:** Paulton **LB Grade:** N/A
Ward Members: Councillor John Bull Councillor Liz Hardman
Application Type: Full Application
Proposal: Erection of 2 storey rear extension and loft conversion (Resubmission of 15/05393/FUL)
Constraints: Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,
Applicant: Mr & Mrs Hyde
Expiry Date: 27th May 2016
Case Officer: Emma Watts

REPORT

Reason for reporting application to Committee:

The application is being referred to the Committee because Paulton Parish Council has objected to the application contrary to officer recommendation. The application has been referred to the Chair who agrees that the application should be considered by the Committee.

Description of site and application:

Rosewell is a detached bungalow located on the north side of Farrington Road in Paulton. The property has an existing single storey rear extension and a detached single garage. The locality is primarily residential and is characterised by a mix of detached bungalows and two storey dwellings.

Planning permission is sought to erect a single storey rear extension with attached single garage following the demolition of the existing rear extension and garage. In addition, the existing roof would be extended from a hipped roof to gabled and the roof space would be converted to create habitable first floor accommodation. Additional and altered window openings are proposed to the existing west and east elevations.

The proposed rear extension would measure approximately 5.75m in depth, 9.55m wide, 6.7m high to the ridge and 3.35m high to the eaves (measured on the north elevation). The attached single garage would measure approximately 2.8m wide, 6.4m deep and 2.7m high.

The proposal has been amended during the course of the application to reduce the depth of the rear extension from 6.4m to 5.75m. The plans have also been corrected to show side window openings consistently on the proposed floor plans and elevations.

Relevant planning history:

15/05393/FUL - Erection of side and rear extension to facilitate additional living accommodation and loft conversion including front dormer and integral garage. Withdrawn 2 February 2016

Park Drea, Farrington Road:

14/04213/FUL - Erection of extension and loft conversion. Permitted 14 November 2014.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Paulton Parish Council: Object on the following grounds:

- Lack of turning/parking provision;
- The proposal does not fit in with the street scene;
- Overlooking neighbouring property;
- The proposed garage appears to be unusable because it is so narrow;
- If the applicant were to submit revised plans and omit the garage this would provide turning/parking provision and would not be so close to the neighbouring property.

One objection has been received from the owners/occupiers of Fernleigh, the content of which is summarised below:

- No dimensions are shown on the plans;
- The proposed new ground floor window on the east elevation is omitted from the plans. This window should be obscurely glazed to reduce overlooking;
- The proposed garage is not fit for purpose;
- Object to building directly along the party boundary;
- The proposed garage would sit adjacent to the living area and conservatory at Fernleigh;
- Concerns regarding structural impact on Fernleigh and the joint sewer;
- Rosewell has a higher ground level. Concerns regarding loss of light and overlooking to Fernleigh.

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 (2014)
- Saved Policies in the B&NES Local Plan (2007)
- West of England Joint Waste Core Strategy (2011) which supersedes all 2007 Local Plan policies on Waste apart from Policies WM.4 and WM.9

The following policies of the Core Strategy (2014) are relevant to the determination of this application:

- CP2: Sustainable construction
- CP6: Environmental quality

The following saved policies of the Bath and North East Somerset Local Plan (2007) are also relevant to the determination of this application:

- D.2: General design and public realm considerations
- D.4: Townscape considerations
- T.24: General development control and access policy
- 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. Currently the Plan has limited weight in the determination of planning applications; however, the following policies are relevant in the consideration of this application:

- D2: Local character and distinctiveness
- D5: Building design
- D6: Amenity
- ST7: Transport requirements for managing development

National Policy:

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

OFFICER ASSESSMENT

IMPACT ON CHARACTER AND APPEARANCE

The proposed rear extension would be single storey with a habitable roof space and would match the depth of the existing single storey rear extension. Whilst the extension would be large, in this particular case it is not considered that it would appear disproportionate to the original dwelling.

The proposed roof extension, loft conversion and rear extension would be similar in appearance and scale to Park Drea, a little further along the road, which was granted planning permission for a similar scheme in 2014. The proposed extensions would integrate satisfactorily with the host building. The ridge height of the building would not be raised compared to existing and the dwelling would retain the appearance of a bungalow within the street scene.

Farrington Road has a varied character and appearance. As such, it is not considered that the development would be out of keeping with the street scene. Whilst the proposed side garage extension would be positioned directly adjacent the site boundary, it would not result in a cramped appearance within the street scene owing to its low, single storey height and substantial set-back from the road.

The application proposes to finish the extension in render and reconstituted slate with uPVC windows and doors. There is a mixed palette of materials within the street scene including render, faced stone, unfaced stone and timber cladding to elevations and a range of slates and tiles to roofs. The proposed external finish materials are considered acceptable in this non-conservation area location.

Overall, the proposed development would have an acceptable impact on the character and appearance of the original building, the street scene and the general locality in accordance with the relevant provisions of Policies D.2 and D.4 of the Local Plan, Core Strategy Policy CP6 and the aims of the National Planning Policy Framework.

IMPACT ON THE AMENITIES OF NEIGHBOURING OCCUPIERS

The only properties likely to be affected by the proposed development in terms of potential overlooking, loss of light, overshadowing and visual impact are Sunnyhill and Fernleigh.

The proposed loft accommodation would include a number of roof lights on the side roof slopes. These would be small in scale, in a raised position and would primarily provide sky views owing to their angled positions. Three of the five roof lights would serve bathrooms, which are not considered to be habitable rooms. Given the presence of existing ground floor side windows, the proposed additional ground floor side windows would not result in a significant increase in overlooking or loss of privacy for neighbouring occupiers. The proposed upper floor rear windows would not result in unacceptable levels of overlooking to neighbouring properties.

Owing to the sloping site, the extended dwelling would be taller at the rear than the front. The extension would not project substantially beyond the rear of Fernleigh, which has a rear conservatory adjacent to the application site. Given the separation distance between the main rear extension and the party boundary with Fernleigh (approximately 2.8m minimum) and its siting to the west of Fernleigh, the development would not have a harmful impact on the occupiers of that dwelling through loss of sunlight or daylight, increased overshadowing or overbearing visual impact.

Concerns have been raised regarding the proximity of the attached single garage to the party boundary with Fernleigh. The proposed garage would be positioned at a lower ground level than the subject dwelling and would replace an existing garage in a similar position which is currently located close to, albeit not touching, the shared boundary. Overall, it is not considered that the proposed single storey attached garage would cause demonstrable harm to the amenities of the occupiers of Fernleigh compared to the existing situation.

The proposed rear extension would be sited to the north east of Sunnyhill, the other neighbouring dwelling. As a single storey extension would roof sloping away from the party boundary it is not considered that the development would cause demonstrable harm

to the amenities of the occupiers of Sunnyhill through loss of light, overshadowing, or overbearing visual impact.

Overall, it is considered that the proposed development would maintain an acceptable standard of amenity for the occupiers of all neighbouring properties in accordance with the relevant provisions of Policy D.2 of the Local Plan and the aims of the National Planning Policy Framework.

CAR PARKING AND ACCESS

The proposed replacement garage would be located in a largely similar position to the existing garage. The site would retain at least two car parking spaces on the existing hard standing to the front and side of the dwelling. Whilst the proposal would increase the number of bedrooms at the dwelling from three to five, the retained car parking provision would be sufficient for the needs of the extended dwelling.

Existing access and turning arrangements would remain unchanged by the proposed development. Taking all factors into account, the proposed development would not prejudice the safety or operation of the local highway network compared to the existing situation.

OTHER MATTERS

The structural impact of any development on neighbouring property is a private property matter which is regulated under the Part Wall Etc. Act 1996 and is not a material planning consideration.

RECOMMENDATION

PERMIT

CONDITIONS

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

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

2 All external walling and roofing materials to be used shall be as stated on the application form received 04/03/2016 or shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: In the interests of the appearance of the development and the surrounding. To comply with Policy D.4 of the Bath and North East Somerset Local Plan 2007.

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:

This decision relates to the following drawings: 1115/003/002 received 04/03/2016 and 1115/003-001 Revision D, 1115/003/003 Revision F, 1115/003/004 Revision E, 1115/003/005 Revision D, 1115/003/006 Revision D received 23/05/2016.

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 | |
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| 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: 15/04842/OUT
Location: Valley View Greyfield Road High Littleton Bristol Bath And North East Somerset
Proposal: Erection of detached dormer bungalow and garage at rear of 'Valley View' with access off existing back lane. (Outline application with access, layout and scale to be determined and all other matters reserved)
Decision: REFUSE
Decision Date: 17 December 2015
Decision Level: Delegated
Appeal Lodged: 10 May 2016

App. Ref: 15/03137/FUL
Location: 20 Lansdown Crescent Lansdown Bath Bath And North East Somerset BA1 5EX
Proposal: Replacement of 3 sliding wooden garage doors with 1 new sectional overhead door.
Decision: REFUSE
Decision Date: 14 March 2016
Decision Level: Delegated
Appeal Lodged: 16 May 2016

App. Ref: 15/03138/LBA
Location: 20 Lansdown Crescent Lansdown Bath Bath And North East Somerset BA1 5EX
Proposal: External alterations to replace 3 sliding wooden garage doors with 1 new sectional overhead door.
Decision: REFUSE
Decision Date: 14 March 2016
Decision Level: Delegated
Appeal Lodged: 16 May 2016

App. Ref: 15/00495/CONSRV
Location: Land Rear Of Dixon Gardens Upper Lansdown Mews Lansdown Bath
Breach: Without planning permission, demolition of a wall within a conservation area
Notice Date: 4 May 2016
Appeal Lodged: 17 May 2016

App. Ref: 15/05814/FUL
Location: Residential Development Site Perry Close Westfield Radstock Bath And North East Somerset
Proposal: Erection of 2 no. dwellings with associated works
Decision: REFUSE
Decision Date: 10 March 2016
Decision Level: Delegated
Appeal Lodged: 17 May 2016

App. Ref: 15/01335/OUT
Location: Parcel 3615 Wells Road Hallatrow Bristol
Proposal: Erection of 15 dwellings and associated infrastructure. (Outline application with all matters reserved)
Decision: REFUSE
Decision Date: 12 January 2016
Decision Level: Delegated
Appeal Lodged: 23 May 2016

App. Ref: 14/00705/UNAUTH
Location: Meadow Combe Rectory Lane Compton Martin Bristol Bath And

Breach: North East Somerset BS40 6JP
Without planning permission, change of use from agricultural to residential curtilage.
Notice Date: 22 April 2016
Appeal Lodged: 20 May 2016

App. Ref: 13/00203/UNAUTH
Location: Yew Tree Inn Pilgrims Way Chew Stoke Bristol Bath And North East Somerset BS40 8TX
Breach: Without planning permission change of use from public house (use class A4) to dwellinghouse (use class C3).
Notice Date: 19 December 2015
Appeal Lodged: 20 May 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: 23 May 2016

APPEALS DECIDED

App. Ref: 15/03497/FUL
Location: 67 Penn Lea Road Lower Weston Bath Bath And North East Somerset BA1 3RQ
Proposal: Proposed loft conversion to include installation of side and rear dormers. (Resubmission).
Decision: REFUSE
Decision Date: 22 October 2015
Decision Level: Delegated
Appeal Lodged: 23 December 2015

Appeal Decision: Dismissed on 19.05.2016

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

App. Ref: 15/04848/FUL
Location: Newera Evelyn Road Lower Weston Bath Bath And North East Somerset
Proposal: Change of use of existing annexe to form separate dwelling.
Decision: REFUSE
Decision Date: 23 December 2015
Decision Level: Delegated
Appeal Lodged: 22 February 2016

Appeal Decision: Dismissed on 19.05.2016

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

App. Ref: 15/00408/HMO
Location: 32 Triangle East Oldfield Park Bath Bath And North East Somerset BA2 3HZ
Breach: Conversion of house into an HMO (House of Multiple Occupation) without planning permission.
Notice Date: 13 January 2016
Appeal Lodged: 20 May 2016

Appeal Decision: Allowed and enforcement notice quashed on 20.05.2016

Decision available on request from planning_appeals@bathnes.gov.uk

App. Ref: 15/02366/FUL
Location: 1 Princes Street Clandown Radstock Bath And North East Somerset BA3 3DJ
Proposal: Conversion of existing garage to form 1no. detached dwelling including erection of front porch, single storey side extension and new vehicular access off Overdale Road. Creation of new access and hardstanding off Princes Street to existing dwelling.
Decision: REFUSE
Decision Date: 23 July 2015
Decision Level: Delegated
Appeal Lodged: 1 February 2016

Appeal Decision: Dismissed on 23.05.2016

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

App. Ref: 15/05256/FUL
Location: 186 The Hollow Southdown Bath Bath And North East Somerset BA2 1NG
Proposal: Erection of single storey extension and installation of dormer to rear to create loft conversion. (Resubmission).
Decision: REFUSE
Decision Date: 17 February 2016
Decision Level: Delegated
Appeal Lodged: 7 March 2016

Appeal Decision: Dismissed in part and allowed in part on 01.06.2016

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

App. Ref: 15/03416/FUL
Location: 17 Station Road Welton Midsomer Norton BA3 2AZ
Proposal: Erection of 8no dwellings following demolition of 1no dwelling and associated outbuildings
Decision: REFUSE

Decision Date: 16 October 2015
Decision Level: Delegated
Appeal Lodged: 1 February 2016

Appeal Decision: Dismissed on 09.06.2016

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

App. Ref: 15/04097/VAR
Location: Abbey Hotel 1 North Parade City Centre Bath Bath And North East Somerset
Proposal: Variation of condition 1 (hours of operation) attached to application 15/02835/FUL (Use of public highway for the siting of 12 tables and 48 chairs with planters and parasols. (Retrospective))
Decision: REFUSE
Decision Date: 30 October 2015
Decision Level: Chair Referral - Delegated
Appeal Lodged: 14 March 2016

Appeal Decision: Allowed on 09.06.2016

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

The appellant's claim for costs was refused.

The costs decision is [here](#).

FORTHCOMING APPEAL HEARINGS

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: 23 May 2016

Hearing Date: 19th July 2016

Hearing venue: Brunswick Room, The Guild Hall, High Street, Bath.

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