

**Democratic Services**

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Date: 11 October 2016

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

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

**Permanent Substitutes:- Councillors:** Neil Butters, Ian Gilchrist, Liz Hardman, Vic Pritchard, Dine Romero, Martin Veal and Karen Warrington

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Development Management Committee: Wednesday, 19th October, 2016**

You are invited to attend a meeting of the **Development Management Committee**, to be held on **Wednesday, 19th October, 2016** at **12.00 pm** in the **Brunswick Room - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 18 October 2016 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](http://www.bathnes.gov.uk/webcast) An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

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

**7. Emergency Evacuation Procedure**

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

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

## Development Management Committee - Wednesday, 19th October, 2016

at 12.00 pm in the Brunswick Room - Guildhall, Bath

### A G E N D A

#### 1. EMERGENCY EVACUATION PROCEDURE

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

#### 2. ELECTION OF VICE CHAIRMAN (IF DESIRED)

#### 3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

#### 4. DECLARATIONS OF INTEREST

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

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

(b) The nature of their interest.

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

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

#### 5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

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

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

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

#### 7. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

opted Members

8. MINUTES OF THE PREVIOUS MEETING (PAGES 9 - 58)

To confirm the minutes of the meeting held on 21 September 2016.

9. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 59 - 64)

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 65 - 200)

11. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 201 - 204)

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 Management Committee**

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

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

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

**2. Local Planning Code of Conduct**

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

**3. Site Visits**

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

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

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

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

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

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

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

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

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

## **6. Officer Advice**

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

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

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

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

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

1. 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 Management 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 Management 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 Management 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, 21st September, 2016, 2.00 pm

**Councillors:** Sally Davis (Chair), Rob Appleyard, Jasper Becker, Matthew Davies, Liz Hardman (in place of Eleanor Jackson), Les Kew, Caroline Roberts, Will Sandry (in place of Paul Crossley), David Veale, Martin Veal (in place of Bryan Organ)

#### **45 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

#### **46 ELECTION OF VICE CHAIRMAN (IF DESIRED)**

A Vice Chairman was not required on this occasion.

#### **47 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from:

Councillor Paul Crossley (substitute Councillor Will Sandry)  
Councillor Eleanor Jackson (substitute Councillor Liz Hardman)  
Councillor Bryan Organ (substitute Councillor Martin Veal)

#### **48 DECLARATIONS OF INTEREST**

Councillor Matthew Davies made a declaration in relation to item number 9 of the applications for planning permission report (63 Purlewent Drive, Upper Weston, Bath). He stated that he had objected to this application and would therefore speak in his capacity as a Ward Member and then withdraw from the meeting when the item was discussed.

Councillor Rob Appleyard made a declaration in relation to item number 1 of the applications for planning permission report (Former GWR Railway Line, Frome Road, Radstock). Councillor Appleyard stated that he is a non-executive director of the Curo Board and although Curo did not have any connection to this particular phase of the development he would not vote on the application.

#### **49 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was no urgent business.

#### **50 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.

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

The Chairman informed members that item 10 of the planning applications report (Church Farm Derelict Property, Church Hill, High Littleton) had been withdrawn from the agenda.

She also asked members to note that the annual tour of completed development sites would take place on 7 October 2016.

## 52 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 24 August 2016 were confirmed and signed as a correct record.

## 53 **SITE VISIT 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.
- Oral statements by local ward councillors. 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. 16/02530/FUL**

**Site Location: 23 Lymore Avenue, Twerton, Bath – Demolition of existing single storey rear extension and erection of side and rear single storey extension**

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

Councillors June Player and Colin Blackburn, local ward members, spoke against the application.

Officers clarified that no precedent would be set by a decision on this item as each planning application should be considered on its own merits.

Councillor Roberts moved that the application be refused due to the adverse impact on the neighbouring amenity and street scene. She stated that there were a large number of extensions and loft conversions in this area and gardens were becoming smaller. If this continued it could lead to more HMOs in the area. The motion was seconded by Councillor Matthew Davies.

Councillor Kew understood the concerns of the local members and residents; however, he felt that there was little difference between this house and others in the area. He could not support refusal and agreed with the officer recommendation to grant planning permission.

Councillor Sandry felt that if this were an application to create a new HMO then it would now be refused. The materials to be used were not very thoughtful and the extension appeared quite large.

Officers pointed out that the extension was flat roof only and so should not greatly affect the street scene and that natural stone was proposed for the walling. The Group Manager also advised that the degree of projection beyond the rear of the neighbouring property was not significant enough to result in significant harm to neighbouring amenity.

The motion was put to the vote and it was **RESOLVED** by 6 votes for and 4 votes against to **REFUSE** the application due to the adverse impact on the neighbouring amenity and street scene.

#### 54 **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, 2, 7, 8 and 9 attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

**RESOLVED** that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 4* to these minutes.

##### **Item No. 1**

##### **Application No. 16/1016/RES**

**Site Location: Former GWR Railway Line, Frome Road, Radstock – Approval of reserved matters in relation to outline application 13/02436/EOUT for access, appearance, layout, scale and landscaping for area 1 (phase 3 of the development)**

The Case Officer reported on the application and his recommendation to grant planning permission. He confirmed that amended plans had now been received showing that natural stone will be used on primary elevations and the chimneys. He explained that the exact area of the public square was currently unclear but that this should not affect consideration of the application.

The registered speakers spoke for and against the application.

In response to questions regarding parking for the development the Case Officer confirmed that some of the car parks shown on the plan were not public car parks. However, the car parks that could most easily be used by residents were the Waterloo Road car park and the car park near the library. These were both large car parks which normally have availability. There was a shortfall of 10 spaces for the development in terms of each dwelling having a parking space, it is in a town centre location and is a highly sustainable development with excellent access to public transport. The Case Officer gave full details of all car parks in the vicinity and the number of spaces in each including disabled parking. He explained that there was no scope to undertake further studies regarding parking. He stated that there were a substantial amount of car parking spaces in the area and that the development would not have a severe impact on parking in this location as there was adequate capacity.

In response to a question regarding land ownership for the public open space the Case Officer stated that discussions between the developer and the Co-op who owned the land were ongoing. However, this would not prevent the development from going ahead.

Councillor Sandry moved that planning permission be granted subject to the conditions outlined in the officer report. He felt that the parking was adequate and that the development would be positive for Radstock.

Councillor Kew seconded the motion stating that he felt traffic movement was good and that there would be ample parking space.

Councillor Hardman stated that she still believed parking was an issue and that there was a shortfall of 95 spaces. An appropriate level of car parking should be provided before permitting the application. She pointed out that the view of the Highways Team was that the proposed parking provision was inadequate. She also stated that parking was problematic during the working day and asked the Committee to refuse the application.

The motion was then put to the vote and it was **RESOLVED** by 7 votes for and 2 votes against to **PERMIT** the application subject to conditions.

**Note:** Councillor Appleyard withdrew from the meeting while this application was considered.

## **Item No. 2**

### **Application No. 16/03359/FUL**

**Site Location: Bath Sea Cadet Corps, St John's Road, Bathwick, Bath, BA2 6PX – Mixed use development comprising replacement accommodation for the Sea Cadets with student accommodation (18 Studios) following demolition of existing buildings**

The Case Officer reported on the application and his recommendation to grant planning permission. He pointed out that he would add to the conditions the advice note regarding urban gulls.

The registered speakers spoke for and against the application.

A statement was read out on behalf of the local ward member, Councillor Peter Turner in support of the application.

The Case Officer then responded to a number of questions from members as follows:

- Although it would be possible to look into the neighbouring garden from the flat roof area this would only be used for maintenance purposes.
- Communal waste facilities would be provided for the student accommodation and a bin store was indicated on the plans.
- There was short stay parking in the area but no on-site parking. This would be controlled by the student management plan which would be in place. The access to the property was for pedestrians only.
- The proposed footprint of the new building was slightly larger than before; however, the new building would be taller. The development was not intended to intensify the use of the accommodation but to upgrade it.

Councillor Appleyard stated that he was sympathetic to the proposed changes. There was a balance to be struck between retaining the building for use by the sea cadets by creating student accommodation and the potential impact on local residents. The building itself would be improved by the development.

Councillor Kew stated that this was a very good application and would provide an excellent facility for young people in the area. It was architecturally interesting. He then moved that planning permission be granted subject to the conditions proposed by the Case Officer.

Councillor Veal seconded the motion and stated that he believed the application would improve the area. Although he understood the concerns of residents he felt that the Construction and Environmental Management Plan would be in place to deal with the issues raised. He had previously visited the site and noted that the existing building was in poor condition. The proposal offered a sensitive approach and would ensure a sustainable future for the Sea Cadets.

Councillor Sandry supported the motion and felt that the design was very good and would safeguard the future of the Sea Cadets. The student accommodation was comparatively small and would provide a mixed community.

Councillor Hardman supported the application and the building design. She believed that the conditions to be imposed would provide protection to neighbours in respect of parking and refuse concerns.

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

### **Item No. 3**

#### **Application No. 16/03047/FUL**

**Site Location: 12 Junction Road, Oldfield Park, Bath, BA2 3NH – Erection of single storey rear and side extension following demolition of existing outbuilding and conservatory to increase occupancy of HMO from 5 to 6**

The Case Officer reported on the application and her recommendation to refuse planning permission. She informed the members that the item had been brought to Committee because the plans had been drawn by a local councillor.

The registered speaker spoke for the application.

Councillor Sandry moved that planning permission be refused for the reasons set out in the report. This was seconded by Councillor Veal.

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

#### **Item No. 4**

##### **Application No. 16/02631/FUL**

**Site Location: 39 High Street, Keynsham, BS31 1DS – Erection of two storey building to the rear of 39 High Street to facilitate 2 self-contained flats (Resubmission)**

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

The registered speaker spoke for the application.

Councillor Brian Simmons, local ward member, spoke against the application and it was noted that the other local member, Councillor Charles Gerrish was also opposed to the development for the reasons outlined in the report.

Councillor Appleyard noted that the proposed development would be closing a gap and queried whether this would lead to the adjacent alleyway becoming darker. Officers stated that there would be a degree of enclosure but that this would not be excessive.

Councillor Kew noted the objections raised but pointed out that the site was within the housing development boundary. He felt it was a good use of this piece of land and stressed the importance of using the correct materials. He then moved that planning permission be granted subject to the conditions set out in the report. This was seconded by Councillor Appleyard.

Councillor Hardman felt that the agent had taken all the issues raised on board and noted that there would be a Construction Management Plan.

It was noted that there may be plans to make the path a public right of way but this would not affect the proposal as the path would not be blocked.

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

#### **Item No. 5**

##### **Application No. 16/03168/FUL**

**Site Location: 1 Magdalen Avenue, Lyncombe, Bath, BA2 4QB – Erection of first floor rear extension and rendering of the existing ground floor rear extension (Revised Proposal) (Amended Description)**

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

The registered speaker spoke for the application.

Councillor Ian Gilchrist, the ward member, spoke in favour of the application pointing out that no objections had been received.

In response to a question the Case Officer stated that the only other timber extension in the area she was aware of was the Widcombe Social Club which was a very different type of building in a different setting. 1 Magdalen Avenue was in a conservation area.

Councillor Kew moved that planning permission be refused for the reasons set out in the report. This was seconded by Councillor Becker.

The motion was put to the vote and it was **RESOLVED** by 9 votes for and 1 against to **REFUSE** the application.

#### **Item No. 6**

##### **Application No. 16/02998/FUL**

**Site Location: The Chapel, Argyle Terrace, Twerton, Bath – Conversion from existing offices (Class B1) to 4 residential maisonettes (Class C3) including external alterations**

The Case Officer reported on the application and her recommendation to grant planning permission. She pointed out that the site was not in a conservation area and that a new condition would be added if approved to include obscured glazing.

The registered speakers spoke in favour of the application.

Councillors June Player and Colin Blackburn, local ward members, spoke against the application.

Officers responded to questions raised as follows:

- There was no parking on the site and it was felt that there was capacity in the surrounding area.
- The parking survey had taken place during mid-October.
- A previous planning application had been refused on the grounds of design so it would not now be advisable to refuse permission on the grounds of parking or employment issues.

Councillor Kew stated that this was a significant building and noted that the Bath Preservation Trust was not opposed to the scheme. The site was not within the Bath Core Office Employment Area. He moved that planning permission be granted subject to the conditions set out in the report and the additional condition to include obscured glazing. This was seconded by Councillor Davies.

Councillor Sandry acknowledged that commercial space was needed but that there

was a need for this type of housing in Bath and noted that this was a sustainable location.

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

**Item No. 7**

**Application No. 16/03172/FUL**

**Site Location: Land between Barton House and Laburnum Cottage, The Barton, Corston, Bath – Erection of a single family dwelling with parking for two vehicles**

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

The registered speakers spoke for and against the application.

The Chairman, Councillor Davis, spoke as local ward member stating that the development would overlook Goid Close; however, there could be design options to solve this issue.

The Group Manager, Development Management, informed the Committee that this application had previously been refused and that this decision had subsequently been upheld on appeal.

Councillor Kew moved that the application be refused for the reasons set out in the report. This was seconded by Councillor Roberts.

Councillor Roberts stated that the application was in the greenbelt and was contrary to policy.

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

**Item No. 8**

**Application No. 16/03427/FUL**

**Site Location: 7 Hornbeam Walk, Keynsham, BS31 2RT – Erection of three bedroomed semi-detached house within existing garden area of 7 Hornbeam Walk, Keynsham**

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

Councillor Davies moved that planning permission be granted subject to the conditions set out in the officer report. This was seconded by Councillor Kew.

Councillor Hardman stated that this development would create a terrace. However, there were other terraced houses in the area and there was adequate parking. She asked whether a condition could be added to include a Construction Management Plan because the development was near a play area. Councillors Davies and Kew agreed to include the additional condition in the motion.



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

**Item No. 9**

**Application No. 16/03488/FUL**

**Site Location: 63 Purlewent Drive, Upper Weston, Bath, BA1 4BD – Change of use from a residential dwelling (use class C3) to a 4 bedroom HMO (use class C4)**

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

The registered speaker spoke for the application.

Councillor Matthew Davies spoke as local ward member against the application for reasons including a lack of parking in the area. He then left the room for consideration of this item.

Councillor Appleyard noted that an HMO could put pressure on parking and may also increase noise. He pointed out that there could be no control over whether the property was let to students or professionals.

Councillor Sandry stated that HMOs are needed within the city but that issues can occur when they dominate a particular community. This application complied with the Article 4 direction. He then moved that planning permission be granted subject to the conditions set out in the report. This was seconded by Councillor Hardman.

Councillor Kew stated that he had concerns about converting the dwelling to an HMO as it was a mid-terrace property, there was no control over who the residents would be and parking could not be restricted in any way.

Councillor Hardman stated that the proposal did not affect the landscape of the area; it was a small HMO and was close to the Royal United Hospital so may be let to health professionals.

Councillor Roberts supported the recommendation and noted that far less than 25% of properties in the area were HMOs.

The motion was put to the vote and it was **RESOLVED** by 6 votes for and 3 votes against to **PERMIT** the application subject to conditions.

**Item No. 10**

**Application No. 15/01802/FUL**

**Site Location: Church Farm Derelict Property, Church Hill, High Littleton – Construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall**

This item was withdrawn from the agenda.

**Item No. 11**

**Application No. 16/02692/LBA**

**Site Location: Maisonette 2 3 Floor S, 4 Prices Buildings – Internal alterations**

**to include the removal of stud wall between kitchen and reception room and installation of stud wall and door in corridor to create a laundry cupboard**

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

Councillor Roberts moved that planning permission be granted subject to the conditions set out in the report. This was seconded by Councillor Veal.

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

#### **Item No. 12**

##### **Application No. 16/02441/FUL**

##### **Site Location: St Nicholas Church, Church Road, Whitchurch – Erection of disabled WC to front elevation**

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

The registered speaker spoke for the application.

A statement against the application from Councillor May, local ward member, was read out.

In response to a question the Case Officer confirmed that no internal alterations to the church were proposed. The WC would be accessed externally without needing to enter the church.

Councillor Kew stated that the WC would be very noticeable at the front of the building and queried whether it would be better located at the rear of the church. In response to a question the Case Officer confirmed that this was a timber structure and no stonework would be used. It was also noted that a planning application proposing to build the structure on the South elevation had already been rejected by the Council.

Councillor Appleyard felt that the proposal seemed out of kilter with the church structure and the character of the listed building. In response to a question officers confirmed that the church would have to comply with legislation regarding access by people with disabilities.

Councillor Hardman stated that there must be a need for this facility and noted that this had to be balanced against any potential visual harm to the building. She suggested that the Committee could defer a decision to consider alternative materials.

Councillor Kew pointed out that this was a listed building and moved that consideration of this application be deferred pending a site visit. This was seconded by Councillor Roberts.

Councillor Veal stated that if the timber material were to be used then this could potentially be screened off using a stone wall.

The motion was put to the vote and it was **RESOLVED** by 8 votes for, and 2 abstentions to **DEFER** consideration of the application pending a site visit.

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

The Committee considered the appeals report.

**RESOLVED** to **NOTE** the report.

The meeting ended at 5.50 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Management Committee**

**Date 21<sup>st</sup> September 2016**

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

**ITEMS FOR PLANNING PERMISSION**

**ITEM**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
<b>01</b>	<b>16/01016/RES</b>	<b>Former GWR Line, Radstock</b>

**Urban Design Comments**

Following the publication of the committee report the Urban Designer has submitted her formal comments in relation to the amended plans, these are as follows:

- Natural materials are required in the town centre to ensure high quality design. There is no viability report provided to support any claim that it is unaffordable throughout the town centre. The quality, finish and weathering of natural materials are important for the character of Radstock as a place and the town centre is where this character should prevail for the benefit of the whole community;
- It is positive that the red line now includes the entire public space. Option 2 for the layout is best for the town. I understand that limitations due to land ownership may mean that option 1 has to be delivered by this applicant in the interim;
- The objection to the scale of buildings is not adequately addressed. The proposals should be appropriate for the site in terms of size, scale, massing and height and this should be demonstrated in drawings;
- Please provide an up to date Building for Life assessment that details where the reds in the version submitted with the application have been designed out.

## EIA Matters

As stated in the main report the outline application (Ref: 13/02436/EOUT) was the subject of an Environmental Impact Assessment (EIA). The current application for the approval of reserved matters is therefore a 'subsequent application' in EIA terms. The Environmental Statement submitted at the outline stage as well as all supplemental/additional environmental information submitted is adequate to assess the environmental effects of the proposed development and that information has been taken into account in reaching the recommendation.

**02**

**16/03359/FUL**

**Bath Sea Cadets, St John's Road**

## Representations & Consultations

One additional letter of objection has been received. The main issues raised were:

- Inadequate provision for refuse
- Inadequate provision for cycle parking
- Inaccuracies in the application
- Loss of privacy
- Concern about nesting gulls
- Inappropriate density of development for quiet residential street

This brings the total number of objection comments to 11, in addition to the 16 signature objection petition already received.

## Conditions

The following heading is now provided for condition 2:

### **2. Detail of window reveals (Bespoke Trigger)**

Since publication of the committee report the applicant has submitted a Construction and Environmental Management Plan. The submitted plan has been reviewed by Highways, the Council's Ecologist and by the Environment Agency and is considered to be acceptable. It is therefore proposed to amend the wording of condition 3 as follows:

### **3. Construction Environmental Management Plan (Compliance)**

*The development shall be carried out only in accordance with the approved document named 'C.E.M.P and C.M.P' (Iesis Ltd, received 19<sup>th</sup> September 2016).*

*Reason: Reason: To ensure that safe operation of the highway, in the interests of protecting residential amenity, to avoid harm to bats and the River*

*Avon during site preparation demolition and construction in accordance with Policies T.24, D.2, NE.9, NE.10, NE.11 and ES.15 of the Bath and North East Somerset Local Plan.*

Since publication of the committee report the applicant has submitted a Written Scheme of Investigation. The submitted scheme has been reviewed by the Council's Archaeologist and Conservation Officer and is considered to be acceptable. It is therefore proposed to amend the wording of condition 5 as follows:

**5. Archaeology (Compliance)**

*The development shall be carried out only in accordance with the approved 'Written Scheme of Investigation for the Recording of Bath Sea Cadets HQ, St Johns Road, Bath prior to demolition and for a Controlled Archaeological Watching Brief during development groundworks' (Bristol & West Archaeology, dated 11 September 2016).*

*Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with policies BH.12 and BH.13 of the Bath and North East Somerset Local Plan.*

Condition 7 is amended as follows:

**7. Student Management Plan (Pre-occupation)**

*No occupation of the development shall commence until a student management plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:*

*The arrangements for student drop off / pick up at the start and end of each University semester;  
refuse storage, management and collection; and,  
site security.*

*The student accommodation use shall thereafter operate only in accordance with the approved student management plan.*

*Reason: In the interests of highways safety, residential amenity, to reduce potential noise and disturbance and to ensure the good management of the building in accordance with policies T.24, D.2 and ES.12 of the Bath and North East Somerset Local Plan.*

This change is proposed to ensure that only enforceable matters are controlled by condition to meet the tests of conditions set out in the National Planning Practice Guidance (NPPG).

Further representations have been received as detailed below:

Objection from owners/occupiers of Lower Meadow, The Barton:

- The letter from the applicant's agent dated 30 August 2016 does not address the comments and objections raised by neighbouring owners;
- Given the scale and impact of the proposed development, the application constitutes inappropriate development.

Comment from owners/occupiers of Laburnum Cottage, The Barton:

- The applicant worked with the owners/occupiers of Laburnum Cottage to erect fencing along the boundaries of Laburnum Cottage after removing natural screening provided by natural shrubs.
- Comments regarding boundary responsibilities [not a material planning consideration].
- The owners of Laburnum Cottage would welcome additional planting along the drive to further screen the drive from Laburnum Cottage.
- Living accommodation at Laburnum Cottage is not orientated only towards the front and rear of the property as suggested by the applicant's agent (letter dated 30 August 2016). The kitchen looks out towards the driveway and the side door is used as the main entrance. There is also a pending application to convert the garage into additional living space.

The above additional comments do not affect the Officer's assessment and recommendation included in the main agenda.

In addition a representation has been received from the applicant's agent, the content of which is summarised below:

- The inhabitants of Laburnum Cottage did not make an objection as stated in the Committee report, they made comments.
- The dimensions from the closest corner of the proposed dwelling to the boundary of Lower Meadow is 2.1m - the post and rail fence is not the actual site boundary, the site boundary is the fence-line further to the west.
- The distance of the first window to the boundary of Barton House is 2.6m (western/closest edge of window).
- The distance to the second window to boundary of Barton House is 4.7m (western/closest edge of window).
- The distance from the obscured glazing bathroom window to the boundary of Lower meadow is 3.5m.
- The proposed dwelling will have a lower finished floor level than the cottages to the south, contrary to the Committee report.

In regards to the relationship with Lower Meadow, this does not affect the Officer's assessment and recommendation since it has been concluded that



there would not be an adverse impact for the amenities of the occupiers of Lower Meadow at a closer distance.

In regards to the relationship with Barton House, the distance of the closest first floor window to the party boundary does measure 2.6m and not 3m as stated in the report. This does not affect the assessment and recommendation since a harmful level of overlooking has been identified at the greater distance.

The distance between the second first floor window and the party boundary with Barton House still appears to measure 4.8m.

The topographical survey submitted with the application appears to contradict the Officer's on site visual assessment that Laburnum Cottage has a slightly lower ground level than the location of the proposed dwelling (although it is noted that no ground level data has been included for within the site of Laburnum Cottage).

The Officer's report states on page 106 of the agenda that the site of the new dwelling has a slightly higher ground level than the cottages to the south. Nevertheless, it concludes that the separation distance between the new dwelling and the boundary with Laburnum Cottage would prevent a harmful level of overlooking for the occupiers of that property as a result of the proposal. If in fact the ground level of the proposed dwelling would be slightly lower, then the level of overlooking would be slightly less than anticipated.

The above observations therefore do not alter the Officer's assessment and recommendation as set out in the agenda.

The following Plans List and Decision Making Statement were omitted from the Committee report:

Plans List:

This decision is based on the following drawings and information: PI-10, PI-90-1, PI-100 Revision A, DB1722-TOPO and Design and Access Statement received 23/06/2016, PI-90-2 Revision A received 14/07/2016.

Decision Making Statement:

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

**08**

**16/03427/FUL**

**7 Hornbeam Walk,  
Keynsham, BS31 2RT**

Two further comments have been received from the owners/occupiers of 10 Holmoak Road and 10 Hornbeam Walk, the content of which is summarised below:

- No objection in principle.
- Safety concerns in regards to construction vehicles and deliveries and the proximity of the park access.
- Concerns regarding working hours.
- Concerns regarding pedestrian safety from vehicles reversing out of the parking spaces given proximity to park access.
- Sufficient car parking for the occupiers of 7 Hornbeam Walk should be provided.
- The privately owned access lane which will provide vehicle access to the site is also the walking access to the park.
- Who will be responsible for repairing any damage to the access drive should this occur?
- Who will be liable if a construction vehicle damages one of the cars parked along the access drive.
- Hornbeam Walk has had several issues with sewer pipes blocking. Concerned that the additional house will overload the sewerage pipes and cause costs to neighbours.

Damage to land and property is a private civil matter and is not a material planning consideration.

The matter of car parking provision for 7 Hornbeam Walk has been addressed in the Committee report.

Highways DC have raised no concerns in regards to highway safety impacts from the proposed development. A condition could be attached requiring a Construction Management Plan to be submitted and approved by the LPA prior to works commencing on site to address concerns regarding pedestrian safety during the construction process.

Given the scale of the development, it is not considered reasonable or necessary to attach an hours of work condition to the grant of planning permission.

**09**

**16/03488/FUL**

**63 Purlewent Drive  
Upper Weston  
Bath  
BA1 4BD**

One additional neighbour comment received (18 in total) summarised as follows:

- The application does not include information as required by the Supplementary Planning Document for HMO.
- The application property is within an area with less than 25% of households in multiple occupancy which would normally mean that it would be acceptable in principle unless there are other material considerations.
- The previous use of the house for student accommodation was detrimental to the amenities of adjoining properties due to visual and noise intrusion.
- The loss of the property for family accommodation will reduce the choice and mix of housing in the area .
- The property is not large enough to provide 4 bedrooms.
- There is high demand for parking from existing residents and hospital staff.
- Cycle parking would not ensure less car usage.
- No off-street parking is provided and car use will be more intensive.
- The proposal is not compatible with the character and amenities of adjacent uses, loss of existing family accommodation and lack of off-street car parking.

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## 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 21 SEPTEMBER 2016

A. SITE VISIT LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	23 Lymore Avenue, Twerton, Bath	June Player (Ward Councillor) Colin Blackburn (Ward Councillor)	Against
B. MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	Former GWR Railway Line, Frome Road, Radstock	Colin Currie	Against
		Jo Davies (Agent)	For
2	Bath Sea Cadets, St John's Road, Bath	Jean Dumont	Against
		Peter Dalrymple-Smith (On behalf of Applicant)	For
3	12 Junction Road, Oldfield Park, Bath	Martin Thomas (Applicant)	For
4	39 High Street, Keynsham	Frank Ghaidan (Architect)	For
		Brian Simmons (Ward Councillor)	Against
5	1 Magdalen Avenue, Lyncombe, Bath	Zoe Jones (Applicant)	For
		Ian Gilchrist (Ward Councillor)	For
6	The Chapel, Argyle Terrace, Twerton, Bath	Chris Beaver (Agent)	For

		John White (Applicant)	For
		June Player (Ward Councillor) Colin Blackburn (Ward Councillor)	Against
7	Land Between Barton House and Laburnum Cottage, The Barton, Corston, Bath	Mr Williams	Against
		Elaine Alford (Agent)	For
9	63 Purlewent Drive, Upper Weston, Bath	Anna Keen (Applicant)	For
12	St Nicholas Church, Church Road, Whitchurch	Stephen Patten (Architect)	For

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

**21st September 2016**

**SITE VISIT DECISIONS**

<b>Item No:</b>	001	
<b>Application No:</b>	16/02530/FUL	
<b>Site Location:</b>	23 Lymore Avenue, Twerton, Bath, Bath And North East Somerset	
<b>Ward:</b> Westmoreland	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Demolition of existing single storey rear extension and erection of side and rear, single storey extension	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, HMO Stage 2 test required, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Mr & Mrs Chris and Josephine Vercoe	
<b>Expiry Date:</b>	16th July 2016	
<b>Case Officer:</b>	Jessica Robinson	

**DECISION REFUSE**

1 The proposed development fails to display the high quality of design that is required to both complement the existing dwelling and to maintain or enhance the character and appearance of the surrounding Area. Furthermore the proposed development would cause harm to the residential amenities of the neighbouring dwellings. The proposal is therefore contrary to saved Policies D.2 and D.4 of the Bath and North East Somerset Local Plan including minerals and waste policies (2007), and the guidance within the NPPF.

**PLANS LIST:**

- 01 EXISTING GROUND FLOOR PLAN, ELEVATIONS
- 02A COMBINED PLANS

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 application was unacceptable for the reason outlined. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

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

**21st September 2016**

**DECISIONS**

Item No:	01	
Application No:	16/01016/RES	
Site Location:	Former Gwr Railway Line, Frome Road, Radstock,	
Ward: Radstock	Parish: Radstock	LB Grade: N/A
Application Type:	PI Permission (ApprovalReserved Matters)	
Proposal:	Approval of reserved matters in relation to outline application 13/02436/EOUT for access, appearance, layout, scale and landscaping for area 1 (phase 3 of the development).	
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Centres and Retailing, Coal - Standing Advice Area, Conservation Area, Flood Zone 2, Forest of Avon, Sites with Planning Permission, Housing Development Boundary, LLFA - Flood Risk Management, Public Right of Way, SSSI - Impact Risk Zones,	
Applicant:	Linden Limited	
Expiry Date:	27th September 2016	
Case Officer:	Chris Gomm	

**DECISION    APPROVE**

**1 Sample Panel - Walling (Bespoke Trigger)**

No construction of the external walls of Blocks A-D inclusive shall commence until a sample panel of all natural stone walling 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.

**2 Materials - Sample of Render (Bespoke Trigger)**

No external walls of the development shall be rendered until a sample of the colour and texture of the render to be used 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 materials.

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 Roofing Materials (Bespoke Trigger)**

No construction of the roof of the development shall commence until a sample of all external roofing materials has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter 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.

4 The central pedestrian square between Frome Road and Fortescue Road shall, unless otherwise agreed in writing by the local planning authority, be completed either:

(i) in accordance with the following drawings: Hard Works Proposals: Drawing No. 4930\_100\_D; Soft Works Proposals: Drawing No. 4930\_200\_D; Lighting Plan: Drawing No. 12638-1-B and Proposed Site Layout: Drawing No. (05) 02 Rev S or;

(ii) if the land identified by red hatch in drawing no. 15043 (05) 008 Rev C becomes available to the developer of the scheme for development prior to first occupation of the development, in accordance with the 'Church Square Option Plan': Drawing No. (05) 009 Rev A as supplemented by additional detail required by Condition 5 below

Reason: To ensure that best endeavours are taken to provide a fully functional public square incorporating a pedestrian link to Fortescue Road.

5 In the event that the hatched area referred to in Condition 4 forms part of the public square, prior to work commencing on that element of the square the following supplemental information shall be submitted for the local planning authority's written approval:

- o details of softworks/planting within the hatched area;
- o details of hardworks within the hatched area;
- o detail of any lighting within the hatched area and;
- o details of how vehicles will be prevented from entering the square from Fortescue Road

The square shall be constructed in accordance with the details so approved:

Reason: To ensure high quality design.

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

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

### **PLANS LIST:**

- o Site Location Plan: Drawing No. (05) 001 Rev B
- o Proposed Site Layout: Drawing No. (05) 02 Rev T
- o Block A Proposed Elevations: Drawing No. (05) 101 Rev A

- o Block A Proposed Floor and Roof Plans: Drawing No. (05) 100 Rev C
- o Block B Proposed Elevations: Drawing No. (05) 103 Rev B
- o Block B Proposed Floor and Roof Plans: Drawing No. (05) 102 Rev B
- o Block C Proposed Elevations: Drawing No. (05) 105 Rev B
- o Block C Proposed Floor and Roof Plans: Drawing No. (05) 104 Rev C
- o Block D Proposed Elevations: Drawing No. (05) 108 Rev J
- o Block D Proposed Ground and First Floor Plan: Drawing No. (05) 106 Rev D
- o Block D Proposed Second Floor and Roof Plan: Drawing No. (05) 107 Rev D
- o Material Finishes Plan: Drawing No. (05) 007 Rev G
- o Soft Works Proposals: Drawing No. 4930\_200\_D
- o Hard Works Proposals: Drawing No. 4930\_100\_D
- o Lighting Plan: Drawing No. 12638-1-B
- o Bin and Cycle Storage Plan and Elevations: Drawing No (05) 109 Rev A
- o Proposed Levels: Drawing No. 110 Rev P3
- o Pavement Construction and Kerbing: Drawing No. 700 Rev P4
- o Drainage Layout: Drawing No. 500 Rev P4
- o Church Square Option Plan: Drawing No. (05) 009 Rev A
- o Hatched Area Plan: Drawing No. 15043 (05) 008 Rev C

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.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to

planning\_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

BATH & NORTH EAST SOMERSET COUNCIL  
TOWN AND COUNTRY PLANNING ACT 1990

THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)  
REGULATIONS 2011

REGULATION 24 STATEMENT

SITE: Former Gwr Railway Line, Frome Road, Radstock

PLANNING APPLICATION REF: 16/01016/RES

DEVELOPMENT PERMITTED: Approval of reserved matters in relation to outline application 13/02436/EOUT for access, appearance, layout, scale and landscaping for area 1 (phase 3 of the development).

PLANNING PERMISSION PERMITTED ON: 23rd September 2016

This statement is made pursuant to Regulation 24(1)(c) of The Town and County Planning (Environmental Impact Assessment) Regulations 2011 and contains:-

- (i) the content of the decision and any conditions attached to it;
  - (ii) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;
  - (iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development; and
  - (iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.
- (i) the content of the decision and any conditions attached to it

The application was considered at Development Management Committee on 21st September 2016 where Members resolved to grant approval of reserved matters (pursuant to outline planning permission 13/02436/EOUT) subject to conditions

A copy of the decision notice is attached to this statement.

- (ii) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public

Following consideration of the environmental information submitted and also contained within the Environmental Statement submitted in connection with the outline permission, reserved matters approval was granted.

The full extent of the considerations, including representations from members of the public and external organisations are set out in the report to the Development Management

Committee 21 September 2016 which is available to view on the Council's website: [www.bathnes.gov.uk](http://www.bathnes.gov.uk).

(iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development

The proposals have been the subject of an Environmental Impact Assessment submitted at the Outline stage. Any necessary mitigation has been secured by planning conditions.

(iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.

This decision can be challenged by way of bringing a claim in judicial review. Any person wishing to do so must bring a claim within six weeks of the date of the decision notice.

This statement is made available for public inspection at the place where the planning register is kept.

<b>Item No:</b>	02
<b>Application No:</b>	16/03359/FUL
<b>Site Location:</b>	Bath Sea Cadet Corps, St John's Road, Bathwick, Bath
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Mixed use development comprising replacement accommodation for the Sea Cadets with Student Accommodation (18 No. Studios) following demolition of existing buildings
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	Bath Sea Cadets
<b>Expiry Date:</b>	6th September 2016
<b>Case Officer:</b>	Chris Griggs-Trevarthen

## **DECISION    PERMIT**

### **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 Detail of window reveals (Bespoke Trigger)**

The construction of the external walls shall not commence until large scale details of the proposed windows (1:20), including details of the reveals, have been submitted to and approved in writing by the Local Planning Authority. The windows shall thereafter be installed in accordance with the approved details.

Reason: In the interests of the character and appearance of the development and the surrounding Conservation Area in accordance with policies D.2, D.4 and BH.6 of the Bath and North East Somerset Local Plan and policy CP6 of the Bath and North East Somerset Core Strategy.

## **3 Construction Environmental Management Plan (Compliance)**

The development shall be carried out only in accordance with the approved document named 'C.E.M.P and C.M.P' (Iesis Ltd, received 19th September 2016).

Reason: To ensure the safe operation of the highway, in the interests of protecting residential amenity, to avoid harm to bats and the River Avon during site preparation demolition and construction in accordance with Policies T.24, D.2, NE.9, NE.10, NE.11 and ES.15 of the Bath and North East Somerset Local Plan.

## **4 Surface Water Drainage Strategy (Compliance)**

The development shall be undertaken only in accordance with the Surface Water Drainage Strategy (Clive Onions, dated 19th September 2016)).

Reason: To ensure that there is a satisfactory strategy for surface water drainage in the interest of flood risk management and highway safety in accordance with policy CP5 of the Bath and North East Somerset Core Strategy.

## **5 Archaeology (Compliance)**

The development shall be carried out only in accordance with the approved 'Written Scheme of Investigation for the Recording of Bath Sea Cadets HQ, St Johns Road, Bath prior to demolition and for a Controlled Archaeological Watching Brief during development groundworks' (Bristol & West Archaeology, dated 11 September 2016).

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with policies BH.12 and BH.13 of the Bath and North East Somerset Local Plan.

## **6 Sample Panel - Walling (Bespoke Trigger)**

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

## **7 Student Management Plan (Pre-occupation)**

No occupation of the development shall commence until a student management plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:

The arrangements for student drop off / pick up at the start and end of each University semester;  
refuse storage, management and collection; and,  
site security.

The student accommodation use shall thereafter operate only in accordance with the approved student management plan.

Reason: In the interests of highways safety, residential amenity, to reduce potential noise and disturbance and to ensure the good management of the building in accordance with policies T.24, D.2 and ES.12 of the Bath and North East Somerset Local Plan.

### **8 Flood Warning Evacuation Plan (Pre-occupation)**

No occupation of the development shall commence until a Flood Warning Evacuation Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall address the matters required pursuant to section 10 of the National Planning Policy Framework and the National Planning Practice Guidance. Thereafter the approved Flood Warning Evacuation Plan shall be implemented in perpetuity.

Reason: To limit the risk of flooding by ensuring the provision of satisfactory means of flood management and incident response on the site in accordance with paragraph 17 and section 10 of the National Planning Policy Framework.

### **9 Light assessment (Bespoke Trigger)**

Within 12 months of occupation of the approved building a light level assessment shall be submitted containing a methodology for light level sampling that shall have previously been agreed in writing with the LPA, together with the lux level measurement data. This shall include preconstruction lux levels and post occupation lux levels taken from the riverside at a variety of heights at a time of year and time of evening when lights are in use and maximum typical usage of internal and external lights would be considered likely. The details shall demonstrate zero lux light spill onto the river Avon and the river bank, above pre-construction lux levels. Detailed proposals of any necessary remediation measures and further monitoring and reporting of lux levels shall also be provided if applicable.

Reason: To ensure the avoidance of increased light levels onto the River Avon and associated harm to wildlife including bats using the River Avon in accordance with policy NE.10 of the Bath and North East Somerset Local Plan.

### **10 Finished Floor Levels (Compliance)**

The development hereby permitted shall be constructed with Finished floor levels of the residential accommodation on the first floor set at a minimum 23.64mAOD.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policy CP5 of the Core Strategy and the National Planning Policy Framework.

### **11 Flood Resilience Measures (Compliance)**

The development permitted by this planning permission shall be carried out in full accordance with the Flood Risk Assessment (FRA) dated 26 June 2016 by Clive Onions Consulting Civil Engineer and the following mitigation measures detailed in section 9:

Flood resilient materials up to a height of 2m on the ground floor e.g. hard floors; and, Services such as the electrical consumer board, boiler and IT equipment will be located above the 2039 climate change level.

The measures shall be implemented prior to occupation and maintained as such for the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

### **12 Obscure Glazing Window(s) (Compliance)**

The proposed first floor window in the south elevation and the first and second floor windows in the north elevation shall be obscurely glazed and non-opening. Thereafter the window shall be permanently retained as such.

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

### **13 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:**

P001	Site Location Plan
P002	Existing Site Plan
P003	Existing Elevations 1 of 2
P004	Existing Elevations 2 of 2
P005	Proposed Site Plan
P006 Rev A	Proposed Ground Floor Plan
P007	Proposed First Floor Plan
P008	Proposed Second Floor Plan
P009	Proposed Roof Plan
P010	Proposed Elevations 1 of 2
P011	Proposed Elevations 2 of 2
P012	Proposed Sections
P015	Existing Site Plan Enlarged
P016	Existing Building Section

#### **DECISION MAKING STATEMENT**

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



given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

### **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.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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](http://www.bathnes.gov.uk/cil)

The applicant should note that the site is located within a Controlled Parking Zone where existing permits exceed the supply of parking spaces. As such, in accordance with Single Executive Member Decision E1176, dated 14th August 2006, residents of this proposed development will not be entitled to apply for additional Residents Parking Permits. This, however, is considered to be at the developers risk given the sustainable location of this development proposal.

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Avon, designated a 'main river'. This was formerly called a Flood Defence Consent. Some

activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

The proposal includes an area of flat roof which may provide a nesting area for urban gulls. The applicants are advised to read and follow advice within the Council's 'Urban Gulls: How to stop them nesting on your roof' document which is available here: [http://www.bathnes.gov.uk/sites/default/files/urban\\_gulls\\_-\\_how\\_to\\_stop\\_them\\_nesting\\_on\\_your\\_roof\\_2014.pdf](http://www.bathnes.gov.uk/sites/default/files/urban_gulls_-_how_to_stop_them_nesting_on_your_roof_2014.pdf)

<b>Item No:</b>	03	
<b>Application No:</b>	16/03047/FUL	
<b>Site Location:</b>	12 Junction Road, Oldfield Park, Bath, Bath And North East Somerset	
<b>Ward:</b> Oldfield	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of single storey rear and side extension following demolition of existing outbuilding and conservatory to increase occupancy of HMO from 5 to 6.	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, HMO Stage 2 test required, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Mr Martin Thomas	
<b>Expiry Date:</b>	1st September 2016	
<b>Case Officer:</b>	Jessica Robinson	

## **DECISION REFUSE**

1 The proposed development fails to display the high quality of design that is required to both complement the existing dwelling and to maintain or enhance the character and appearance of the surrounding Conservation Area. Furthermore the proposed development would cause harm to the residential amenities of the neighbouring dwelling. The proposal is therefore contrary to saved Policies BH.6, D.2 and D.4 of the Bath and North East Somerset Local Plan including minerals and waste policies (2007), and the guidance within the NPPF.

## **PLANS LIST:**

- 01 EXISTING AND PROPOSED GROUND FLOOR AND ROOF PLANS
- 02 EXISTING AND PROPOSED REAR AND EAST ELEVATION
- 03 EXISTING AND PROPOSED WEST ELEVATION
- 04 SITE AND LOCATION PLAN

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

<b>Item No:</b>	04		
<b>Application No:</b>	16/02631/FUL		
<b>Site Location:</b>	39 High Street, Keynsham, BS31 1DS,		
<b>Ward:</b> Keynsham North	<b>Parish:</b> Keynsham Town Council	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of two storey building to the rear of no.39 High Street to facilitate 2no. self contained flats. (Resubmission)		
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Centres and Retailing, Conservation Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,		
<b>Applicant:</b>	Dr Wasfy Yanny		
<b>Expiry Date:</b>	23rd September 2016		
<b>Case Officer:</b>	Alice Barnes		

## **DECISION PERMIT**

### **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 Construction Management Plan (Pre-commencement)**

No development shall commence until a Construction Management Plan has been 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, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

### **3 Residents Welcome Pack (Pre-occupation)**

No occupation of the approved development shall commence until a new resident's welcome pack has been issued to the first occupier/purchaser of each residential unit of accommodation. The new resident's welcome pack shall have previously been submitted to and approved in writing by the Local Planning Authority and shall include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., to encourage residents to try public transport.

Reason: To encourage the use of public transport in the interests of sustainable development in accordance with Policy T.1 of the Bath and North East Somerset Local Plan

### **4 Archaeology (Pre-commencement)**

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

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

### **5 Archaeology (Pre-commencement)**

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

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

### **6 Archaeology (Prior to occupation)**

The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-

excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

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

## **7 Flood Risk and Drainage - Infiltration Testing (Pre-commencement)**

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and 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. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

## **8 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.

## **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:**

Location plan P-100  
Site massing plan P-200  
Proposed ground floor plan P-600  
Proposed first floor plan P-700  
Proposed west and north elevations P-900

Proposed east and south elevations P-1000  
Proposed roof plan P-800

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.

### **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.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

<b>Item No:</b>	05		
<b>Application No:</b>	16/03168/FUL		
<b>Site Location:</b>	1 Magdalen Avenue, Lyncombe, Bath, Bath And North East Somerset		
<b>Ward:</b> Widcombe	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of first floor rear extension and rendering of the existing ground floor rear extension (Revised Proposal) (Amended Description)		

<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	Ms Zoe Jones
<b>Expiry Date:</b>	22nd September 2016
<b>Case Officer:</b>	Kate Whitfield

## **DECISION    REFUSE**

1 The proposed first floor rear extension, specifically the use of timber cladding on the external elevations, would be an unsympathetic and incongruous addition to the property which will have a detrimental impact upon the character and appearance of the Bath Conservation Area. As such the proposal is contrary to saved policies D.2, D.4 and BH.6 of the Bath and North East Somerset Local Plan (including minerals & waste policies) adopted 2007.

### **PLANS LIST:**

This decision relates to the following plans dated 23 June 2016 :

Location and Block Plans, drawing reference 039 1000

Ground, First and Roof plans as existing, drawing reference 039 1010

South and East elevations as existing, drawing reference 039 1011

Ground, First and Roof Plans as proposed, drawing reference 039 3010 revision D

South, East and West Elevations as proposed, drawing reference 039 3011 revision 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 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.

<b>Item No:</b>	06		
<b>Application No:</b>	16/02998/FUL		
<b>Site Location:</b>	The Chapel, Argyle Terrace, Twerton, Bath		
<b>Ward:</b>	Westmoreland	<b>Parish:</b>	N/A
		<b>LB Grade:</b>	N/A
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Conversion from existing offices (Class B1) to 4 No. residential maisonettes (Class C3) including external alterations		
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, British Waterways Major and EIA, Forest of Avon, HMO Stage 2 test required, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,		
<b>Applicant:</b>	Mr Paul Haskins and John White		
<b>Expiry Date:</b>	9th August 2016		
<b>Case Officer:</b>	Emma Watts		

## **DECISION PERMIT**

### **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 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.

### **3 Highways - Construction Management Plan (Pre-commencement)**

No development shall commence until a Construction Management Plan has been 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, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

### **4 Details of Materials (Bespoke Trigger)**



No external works shall commence until details of the materials of the proposed windows, doors, powder coated metal panels and perforated aluminium bin store screen have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter 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.

### **5 Conservation Style Rooflights (Compliance)**

The rooflights hereby approved shall be conservation style with a central glazing bar.

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.

### **6 Cycle Storage Provision (Compliance)**

No occupation of the development shall commence until bicycle storage for at least 4 bicycles (one per unit) has been provided in accordance with the approved plans. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy T.6 of the Bath and North East Somerset Local Plan.

### **7 Highways - Residents Welcome Pack (Pre-occupation)**

No occupation of the approved development shall commence until a new resident's welcome pack has been issued to the first occupier/purchaser of each residential unit of accommodation. The new resident's welcome pack shall have previously been submitted to and approved in writing by the Local Planning Authority and shall include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., to encourage residents to try public transport.

Reason: To encourage the use of public transport in the interests of sustainable development in accordance with Policy T.1 of the Bath and North East Somerset Local Plan

### **8 Noise Mitigation (Pre-occupation)**

On completion of the works but prior to any occupation of the approved development, an assessment from a competent person shall be submitted and approved in writing by the Local Planning Authority to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:2014. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq, 16hr and 30dBLAeq, 8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To protect future occupants from exposure to road traffic noise in accordance with Policy HG.12 of the Bath and North East Somerset Local Plan.

9 The proposed roof lights on the western roof slope shall be obscurely glazed and shall be permanently retained as such.

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

## **PLANS LIST:**

This decision relates to the following drawings and information: 1609 AL(0)01, 1609 AL(0)05, 1609 AL(0)15, 1609 AL(0)16, 1609 AL(0)36, Design and Access Statement, Appendix to Design and Access Statement, Transport Statement and External Noise Control Report received 14/06/2016, 1609 AL(0)20 and 1609 AL(0)035 received 16/08/2016.

## **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.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

## **Community Infrastructure Levy**

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](http://www.bathnes.gov.uk/cil)

### Decision Making Statement

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

<b>Item No:</b>	07	
<b>Application No:</b>	16/03172/FUL	
<b>Site Location:</b>	Land Between Barton House And Laburnum Cottage, The Barton, Corston, Bath	
<b>Ward:</b> Farmborough	<b>Parish:</b> Corston	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of a single family dwelling with parking for two vehicles	
<b>Constraints:</b>	Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Conservation Area, Forest of Avon, Greenbelt, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr & Mrs Davis	
<b>Expiry Date:</b>	23rd September 2016	
<b>Case Officer:</b>	Emma Watts	

### DECISION REFUSE

1 The proposed detached dwelling does not fall within the definition of infilling and therefore represents inappropriate development within the Green Belt and would be harmful by definition. In the absence of very special circumstances to outweigh this harm, the proposed development is contrary to saved Policy HG.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007, Policy CP8 of the Core Strategy and the aims of the National Planning Policy Framework.

2 By reason of the first floor windows to the front elevation, the proposed detached dwelling would result in increased overlooking to the garden of Barton House to the detriment of the residential amenities of the occupiers of that dwelling. The proposed development is therefore contrary to Policy D.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007 and the aims of the National Planning Policy Framework.

### PLANS LIST:

This decision is based on the following drawings and information: PI-10, PI-90-1, PI-100 Revision A, DB1722-TOPO and Design and Access Statement received 27/06/2016 and PI-90-2 Revision A received 14/07/2016.

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.

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule comes into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

<b>Item No:</b>	08		
<b>Application No:</b>	16/03427/FUL		
<b>Site Location:</b>	7 Hornbeam Walk, Keynsham, Bristol, Bath And North East Somerset		
<b>Ward:</b> Keynsham South	<b>Parish:</b> Keynsham Town Council	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of three bedroomed semi-detached house within existing garden area of no. 7 Hornbeam Walk, Keynsham.		
<b>Constraints:</b>	Affordable Housing, Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 3b,4,5, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,		
<b>Applicant:</b>	Mr & Mrs David And Claire Woolcock		
<b>Expiry Date:</b>	19th October 2016		
<b>Case Officer:</b>	Emma Watts		

## **DECISION PERMIT**

### **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 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.

### **3 Materials (Compliance)**

All external walling and roofing materials to be used shall match those of the existing building known as 7 Hornbeam Walk 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.

### **4 Obscure Glazing and Non-opening Window(s) (Compliance)**

The proposed first floor side window in the south elevation shall be obscurely 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: To safeguard the residential amenity of any future development of the neighbouring site in accordance with Policy D.2 of the Bath and North East Somerset Local Plan.

### **5 Highways - Construction Management Plan (Pre-commencement)**

No development shall commence until a Construction Management Plan has been 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, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

### **PLANS LIST:**

This decision relates to the following drawings: un-numbered Front Elevation East and Rear Elevation West, un-numbered Ground Floor Plan and First Floor Plan, un-numbered Side Elevation South and un-numbered Side Elevation North received 07/07/2016 and un-numbered OS Site Location Plan and un-numbered Block Plan received 24/08/2016.

### **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.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

### **Community Infrastructure Levy Advisory**

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](http://www.bathnes.gov.uk/cil)

### **Decision Making Statement**

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

<b>Item No:</b>	09		
<b>Application No:</b>	16/03488/FUL		
<b>Site Location:</b>	63 Purlewent Drive, Upper Weston, Bath, Bath And North East Somerset		
<b>Ward:</b> Weston	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Change of use from a residential dwelling (use class C3) to a 4 bedroom HMO (use class C4).		
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,		
<b>Applicant:</b>	Ms Anna Keen		
<b>Expiry Date:</b>	23rd September 2016		
<b>Case Officer:</b>	Martin Almond		

## **DECISION PERMIT**

### **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 Bicycle Storage (Pre-occupation)**

No occupation of the development shall commence until bicycle storage for at least 4 bicycles has been provided in accordance with in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy T.6 of the Bath and North East Somerset Local Plan.

### **3 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 drawings first floor plans and ground floor plans dated as received 8th July 2016 and site location plan dated as received 12th July 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 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.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

<b>Item No:</b>	10		
<b>Application No:</b>	15/01802/FUL		
<b>Site Location:</b>	Church Farm Derelict Property, Church Hill, High Littleton, Bristol		
<b>Ward:</b> High Littleton	<b>Parish:</b> High Littleton	<b>LB Grade:</b> II	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall.		
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones. Tree Preservation Order.		



<b>Applicant:</b>	Mr Martin Pera
<b>Expiry Date:</b>	16th December 2015
<b>Case Officer:</b>	Laura Batham

## Withdrawn from Agenda

<b>Item No:</b>	11
<b>Application No:</b>	16/02692/LBA
<b>Site Location:</b>	Maisonette 2 3 Floor S , 4 Princes Buildings, City Centre, Bath
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> II
<b>Application Type:</b>	Listed Building Consent (Alts/exts)
<b>Proposal:</b>	Internal alterations to include the removal of stud wall between kitchen and reception room and installation of stud wall and door in corridor to create a laundry cupboard.
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Bath Core Office Area, Centres and Retailing, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	Powell & Powell Ltd
<b>Expiry Date:</b>	19th August 2016
<b>Case Officer:</b>	Adrian Neilson

## DECISION    CONSENT

### 1 Time Limit - Listed Building Consent (Compliance)

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

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

### 2 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:

5362-16-01, 5362-16-02, 5362-16-03, 5362-16-04 and Design, Access and Heritage Statement date stamped 27 May 2016 and photographs 24 June 2016.

## DECISION TAKING STATEMENT

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

<b>Item No:</b>	12		
<b>Application No:</b>	16/02441/FUL		
<b>Site Location:</b>	St Nicholas Church, Church Road, Whitchurch, Bristol		
<b>Ward:</b> Publow And Whitchurch	<b>Parish:</b> Whitchurch	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of disabled WC to front elevation.		
<b>Constraints:</b>	Affordable Housing, Airport Safeguarding Zones, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Housing Development Boundary, Listed Building, Local Shops, SSSI - Impact Risk Zones,		
<b>Applicant:</b>	PCC of St Nicholas Church Care of Mrs A Sealy		
<b>Expiry Date:</b>	14th July 2016		
<b>Case Officer:</b>	Adrian Neilson		

**Defer for site visit – to allow Members to view the site**

Bath & North East Somerset Council		
MEETING:	Development Management Committee	AGENDA ITEM NUMBER
MEETING DATE:	19th October 2016	
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)	
TITLE:	SITE VISIT AGENDA	
WARDS:	ALL	
BACKGROUND PAPERS:		
AN OPEN PUBLIC ITEM		

## BACKGROUND PAPERS

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

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

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

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

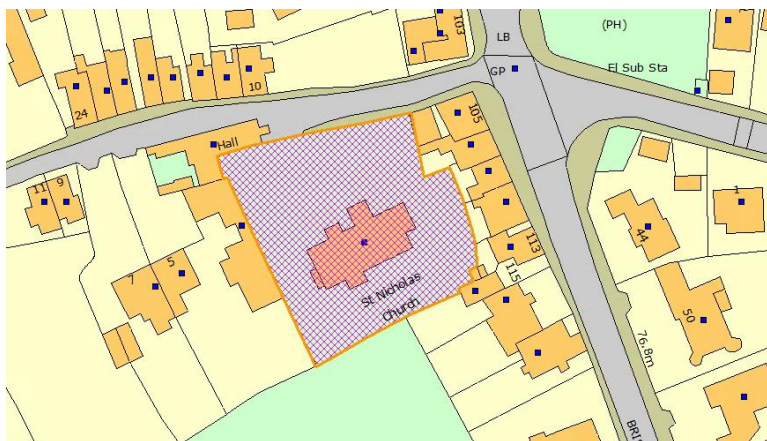
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	16/02441/FUL 14 July 2016	PCC of St Nicholas Church Care of Mrs A Sealy St Nicholas Church, Church Road, Whitchurch, Bristol, Bath And North East Somerset Erection of disabled WC to front elevation.	Publow And Whitchurch	Adrian Neilson	PERMIT

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

**Item No:** 001  
**Application No:** 16/02441/FUL  
**Site Location:** St Nicholas Church Church Road Whitchurch Bristol Bath And North East Somerset



<b>Constraints:</b>	Affordable Housing, Airport Safeguarding Zones, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Housing Development Boundary, Listed Building, Local Shops, SSSI - Impact Risk Zones,
<b>Applicant:</b>	PCC of St Nicholas Church Care of Mrs A Sealy
<b>Expiry Date:</b>	14th July 2016
<b>Case Officer:</b>	Adrian Neilson

## REPORT

The listed building is a grade II\* church located in the historic settlement of Whitchurch and dates from the C12 and possesses a cruciform plan form with some surviving Romanesque and transitional details. It was altered and extended in the C13 and C15. The church was altered again in the later C19, when internal plaster and external renders were removed. The plan comprises nave, chancel, north transept, south aisle and south-east chapel (vestry). North and south porches, and central tower. The internal fittings are mainly C19, although two notable medieval screens survive within the south aisle and vestry,

The proposals are for external alterations to construct a WC located to the north elevation.

No planning history available.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Historic England

Historic England understands that church buildings must adapt and alter in order to accommodate modern services and requirements and ensure the continual use these building for the purpose for which they were built, however it is important that this must be balanced with the preservation of the significance of St Nicholas' as a grade II\* listed building. The proposals as outlined will be harmful to the overall aesthetics of the building, however given the limited options for alternative locations and the lack of impact on the historic fabric of the building we would consider this location acceptable. The design and materials used for this location will plan an important part in minimising the harm caused to the aesthetics of the church and we would recommend that care must be taken to ensure that the structure takes a lightweight approach, thereby minimising the need for any impact on the historic fabric of the church itself. Appropriate archaeological precautions should be undertaken with regards to the drainage and ground disturbance needs of any scheme.

Whitchurch Parish Council (Objection)

Whitchurch Parish Council object to this application, the proposal to erect a WC to the front of this medieval grade II listed building, is out of character of the existing church building. It will be harmful to the visual appearance of St Nicholas Church.

Cllr Paul May (Objection and Committee referral request)

I would like this application to be considered by committee please? My reason are that this is a significant building, in a prominent location which is listed and loved by the village as a

whole. The construction is totally inappropriate because it is on the front elevation and totally out of sympathy with the construction of the grade 2 listed building. This is in support of the Parish Council objection.

#### St Nicholas Pre-School (Support)

Current facilities inadequate and compromise security and safety of children. Proposed toilet will overcome this issue.

### **POLICIES/LEGISLATION**

The Council's development plan comprises:

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

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

- CP2 - Sustainable construction
- CP6 - Environmental Quality
- DW1 - District-wide spatial Strategy
- RA1 - Development in the villages

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

- BH.2 - Listed buildings and their settings
- D2 - General Design and public realm considerations
- D4 - Townscape considerations

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

HE1: Safeguarding heritage assets

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

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

## **OFFICER ASSESSMENT**

Due to ecclesiastical exemption listed building consent is not required however external alterations require planning permission. The proposed extension that will provide WC facilities for visitors to the church will be contained within the existing built envelope of the church located on the north elevation. Whilst it is acknowledged that this is the front elevation careful consideration has been given to alternative locations however it is generally regarded that this location offers the least harmful solution and will result in the least impact on the historic building. Therefore the approach is based on a careful balance between the preservation of the significance and architectural interest of the building and the practical requirements of providing sanitary facilities for visitors and users of the building.

The proposed extension will be constructed of timber boarding to ensure that it clearly reads as a new addition to the building and physically and visually lightweight that will facilitate reversibility. The applicants had previously considered the use of stone but the LPA were concerned that this would be of an inappropriate conspicuous appearance and would cause unacceptable harm. The proposed extension will provide toilet facilities for user groups that are currently not available. The addition of toilets will allow the play groups to use the church and comply with the relevant safeguarding legislation.

It is acknowledged that objections to the proposals have been received from the Whitchurch Parish Council and the local Cllr and their concerns have been considered in the assessment of these proposals and the application. Whilst these concerns are legitimate and understandable the proposals when weighed against the issues of harm to the heritage asset and that of the need for new facilities to allow the church to function in this instance the proposals are regarded as acceptable on balance.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered by the LPA that, on balance, the proposals are consistent with the aims and requirements of the primary legislation.

## **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 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.

### **3 Archaeology - Watching Brief (Pre-commencement)**

No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

### **4 Archaeology - demolition and WSI (Pre-commencement)**

No development or demolition shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a record of those parts of the building(s), which are to be demolished, disturbed or concealed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The building is of significant archaeological interest and the Council will wish to examine and record features of architectural interest.

### **PLANS LIST:**

0304.P.003, 0304.P.04, 0304.P.07, 0304.P.08, 0304.P.09, 0304.P.10, 0304.P.11, 0304.S.001 and Design, Access and Heritage Statement date stamped 17 May 2016.

### **DECISION TAKING STATEMENT**

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



Bath & North East Somerset Council		
MEETING:	Development Management Committee	AGENDA ITEM NUMBER
MEETING DATE:	19th October 2016	
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)	
TITLE:	APPLICATIONS FOR PLANNING PERMISSION	
WARDS:	ALL	
BACKGROUND PAPERS:		
AN OPEN PUBLIC ITEM		

## BACKGROUND PAPERS

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

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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
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## INDEX

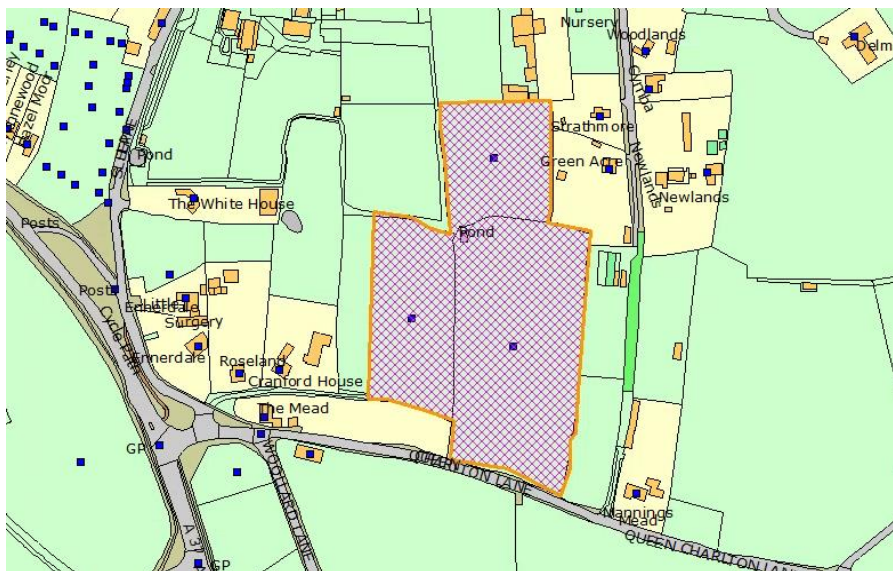
ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	16/02055/FUL 30 November 2016	Barratt Homes (Bristol) Land East Of The Mead, Queen Charlton Lane, Whitchurch, Bristol, Erection of 100 no. 1, 2, 3 and 4 bedroom dwellings including public open space, attenuation and associated works. New vehicular access from Queen Charlton Lane.	Publow And Whitchurch	Rachel Tadman	Delegate to PERMIT
02	16/02658/REM 24 October 2016	Freemantle Capital (Gainsborough) Ltd Rockery Tea Gardens Vacant Premises, North Road, Combe Down, Bath, Removal of condition 11 on application 13/01733/FUL, allowed on appeal 15th May 2015, (Erection of a detached single storey dwelling (revised proposal).	Combe Down	Rachel Tadman	PERMIT
03	16/03069/FUL 23 September 2016	Mr Robert Marcuson Workshop, 239A London Road East, Batheaston, Bath, BA1 7RL Conversion and extension of existing industrial building to create a Live Work Unit.	Bathavon North	Alice Barnes	PERMIT
04	16/03043/FUL 21 October 2016	Mr And Mrs D Crook 18 Eden Park Drive, Batheaston, Bath, Bath And North East Somerset, BA1 7JJ Erection of 2no.detached dwellings with detached garages, access and associated works	Bathavon North	Alice Barnes	PERMIT

05	16/01465/FUL 7 September 2016	Mrs Carolyn Burnell, Jane Ettle & Anne Rogers Land Adjacent To White Hill Cottages, White Hill, Shoscombe, Bath, Bath And North East Somerset Erection of attached garage and refurbishment of domestic store/workshop following demolition of existing garage (Resubmission).	Bathavon South	Christine Moorfield	PERMIT
06	16/03724/FUL 21 October 2016	Ken Biggs Contractors Ltd Lea Meadow House, Wells Road, Hallatrow, Bristol, BS39 6EN Erection of 4 No. detached dwellings (Resubmission of 15/04514/FUL)	High Littleton	Christine Moorfield	REFUSE
07	16/00792/FUL 21 October 2016	Mr J Paddy 8 Warminster Road, Bathampton, Bath, Bath And North East Somerset, BA2 6SH Erection of two-storey rear extension with first floor rear balcony	Bathavon North	Nikki Honan	PERMIT
08	16/03659/FUL 20 September 2016	Ms Rosalind Skinner 22 Prospect Place, Walcot, Bath, Bath And North East Somerset, BA1 5JD Erection of single storey rear extension and internal and external alterations following demolition of existing single storey rear extension.	Walcot	Caroline Power	PERMIT
09	16/03660/LBA 14 September 2016	Ms Rosalind Skinner 22 Prospect Place, Walcot, Bath, Bath And North East Somerset, BA1 5JD Internal and external alterations to include erection of single storey rear extension following demolition of existing single storey rear extension.	Walcot	Caroline Power	CONSENT
10	16/03572/FUL 13 September 2016	Mr John Shallcross High View, The Street, Compton Martin, Bristol, BS40 6JQ Installation of 2no south side dormers and erection of double garage	Chew Valley South	Jessica Robinson	PERMIT
11	16/04104/LBA 14 October 2016	Councillor Neil Butters Green Park Station, Green Park Road, City Centre, Bath, Bath And North East Somerset Exterior alterations to attach a metal plaque	Kingsmead	Laura Batham	CONSENT
12	16/03018/FUL 9 August 2016	Mr & Mrs N Wright The Firs, Main Road, Chelwood, Bristol, Bath And North East Somerset Erection of rear garden room and first floor extension	Clutton	Laura Batham	REFUSE
13	16/03019/LBA 9 August 2016	Mr & Mrs N Wright The Firs, Main Road, Chelwood, Bristol, Bath And North East Somerset Internal and external alterations to erect a rear garden room and first floor extension	Clutton	Laura Batham	REFUSE

14	16/03715/FUL 19 September 2016	Mr Colin Camm 10 Woodborough Hill Cottages, Woodborough Hill, Peasedown St. John, Bath, Bath And North East Somerset Erection of two storey extension	Peasedown St John	Chloe Buckingham	REFUSE
15	16/03446/FUL 20 October 2016	Mr & Mrs T Jackson Blackhorse Cottage, Pilgrims Way, Chew Stoke, Bristol, Bath And North East Somerset Erection of single dwelling adjacent to existing property	Chew Valley North	Kate Whitfield	PERMIT

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

**Item No:** 01  
**Application No:** 16/02055/FUL  
**Site Location:** Land East Of The Mead Queen Charlton Lane Whitchurch Bristol



**Ward:** Publow And Whitchurch      **Parish:** Whitchurch      **LB Grade:** N/A  
**Ward Members:** Councillor Paul May  
**Application Type:** Full Application  
**Proposal:** Erection of 100 no. 1, 2, 3 and 4 bedroom dwellings including public open space, attenuation and associated works. New vehicular access from Queen Charlton Lane.  
**Constraints:** Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Safeguarded Land, SSSI - Impact Risk Zones,  
**Applicant:** Barratt Homes (Bristol)  
**Expiry Date:** 30th November 2016  
**Case Officer:** Rachel Tadman

## **REPORT**

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

Councillor Paul May has requested that the application is considered by Development Control Committee for the following reasons:

- The site together with the other two developers will increase the village by approximately 50 % and has been controversial.
- The impact on the local community, roads, ecology, design etc needs to be assessed to best integrate this strategic development into the community effectively.

The application has not been referred to the Chair but is being reported to Committee at the request of the Group Manager, Development Manager.

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

The site forms part of the strategic development site allocated under Policy RA5 of the adopted Core Strategy and widely known as Horseworld.

The overall Horseworld site is approx 7.65 ha in size and located to the South East of Whitchurch and is bound by existing residential development as well as Queen Charlton Lane, Staunton Lane and Sleep Lane. The site includes land associated with the former HorseWorld visitor centre together with adjacent land to the East and South East. At the North Western extent of the site are the historic buildings of Staunton Manor Farm, a Grade II listed building, along with various farm outbuildings. The site also includes an area of industrial units off Staunton Lane at the North Eastern extent of the site.

The site is generally open with relatively few trees but does have a number of hedgerows running across the site. Public Footpath BA26/9 runs through the site from Staunton Lane in a southerly direction and then branches off to the East. The site is bound on two sides, to the South and the East, by the Green Belt.

The application under consideration concerns the south eastern part of the site which fronts onto Queen Charlton Lane. The application site is 2.96 ha in size. To the east of the site is a residential property with associated cattery, with fields beyond, to the west are residential properties, separated from the site by a narrow strip of land which forms part of the Horseworld allocation but not this application site. Public Footpath BA26/9 runs through the site to the North.

The proposal is for the erection of 100 dwellings formed with a mixture of 1, 2, 3 and 4 bedroom dwellings. The dwellings are either 2 or 2½ storeys in height and include some two storey apartments. Off street parking is provided as well as visitor parking.

The site retains the existing hedgerows and trees within the site as far as possible with minor losses to create access through hedges. A locally equipped area of play (LEAP) is proposed as well as a rainwater attenuation pond which also has a dual function as an area of open space with pond.

Primary vehicle access is off Queen Charlton Lane although vehicular access to the site will also be provided via the wider Horseworld site from Staunton Lane and Sleep Lane once the adjoining sites are developed. For clarity this will mean that cars will be able to pass through the site in a north-south direction. Queen Charlton Lane will also be upgraded to provide street lighting and a virtual pavement.

For clarification there are now three applications under consideration for the Horseworld site:

16/02055/FUL - Land to the East of The Mead, Queen Charlton Lane, Whitchurch (this is the application to which this Committee report relates). The applicant is Barratts.

16/03743/FUL and 16/03744/LBA - Horseworld, Staunton Lane, Whitchurch. The applicant is Whitecroft Developments Ltd and comprises the conversion of the six existing heritage farm buildings into new dwellings. This site comprises the former visitor centre of Horseworld. This site is known as the Whitecroft site. This application is pending consideration.

16/04615/FUL - Horseworld, Staunton Lane, Whitchurch. The applicant is Bellway Homes Ltd and comprises the redevelopment of the land adjoining, and formerly comprising part of, the former visitor centre of Horseworld. The application is for the erection of 97 dwellings and land reserved for early years provision. This site is known as the Bellway site and is also pending consideration.

The Horseworld site also includes industrial units at the North East where there are no current plans for redevelopment.

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

Highway Development Officer: Overall acceptable subject to obligations in a S106 legal agreement and conditions although some concerns remain which are outlined below:

Queen Charlton Lane Access Junction - the layout principle of the proposed access junction at its point of connection with Queen Charlton Lane is accepted. The need for supporting TRO's to be in place to legally enforce the two prohibited turns should be noted.

Parking Provision - there is an under provision of parking for some of the 4 bedroom units where only 3 spaces are shown rather than the required 4 spaces per dwelling. This applies to a total of 11 dwellings.

Impact on surrounding highway network - there are concerns that the development and the wider Policy RA5 housing land allocation will have an effect in worsening the weekday peak period congestion problems which occur on the Woollard Lane approach to the A37, most notably in the AM peak. As such, a s106 contribution to a planned improvement scheme being investigated was suggested as appropriate. However, highway works here are identified in the Infrastructure Development Programme (IDP), where the funding is drawn down through the CIL mechanism. It is therefore accepted that separate s106 contribution towards works here could only be justified if it was 'necessary for development' to proceed, which is not the case here.

Landscape Officer: No objections subject to conditions and the following comments:

The revisions to the proposals are welcomed and the scheme is now considered to be acceptable. However this is with the exception of an outstanding concern regarding the planting around the attenuation pond. Larger sized trees are needed here.

Urban Designer: Not acceptable in its current form. Concerns include:

1. Retained PROW to north of site arrives in a highways/parking dominated environment. This should be designed to be clearly public and pedestrian friendly.
2. There are some rear boundaries on streets creating blank frontages.
3. The attenuation area provides an opportunity to provide a more structured arrangement of homes around it with well-defined edges. It is fragmented on two sides as proposed.
4. Similarly the PROW adjacent to the green area in the centre of the site is lined with rear boundaries on one side. This adversely affects the distinction required between public and private areas and the outlook/backdrop to the green.
5. The location of the public open space fragments the entrance to the site. I am not convinced it is in the right place as designed - a large gateway space should have close and well defined edges.
6. All streets in the proposal would benefit from design development - some have pavements that end unexpectedly, others don't have pavements and all are very wide for such a suburban site. The effect is a very highways and parking dominated public realm.

Ecologist: Further information is required but no overall objections.

The proposals to translocate the species rich grassland in the western field are broadly accepted using the method outlined which makes the scheme capable of complying with policy NE9. However the following further information is required:

- Accurate plans showing the boundary of the existing habitat, its area in m<sup>2</sup>, the proposed boundaries for the retained habitat area (and area in m<sup>2</sup>) and for the proposed receptor site/s (off site and attenuation area), and their areas in m<sup>2</sup>.
- Information to show that the proposed species rich grassland mitigation scheme is compatible with the soft landscape scheme for all affected areas of soft landscaping

Once received and, if found acceptable, conditions and obligations in a S106 agreement for the long term conservation management of the species rich grassland on each location are required.

Details of the proposed sensitive lighting along Queen Charlton Lane can be secured by condition subject to the reinforcement planting along the eastern boundary being acceptable to Natural England's requirements, otherwise further revisions will be needed and which could be secured by condition.

Details of the hedgerow to be removed / retained /replanted are required. No compensation hedgerow planting appears to be offered and which needs to be addressed either on or off site.

Natural England: No objections subject to conditions.

The revised Soft Landscape Proposals (GL0282 01/B, 01/D and 01/G) and proposed native planting along Queen Charlton Lane and the eastern boundary of the site is acceptable. The comments of the Council's Ecologist, dated 27 September 2016, are agreed but a condition requiring preparation and approval of a sensitive lighting strategy prior to commencement is still necessary.

Environmental Health Officer (Air Quality): No objections. There are concerns about the levels of nitrogen dioxide on the A37 in Whitchurch and which are being assessed. The submitted documents have been reviewed and, with the predicted traffic flows, the changes in air quality would be small.

Archaeologist: No objections subject to conditions.

Arboricultural Officer: No objections subject to conditions.

Parks and Open Spaces: No objections subject to conditions although the following concerns are outstanding:

The division of the LEAP between the Bellway and Barratt development boundary remains a concern regarding overall quality and maintenance. The LEAP Proposals plan includes a two seater swing, a bird nest swing, play boulders and 50% of the fencing. These elements have appeal to children and youth but will not retain interest for long. The success of this facility is dependent on securing the Bellway element. The LEAP proposals include an illustrative design for the Bellway area which is acceptable with the exception of the spinner plate which is located too close to the fence. A mechanism for securing the remaining offsite LEAP should be explored.

The design of the central attenuation pond has been improved, a wet area created, bench provided and the size and shape altered to increase the area of land surrounding the attenuation pond which adds to the overall amenity. Tree planting in this area is also supported.

Bristol Water: No objections

Wales and West Utilities: No objections

Wessex Water: No objections subject to comments:

Drainage proposals submitted for this phase of development require downstream infrastructure to be constructed and in place before this development can make connection for foul and surface water. This needs co-ordination between the sites.

- Separate systems of drainage are required to serve the proposed development
- Sewers will need to be adopted through a formal agreement with Wessex Water

Contaminated Land: No objections subject to conditions

Avon Fire and Rescue: No objections subject to the cost of installation and five years maintenance of a total of 3no fire hydrants within the site being secured.

Housing: No objections subject to conditions and the following outstanding concern:



The off street parking provision for affordable plots 57 and 23 & 24, would benefit from being moved to the front of the dwellings. Furthermore plot 57's is adjacent to the PROW with no buffer planting or lighting!

Economic Development: No objections subject to a Site Specific Targeted Recruitment and Training in Construction Obligation being included in a S106 legal agreement.

Avon and Somerset Police: No objections

Waste Services: Not acceptable in its current form, there are concerns outstanding in relation to tracking for refuse vehicles and location of bin collection points.

Drainage and Flooding Team: No objection subject to conditions.

Whitchurch Parish Council: Object to the application for the following reasons:

1. The application does not demonstrate how the site will integrate with the existing village or how it encourages walking and cycling.
2. Dwelling and Visitor parking spaces are inadequate and do not comply with Policy ST7 of the Placemaking Plan.
3. The virtual footpath along Queen Charlton Lane will not create a safe walking route particularly for vulnerable users.
4. The north south route through the overall site is essential
5. The findings of the submitted Transport Assessment that the development will not have a material impact on the operation of the junctions in the local area are disputed. It has not been demonstrated how the impacts will be mitigated.
6. Affordable Housing - it is unclear whether this site will make up for the lack of affordable housing provision on the Whitecroft Development site.
7. A comprehensive Construction Management Plan is required.

Compton Dando Parish Council: Object to the new access onto Queen Charlton Lane  
The following concerns have been raised:

1. The submitted transport study only considers the 100 House development and does not comprehensively consider the overall development at Horseworld, road links to other parts of the site, or to possibility of rat running from South Bristol.
2. It does not refer to other developments at Keynsham South, of approximately 1000 houses, nor the other developments along the A4 corridor.
3. No reference is made to the debate on the issue of the impact of transport at Committee when the Masterplan was considered.

The Parish Council and others have repeatedly asked for an embracing study of the roads to the south of Keynsham impacted by the developments to be undertaken by the Highways Department and it is essential that BANES set out a clear plan for roads in the area South of Keynsham, in order to avoid future traffic chaos and the dangerous conditions caused by inappropriately heavy through traffic through small villages with narrow country lanes which were not built for that purpose.

OTHER REPRESENTATIONS / THIRD PARTIES

Councillor Paul May: General comments which are outlined below:

1. The location of the A37 and the traffic lights at the cross roads creates significant traffic congestion problems for the local community especially as there is only one alternative route when there are accidents or hold ups.
2. Sleep Lane is incapable of taking flows two ways and has a history of flooding. The situation is made worse due to the nearby school and limited parking capacity.
3. The community have decided to object on some of the details of the full application which is correct. However the developers Barratts have shown a willingness to listen to and often respond to local issues but because they are the first applicant it shows the weakness in the current system because they cannot answer preschool provision, north south route, affordable housing, safe footpath along Queen Charlton lane, safe routes to school, ecology and vehicle access etc. questions on their own.
4. The core strategy issues of design, ecology, wildlife etc appear to be consistent and the design is broken up into small estates off of the main north south route.
5. The developers have listened to the committee and the local community in the provision of the access on to Queen Charlton lane but the pedestrian virtual route is a major risk in particular because it will be the direct access for children to the parish play area and the main road bus stop.
6. Most of my real concerns relating to this application relate to the process rather than the developers who have worked hard with us to minimise the impact.
7. I find it hard to support a development on the basis of a master plan when the remaining two developers have yet to submit detailed applications because the integration of this area within such a small village is a key ingredient and the major risks remain with the following applications.
8. It would be extremely unfortunate if for any reason this development took place without the other parts of the site being started but it shows without doubt the need for the access on to Queen Charlton lane and an eventual northern access to be the correct overall design for the needs of access to this community.

Within these above constraints I am happy that the developers have behaved in accordance with the council process and thank them for involving the local community as much as they have.

#### Local Representations:

A total of 27 letters of representation have been received, 5 of which make general comments and 22 of which object to the scheme and which raise the following issues:

1. Provision of residential dwellings will have a harmful impact on the rural landscape and Green Belt
2. Queen Charlton Lane junction should be 'no left turn' on exit and 'no right turn' on entry to avoid the lane becoming a rat run as a result of the development
3. Queen Charlton Lane junction should be removed from the scheme due to harmful impact on highway safety from additional cars using this lane
4. Affordable housing should be more dispersed throughout the development
5. The development will increase pedestrian use of the Public Right of way across adjoining land, it should be redirected through the development to Queen Charlton Lane.
6. Existing hedgerows edging the site should be retained.

7. Lack of public transport in the area for future residents to use
8. Harmful impact of additional traffic on surrounding roads and junctions
9. There is a 24/7 transport operation on the adjoining site which the applicant should be aware of
10. Harmful impact on residents amenity throughout the construction process.
11. Impact on local businesses which trade on being within a rural location, once the development is in place it will no longer be rural
12. Lack of safe route to school for children

#### RELEVANT PLANNING HISTORY:

15/03406/CONSLT - AGREED - 17 December 2015 - Comprehensive Masterplan and Design Principles for the proposed redevelopment of the land at Whitchurch pursuant to Policy RA5 of the Bath & North East Somerset Core Strategy 2014. The Masterplan was agreed in principle by Development Management Committee in December 2015 although Members did not agree the presumption to sever the North-South route. Members were of the view that significant work was required in relation to the transport options with a better bus route facility explored and that there needed to be full engagement with the community on these issues.

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

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

- Policy DW1 - District Wide Spatial Strategy
- Policy SD1 - Sustainable Development
- Policy RA5 - Land at Whitchurch Strategic Site Allocation
- Policy CP2 - Sustainable Construction
- Policy CP3 - Renewable Energy
- Policy CP6 - Environmental Quality
- Policy CP7 - Green Infrastructure
- Policy CP9 - Affordable Housing
- Policy CP10 - Housing Mix
- Policy CP13 - Infrastructure Provision
- Policy RA5 - Land at Whitchurch Strategic Allocation

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant:

- \* Policy SC.1: Settlement classification
- \* Policy SR.3: Provision of recreational facilities to meet the needs of new development

- \* Policy CF.3 Contributions from new development to community facilities
- \* Policy IMP.1 Planning Obligations
- \* Policy D.2: General design and public realm considerations
- \* Policy D.4: Townscape considerations
- \* Policy GB2: Visual impact on the Green Belt
- \* Policy NE.4: Trees and woodlands
- \* Policy NE.10: Impact on Protected Species
- \* Policy NE.12: Impact on Natural Features
- \* Policy T.1: General Transport Policy
- \* Policy T.24: General development control and access policy

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

- Policy SD1 - Presumption in favour of sustainable development
- Policy CP2 - Sustainable Construction
- Policy CP3 - Renewable Energy
- Policy SRC1 - On site renewable energy requirement
- Policy SCR5 - Water Efficiency
- Policy SU1 - Sustainable drainage
- Policy D1, D2, D3, D4, D5, D6 - General design policies
- Policy D7 - Infill and backland development
- Policy HE1 - Historic environment
- Policy NE1 - Development and green infrastructure
- Policy NE2 and NE2A - Landscape character and setting
- Policy NE3 - Protected Species
- Policy NE5 - Ecological networks
- Policy NE6 - Trees and woodlands
- Policy CP7 - Green Infrastructure
- Policy CP9 - Affordable Housing
- Policy CP10 - Housing Mix
- Policy PCS1 - Pollution and nuisance
- Policy PCS2 - Noise and vibration
- Policy PCS3 - Air Quality
- Policy PCS5 - Contamination
- Policy PCS7A - Foul sewage infrastructure
- Policy LRC3A - Primary School Capacity
- Policy ST1 - Sustainable Travel
- Policy ST7 - Transport requirements for development

Other Relevant Considerations (without limitation):

- Planning Obligations SPD
- National Planning Policy Framework
- National Planning Practice Guidance

## **OFFICER ASSESSMENT**

Principle of Proposed Development:

The site is allocated under Policy RA5 of the adopted Core Strategy as a housing site and therefore the proposed use of the site for residential housing is acceptable in principle.

Policy RA5 sets out a number of different placemaking principles that need to be met to comply with the overall policy and which are considered throughout this report.

In line with Policy RA5 a comprehensive Masterplan, jointly submitted by the 3 developers of the wider Horsecworld site, was considered at Development Management Committee in December 2015. At this meeting Members agreed the Masterplan in principle but did not agree the presumption to sever the vehicular North-South route through the site from Staunton Manor Lane/Sleep Lane to Queen Charlton Lane ref: 15/03406/CONSLT.

The current application has followed the principles agreed within the Masterplan document and worked to address the concerns of Members with particular regard to the North-South route through the site which is now proposed to be kept open.

Furthermore, in line with Policy RA5 the application proposes a total of 100 dwellings which, in conjunction with the two other applications on the Horsecworld site, means that the site is on course to achieve around 200 dwellings as required. With regard to the density, this site achieves a density of 34 dph, which is slightly lower than the required 35-40 dph, but is as a result of the significant levels of green infrastructure provided on site and to maintain a more rural feel along Queen Charlton Lane. In this instance, this is considered to be an acceptable approach and has resulted in a better quality layout.

It should be noted that, despite concerns raised by some local residents, the site is not within the Green Belt, it was removed at the time the site was allocated under Policy RA5 in the Core Strategy.

#### Design and Layout of the Proposed Development:

The overall layout of the scheme has been revised to take into account the comments of Officers and has resulted in some significant improvements in many areas.

Overall the design of the scheme and its layout is now considered to be acceptable. The development uses a hierarchy of streets to divide the site into more private areas using culs-de-sac but retaining a main thoroughfare running North-South which will eventually link into the Bellway land to the North. The proposed dwellings form a mix of two and two and a half storey dwellings using relatively standard house build types.

The development also includes a locally equipped area of play (LEAP) incorporated on the western boundary between this site and the adjoining Bellway land. Its location in front of a number of dwellings means it will have good levels of natural surveillance and is in a good location central to the site. Unfortunately, as a result of this development coming forward as a wider site the LEAP is located on the boundary meaning Barratts will provide half and Bellway the other half. This is not ideal and will appear a little odd if the Bellway 'half' is not provided in a timely manner, but the proposed LEAP, as a standalone facility will offer an adequately equipped and sized play area for the size of the proposed development.

The proposed layout has taken care to retain the route of the existing PROW that runs across the site to the North. Whilst this runs right in front of two dwellings across a road/parking forecourt, an alternative route through an area of landscaping will also be provided which will achieve a more pedestrian friendly and higher quality environment through which pedestrians can walk.

The layout has also been careful to provide pedestrian linkages throughout, taking advantage, in particular, of the existing green infrastructure running north-south within the site and achieves good quality environments for walking and a good level of permeability. The fact that the new route running north-south does not reach as far as Queen Charlton Lane is a missed opportunity but to provide this would have had a harmful impact on the wider layout of the scheme.

The site is on the edge of the Green Belt where, due to limited views into the site from the surrounding area, it is considered that there would not be a harmful visual impact on the Green Belt.

Furthermore in order to respect the rural character of Queen Charlton Lane to the south of the site, the density of the development in this area is lower and it then increases as you progress northwards towards the central area of the wider Horseworld site. Furthermore when entering the site from Queen Charlton Lane a large area of open space has been provided, surrounding one of the largest trees on the site, and which create a high quality entrance to the development from this direction.

Whilst Avon and Somerset Police, the Housing Officer and Urban Designer have raised a number of concerns in relation to the location of parking spaces, parking between buildings and supervision of garage forecourts and general layout of the scheme, it is considered that the revised plans have addressed many of these. Whilst a few of their concerns are still outstanding it is considered that, overall, the design and layout of the scheme is considered acceptable and would not have a harmful impact on the character of the area.

#### Impact on Ecology:

The ecology survey submitted has identified that the majority of the western field supports flower-rich unimproved grassland. Unfortunately this was not included in the ecological survey data submitted at the Masterplan stage.

The existing area of species rich grassland is stated as being 5000m<sup>2</sup> and it is considered that this area would qualify for designation as a Site of Nature Conservation Interest (SNCI), therefore saved policy NE9 applies. Ideally the grassland should be retained on site, however as this would have a significant impact on the level of housing provided on this site alternative approaches have been negotiated by Officers.

A document outlining proposed mitigation for impacts on the species rich grassland in the western field has now been submitted and which proposes to retain 600m<sup>2</sup> of the 5,000m<sup>2</sup> in situ with a further 500m<sup>2</sup> to be translocated within the site to the proposed attenuation area. Assuming the figures are accurate and achievable, a total of 1100m<sup>2</sup> of this habitat would remain on site. Therefore a total area of 3900m<sup>2</sup> must be translocated off site if a net loss is to be avoided and policy NE9 complied with.

A site for the grassland to be translocated to has been identified as Site K2A on Charlton Road in Keynsham where residential development is currently under construction under planning permission 14/00049/FUL. This site is in the ownership of the applicant and it is proposed to translocate the remaining grassland to an area of open space within the K2A site.

However to provide confidence in the figures provided, further information confirming the size and precise boundaries of the existing habitat, the retained habitat and that translocated habitat both on and off site. This information is required before planning permission can be granted.

Furthermore details are also required to ensure that the species rich grassland mitigation scheme does not conflict with the soft landscape scheme for all affected areas of soft landscaping. For example there should be no tree or shrub planting on land proposed to be used for species rich grassland habitat which would appear to conflict with the Landscape Officers request for larger trees to be planted around the attenuation pond.

The areas proposed for species rich grassland habitat will then need to be subject to a long term management plan which, in the case of on site retention and translocation, can be secured by condition. Where the grassland is to be translocated off site, its provision and long term management will need to be secured by S106 agreement.

Overall, subject to the outstanding information being submitted and considered acceptable, suitable conditions being attached and obligations being secured within a S106 legal agreement Officers are satisfied that the scheme is capable of complying with Policy NE9 of the Core Strategy.

The proposed development will require highway improvements to Queen Charlton Lane which includes the provision of street lighting. Although this proposal was initially met with concern due to the potential impact on bats, the provision of sensitive lighting has been accepted as necessary on highway safety grounds by Natural England and the Council's Ecologist and it is considered that the detailed specification for the lighting along Queen Charlton Lane as well as the site as a whole can be dealt with by condition.

Natural England's previous concerns in relation to adequate provision for enhancement of bat foraging have now been addressed with additional planting of native species within the boundary hedges along Queen Charlton Lane and on the eastern boundary of the site along with the provision of a high timber panel fence where gardens run along the eastern boundary.

Finally the development will result in a number of relatively small losses of hedgerow across the site in order to gain access, these small losses add up and there is a concern that Officers are not clear exactly how much, in length, of hedgerow is to be removed / retained / replanted as a result of the overall development. There is also a lack of information regarding any compensatory provision of hedgerows which needs to be addressed, there is the potential that off site compensation hedgerows may be necessary to demonstrate equivalent or greater provision.

Whilst there is still outstanding concerns in relation to Ecology, Officers are of the view that these can be addressed and therefore the application should be delegated to Officers to permit subject to the receipt of the outstanding information and subject to any necessary suitably worded conditions and obligations within a S106 agreement.

#### Green Infrastructure, Landscape and Trees:

As already mentioned above, the layout of the development has been careful to respect the existing green infrastructure, trees and hedgerows within the site.

Within the centre of the site is an attenuation pond which, at the request of Officers, has been redesigned to form a more attractive feature and form a more valuable part of the Green Infrastructure. The attenuation pond now includes a pond at the very bottom and is able to be accessed by residents and used as an area of open space when it is not in flood. The Landscape Officer is of the view that there is an opportunity for the tree planting in this area to be revised to accommodate larger trees without having an impact on residential amenity. However, as explained above, it would appear that this may be in conflict with the proposals to translocate the species rich grassland within the attenuation pond area. Therefore it is considered that further information, and corresponding relevant conditions, are required to explore the possibility of providing larger trees whilst also ensuring that the ecological requirements for the site are not compromised.

Subject to the receipt of further acceptable landscaping information, overall the level of green infrastructure and landscaping within the site is considered to be acceptable and the Arboricultural Officer is also of the view that the development will not have a harmful impact on trees.

#### Impact on Residential Amenity:

The proposed dwellings have been laid out so that they would not have a harmful impact on the residential amenity of the occupiers of the neighbouring development sites, existing neighbouring residents or residents within the development itself.

#### Impact on Highway Safety:

The development proposes that its main vehicular access will be from Queen Charlton Lane to the south, although when the Bellway land comes forward, access to the site will also be provided from the North and West via Sleep Lane and Staunton Lane.

At Masterplan the provision of an access off Queen Charlton Lane was considered to be acceptable and this remains acceptable in principle. It was also proposed at that time that the North-South route through the wider Horseworld site would be severed for vehicles. This approach was proposed to prevent the creation of a rat run situation by vehicles not connected with the development driving through the development, to mainly avoid Sleep Lane and Whitchurch village, which would not only be harmful to highway safety but also provide a reduced level of amenity for the future occupiers of the development.

However this approach was met with opposition from local residents and this element of the Masterplan was not agreed when it was considered by Development Management Committee.



In response the North-South vehicular route is now proposed as being open for use by vehicles passing through the site but, in order to reduce the incidence of rat running, the Queen Charlton Lane junction has been redesigned so that vehicles can only exit right and enter left into the development. In conjunction with signage and traffic calming measures within Queen Charlton Lane itself this is now considered to be acceptable.

Queen Charlton Lane itself will also be subject to some works to provide a pseudo footway along the northern edge of the lane to provide a safer pedestrian access to the site from the south and west. The pseudo footway comprises demarcation on the road to highlight the presence of a pedestrian footway. This is not an ideal pedestrian access but, due to the narrowness of the lane in this location, is the only achievable solution.

It has been previously suggested by the Highways Development Officer and residents that an access is provided along the existing lane running between the dwellings of The Mead and Cranford House. However as the lane is in private ownership over which the applicant has no control, such an access is unachievable.

In terms of the integration of the proposed development into the neighbouring area and the provision of direct access to existing facilities, including schools, it is acknowledged that, as a stand alone site it is quite remote from Whitchurch Village and the pedestrian links i.e. the PROW to the north and the pseudo footway to the south, are not ideal. However until such time as the Bellway scheme is granted planning permission and constructed there is little improvement that can be made to this situation. Nevertheless it is anticipated that this situation should only exist for a short time and when the Bellway Land is developed the site will benefit from good quality pedestrian and cycle links to existing facilities.

Street lighting along Queen Charlton Lane will also be required as a result of the development and concerns have been raised that these would have a harmful impact on protected species such as bats which use the existing lane and hedgerow for foraging. However an alternative lighting approach has been agreed and it is considered that the lane can now be adequately lit without having an adverse impact on bats.

In terms of parking provision within the development, some concerns have been raised by the Highways Development Officer in relation to the low levels of parking for the 4 bed dwellings which he has suggested should be raised to 4 spaces per 4 bed dwelling rather than the current provision of 3 spaces. Whilst Policy ST7 of the Draft Placemaking Plan requires minimum levels of parking to be provided, the Placemaking Plan presently carries limited weight. Therefore it is considered that the levels of parking provided are in accordance with Policy T24 of the Local Plan and are acceptable.

Concerns have been raised by residents and Whitchurch Parish Council that the development will increase vehicle movements within the area, particularly Sleep Lane, which will have a significant harmful impact on highway safety. Whilst the development will undoubtedly increase highway movements and will have an impact on Sleep Lane as well as the surrounding highway network the site is allocated for housing and therefore some impact has to be expected. In this regard the Highways Development Officer has raised no objections to the scheme and therefore the impact on the surrounding highway network is considered to be acceptable.

Notwithstanding this the Highways Development Officer did initially comment that the development would have the effect of worsening the weekday peak period congestion problems which occur on the Woollard Lane approach to the A37, and requested that contributions were secured to fund a highways improvement scheme in this location. However it has since been agreed that, as the potential highway works are identified in the Infrastructure Development Programme (IDP), contributions under a S106 legal agreement would not be appropriate and the works should instead be funded through CIL, particularly as they are not considered necessary to make the development acceptable.

Overall, the views of Whitchurch and Compton Dando Parish Council as well as local residents have been considered in full with revisions provided to address many of their concerns. Whilst it is acknowledged that there are concerns that are still outstanding it is considered that they should either be addressed by the neighbouring Bellway scheme or are not so significant as to justify the refusal of the scheme. When the application is considered overall, it is considered that the development is acceptable in highway safety terms subject to a S106 legal agreement to provide:

Off site highway improvements to Queen Charlton Lane to include street lighting, traffic calming and a pseudo footway, adoption of all roads as considered necessary plus three Traffic Regulation Orders (TRO's) to:

- 1) Prohibit the left turn from the new access road to Queen Charlton Lane;
- 2) Prohibit the right turn from Queen Charlton Lane to the new access road; and
- 3) Introduce a 20mph or 30mph speed limit on Queen Charlton Lane between the Woollard Lane junction and a point just east of the access junction, unless the introduction of street lighting achieves this by default.

#### Drainage and Flooding:

As this development is coming forward as a much larger site, the drainage scheme relies on other land within the allocation to achieve the necessary foul and surface water drainage for the development under consideration. Each development then would join into the existing Wessex Water system on Sleep Lane.

The development does, however, include a large attenuation pond within the centre of the site which forms part of the sustainable drainage system.

Wessex Water will only allow a total rate of 70 litres per second to be discharged into their system and therefore care has been needed to ensure that each development's discharge is proportioned and that the overall allowance is not exceeded.

This application has been accompanied by a Flood Risk Assessment and subsequent Addendum which indicates that the discharge rate (26.93 l/s) is based on an apportioned percentage (based on area) of the total allowable. This methodology is acceptable in principle and would retain adequate capacity for the remaining developments coming forward on the RA5 site.

In terms of the detailed design of the surface water drainage, two options have been provided for delivery. The first option is that the sewers will be installed by Bellway

Homes and the second is that a sewer will be requisitioned from Wessex Water (using statutory powers) to cross the Bellway plot to the Barretts site.

It is understood that there is a legal agreement between the developers and owners of the site over which for the first option. It is further understood that the option for requisitioning a sewer has been discussed with Wessex Water who are in agreement.

Overall it is considered that either option for drainage is acceptable in principle. Although the first option would rely on Bellway Homes gaining planning permission and constructing a drainage system on their land before this scheme could discharge into it, the second option forms an acceptable fall-back position in the event that the Bellway Homes scheme does not come forward in a timely manner.

#### Provision of School Places and Early Years Facility:

At the time the Horseworld site was allocated under Policy RA5 of the Core Strategy it was acknowledged that, in order to accommodate the primary school age children from the development, Whitchurch Primary School would need to be expanded and land provided to enlarge the school site.

Since then, and in order to achieve the expansion of Whitchurch Primary school, Officers have been working on a solution. In light of this, plans are in place to expand Whitchurch Primary School by 105 places and to expand the school site through the acquisition of an additional area of land at the rear of the existing school site.

Therefore contributions are required as an obligation of a S106 legal agreement to expand the school, purchase the additional land necessary and also cover any legal/administrative costs in doing this. This has been calculated using a proportionate approach to ensure that each development within the wider Horseworld site makes an equal and fair contribution proportionate to the need generated.

Whitchurch has also been identified as an area of childcare insufficiency and as such the provision of an additional Early Years facility on the Horseworld site was included within Policy RA5 of the Core Strategy in order to accommodate the children generated by this development.

Planning permission has been granted for a new Early Years facility to open in Whitchurch, which may be sufficient to meet this need. It was anticipated that the facility would be open and in operation by the time the first application on the Horseworld site was granted planning permission thereby overcoming the need for an on-site provision. However it is understood that the facility is not likely to open until April 2017 at the earliest and therefore an on site provision is required to meet the needs of this development.

An area of land to accommodate the Early Years facility has been identified in the Whitchurch Masterplan and is also being proposed as part of the Bellway application. The Education Service is currently working to establish whether or not it is of a sufficient size to accommodate the facility although the proposed location would appear to be acceptable.

As the Early Years facility is not located within the current application site contributions are therefore required to purchase the land and construct the facility, calculated to ensure that each development within the wider Horseworld site makes an equal and fair contribution proportionate to the need generated and resulting in no cost to the Council. At the present time the final figures for contributions are not available but, once finalised, will form part of an obligation within a S106 legal agreement.

Notwithstanding this, in the event of another early years facility does open in the locality before first occupation of any of the dwellings on this site, there is a possibility that the facility on the Horseworld site would no longer be necessary. If this is the case then the contributions for the Early Years facility would no longer be payable and Officers are currently considering appropriate wording within the S106 agreement to cover this eventuality.

#### Affordable Housing:

The application includes the provision of 40% affordable Housing contribution within the development which is considered to comply with Policy RA5 and CP9 of the Core Strategy. This will result in a total provision of 40 dwellings comprising a mixture of 1 bedroom apartments and 2, 3 and 4 bedroom houses. They are clustered throughout the development and also include a number of wheelchair user dwellings which have been shown to meet the necessary Habinteg design standards.

Notwithstanding the above it was previously understood that the Horseworld site, collectively, would need to provide 40% affordable housing. However it has always been acknowledged that the Whitecroft site would not be able to provide on site affordable housing due to its size and the fact it comprises the redevelopment of barns which Registered Providers would be unlikely to accept. A potential solution to this shortfall would have involved the Whitecroft development paying a commuted sum or the Bellway and Barratts development in effect 'over-providing' to make up the shortfall.

However, due to changes to the NPPG, which have been upheld in the Court of Appeal, the Whitecroft development is no longer required to provide affordable housing under the small sites policy within Policy CP9 of the Core Strategy because the site is too small and provides too few dwellings. In light of this, and the fact that the application scheme is providing a policy compliant 40% affordable housing scheme, it is considered that the scheme is acceptable.

#### Sustainability:

The development incorporates a number of sustainable design features such as:

- Sustainable Urban Drainage System and attenuation pond
- Bath and kitchen fittings that use less water
- 100% low energy lighting
- Double and triple glazing

These are considered acceptable.

#### Refuse Collection:

The application has been accompanied by a refuse strategy and which has been revised as a result of comments from the Waste Services team. Unfortunately there are still outstanding concerns from Waste Services in relation to the safe turning of refuse vehicles in the south west corner of the site and the location of bin collection points which presently are too far from highway and/or obstructed by car parking spaces. However it is considered that these issues should be relatively simple to address and further information to show an acceptable layout in terms of waste and refuse collection should be provided before permission is granted and with any conditions considered necessary.

#### Conclusion:

The application is one of 3 developments currently under consideration to develop the land known as Horseworld and allocated for residential development under Policy RA5 of the Core Strategy. This application concerns the south eastern part of the site which fronts onto Queen Charlton Lane.

The proposal is for the erection of 100 dwellings which comprise relatively standard house types on a hierarchical street layout. A locally equipped area of play is proposed as well as an attenuation pond which also has a dual function as an area of open space with pond.

In line with Policy RA5 of the Core Strategy a Masterplan has already been agreed by the Development Management Committee although the severing of the north-south vehicular route through the site was not agreed. The Masterplan was a high level agreement which agreed the principles of the development i.e. the highway access, general layout of the development and provision of open space and green infrastructure.

The application as submitted generally follows the masterplan layout and the overall design and layout is considered to be acceptable. The layout generally respects the green infrastructure and incorporates footpaths along the North-South hedgerow joining up with the attenuation pond which is central to the site. The PROW to the north of the site is retained on its existing route but an alternative, more attractive, route across an area of open space is also provided for pedestrians.

The primary vehicle access for the site is off Queen Charlton Lane on the southern boundary of the development site although vehicular access will also eventually be provided through the wider Horseworld site from both Staunton Lane and Sleep Lane once the adjoining sites are developed.

In order to avoid the situation of vehicles not connected with the development rat running through the site in order to avoid Sleep Lane and Whitchurch village, which was of significant concern to Officers at Masterplan stage, the Queen Charlton Lane junction has been design to prevent a left turn on exit. This will result in traffic from the development being redirected back towards the A37 and away from the rural lanes through Queen Charlton.

Queen Charlton Lane will also be upgraded with the provision of a pseudo footway, traffic calming and street lighting to provide safer pedestrian access to the site from this

direction. Whilst the pseudo footway is not an ideal solution it is the only one achievable given the narrowness of the existing lane.

In terms of the integration of the development into the wider village of Whitchurch and access to its facilities, the achievement of this by this application alone is relatively poor. However this is primarily due to this site coming forward first and it is anticipated that the redevelopment of the wider Horseworld site will follow soon after meaning that good quality links will be provided in a timely manner across the Horseworld site as a whole. Therefore the relatively isolated nature of this site will be short lived.

There are outstanding concerns from Waste Services in relation to the safe turning of refuse vehicles in the south west corner of the site and the location of bin collection points, however these issues should be simple to address and further information to show an acceptable layout in terms of waste and refuse collection should be provided before permission is granted and with any conditions considered necessary.

In terms of ecology on the site it has been discovered that there is an area of species rich grassland that should be protected from loss. However, to retain the full area on site, some 5000 m<sup>2</sup>, would have a significant impact on the delivery of housing and therefore a proposal has been put forward to retain some grassland in situ, translocate some to another area of the site and to translocate the remaining grassland to a development site at K2A on Charlton Road in Keynsham. This approach has been found to be acceptable in principle by the Council's Ecologist subject to further information, conditions and obligations in a S106 agreement to secure its translocation and long term management.

Officers are also concerned that detailed figures in relation to the level of loss of existing and replacement hedgerow have not been provided. Again it is considered that this should be provided before planning permission is granted with additional hedgerow planting provided off site if that is found to be necessary and secured by conditions and S106 agreement.

Despite the outstanding ecological comments and information it is considered that the scheme has the potential to be acceptable and that the application should be delegated to permit to allow these issues to be overcome.

Overall it is considered that, subject to the receipt of the outstanding information, additional conditions as considered necessary and a S106 agreement, the proposed development is acceptable and is in accordance with the policies within the Core Strategy and Local Plan and particularly Policy RA5 of the Core Strategy.

For clarity a S106 legal agreement is required to ensure that contributions and other obligations in relation to the extension and purchase of land at Whitchurch Primary School, provision of an Early Years Facility, landscape and open space, affordable housing, highways, fire hydrants, translocation of grassland and potentially replacement hedgerow planting as well as targeted recruitment and training are achieved. Officers are currently negotiating the wording of a S106 legal agreement and therefore the recommendation is delegate to permit subject to the receipt of an acceptable agreement.

## **RECOMMENDATION**

Delegate to PERMIT

## CONDITIONS

0 Subject to the receipt of:

A) Further acceptable information including:

Details relating to existing and replacement hedgerow planting, fencing, lighting, species rich grassland and soft landscaping scheme;

Details relating to the turning of refuse vehicles and location of bin collection points;

B) A S.106 AGREEMENT:- Authorise the Group Manager - Development Management, in consultation with the Planning and Environmental Law Manager, to enter into a Section 106 Agreement to provide the following:

1. Landscape and Open space:

Provision of open space, LEAP and long term management

2. Affordable Housing:

40% affordable housing provision on site

3. Highways - TRO

Off site highway improvements to Queen Charlton Lane to include street lighting, traffic calming and a pseudo footway. Adoption of all roads as considered necessary.

Traffic Regulation Orders (TRO's) to:

1) Prohibit the left turn from the new access road to Queen Charlton Lane;

2) Prohibit the right turn from Queen Charlton Lane to the new access road; and

3) Introduce a 20mph or 30mph speed limit on Queen Charlton Lane between the Woollard Lane junction and a point just east of the access junction, unless the introduction of street lighting achieves this by default.

4. Fire Hydrants: Cost of installation and five years maintenance of a total of 3no fire hydrants @ £1,500 per hydrant.

5. Education:

Primary School Provision:

The capital contribution for the expansion of the school buildings at Whitchurch Primary school (off site) is calculated on the basis of £12,754.80 per pupil x 25.93 pupils = £330,731.96 contribution required.

The capital contribution for the purchase of sufficient additional adjacent land to the existing school site to allow the expansion of the school site. The independent valuation for the land at the rear of Whitchurch Primary school values this at £21,500.00. Divided by the overall dwellings allocated within the Whitchurch Strategic Housing site = £105.91 per dwelling x 100 dwellings = £10,591.00.

Early Years Provision:

47.31% contribution towards land purchase and delivery of an Early Years facility

Final figure to be confirmed

6. Targeted Recruitment and Training:

20 x work placements

3 x apprenticeships

2 x new jobs advertised through DWP  
£10,230 contribution

#### 7. Ecology

Off site translocation of species rich grassland and the long term maintenance of both off site and on site species rich grassland

Off site replacement hedgerow planting if this is found to be necessary

C) And grant planning permission with conditions as listed below, provided they have not been addressed prior to a decision, along with further conditions arising from the additional information submitted above as considered appropriate by Officers:

#### **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 Arboricultural Method Statement (Pre-commencement)**

No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with policy NE.4 of the Bath and North East Somerset Local Plan and CP7 of the Core Strategy. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

#### **3 Compliance with Arboricultural Method Statement and Certificate of Compliance (Bespoke Trigger)**

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

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

#### **4 Flood Risk and Drainage - Off-site sewer details (Pre-commencement)**



No development shall commence until a detailed design scheme confirming how the site will drain to the public sewers in Sleep Lane has been submitted to and approved in writing by the Local Planning Authority.

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. This is a condition precedent because it is necessary to understand the detailed design of the scheme prior to any initial construction works which may prejudice the surface water drainage strategy.

#### **5 Flood Risk and Drainage - Off Site Sewers (Bespoke Trigger)**

No development shall commence until the offsite sewers have been constructed in accordance with the details approved by condition above and a certificate of completion has been submitted to and approved in writing by the Local Planning Authority.

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. This is a condition precedent because it is necessary to ensure the works have been completed prior to any initial construction works which may prejudice the surface water drainage strategy.

#### **6 Roofing Materials (Bespoke Trigger)**

No construction of any of the roofs of the development shall commence until a sample of all external roofing materials has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter 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.

#### **7 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.

#### **8 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)**

No development shall commence until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

### **9 Contaminated Land - Remediation Scheme (Pre-commencement)**

No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

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

the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

#### **10 Contaminated Land - Verification Report (Pre-occupation)**

No occupation shall commence until a verification report (that demonstrates the effectiveness of the remediation carried out) has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

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

#### **11 Contaminated Land - Unexpected Contamination (Compliance)**

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

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

#### **12 Highways - Garages (Compliance)**

The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy T.26 of the Bath and North East Somerset Local Plan.

#### **13 Highways - Construction Management Plan (Pre-commencement)**

No development shall commence until a Construction Management Plan has been 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, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

#### **14 Residents Welcome Pack (Pre-occupation)**

No occupation of the approved development shall commence until a new resident's welcome pack has been submitted to and approved in writing by the Local Planning Authority and shall include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., to encourage residents to try public transport.

No occupation of any individual dwelling shall thereafter commence until an approved new resident's welcome pack has been provided to the occupier.

Reason: To encourage the use of public transport in the interests of sustainable development in accordance with Policy T.1 of the Bath and North East Somerset Local Plan.

#### **15 Parking and Turning Areas (Compliance)**

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

Reason: To ensure sufficient parking and turning areas 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.

#### **16 Dwelling Access (Compliance)**

Each dwelling shall not be occupied until it is served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and the existing adopted highway.

Reason: To ensure that the development is served by an adequate means of access in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

#### **17 Archaeology - Written Scheme of Investigation (Pre-commencement)**

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

Reason: The site is within an area of major archaeological interest and the Council will wish record and protect the archaeological remains. This is a condition precedent

because archaeological remains and features may be damaged by the initial development works.

### **18 Archaeology - Post Excavation and Publication (Pre-occupation)**

No occupation of the development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

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

### **19 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 drawing nos

377 002 Rev C Existing and proposed levels  
377-075 Rev C Drainage Strategy  
377 505 Rev C Impermeable areas plan  
377-510 C Flood Exceedance Routing

428-050-01 Rev C Engineering for Planning  
428-050-02 Rev D Engineering for Planning

377 425 01 Rev A Visibility Splays  
151090/SKT03 A Pseudo footway  
151090/SKT04 A General Arrangement of Queen Charlton Lane junction

GL0282 02 A LEAP Proposals

B.0360\_05V Site Layout

House Types:

B.0360\_08-CHE 1 Rev I  
B.0360\_08-CHE 2 Rev I  
B.0360\_08-CHE 3 Rev I  
B.0360\_08-ENN 1 Rev I  
B.0360\_08-ENN 2 Rev I  
B.0360\_08-ENN 3 Rev I  
B.0360\_08-HES 1 Rev I  
B.0360\_08-HES 2 Rev I

B.0360\_08-HES 3 Rev I  
B.0360\_08-HES 4  
B.0360\_08-HES (V4) Rev I  
B.0360\_08-FOL 1 Rev I  
B.0360\_08-FOL 2  
B.0360\_08-FOLKSTONE V2 1 Rev I  
B.0360\_08-SUB Rev I  
B.0360\_08-RAD 1 Rev I  
B.0360\_08-RIC 1 Rev I  
B.0360\_08-RIC 2 Rev I  
B.0360\_08-WHDG  
B.0360\_08-WHDG 2B  
B.0360\_08-WHDG3B Rev I  
B.0360\_08-SNGL Rev I  
B.0360\_08-DBL Rev I  
B.0360\_08-TRPL Rev I  
B.0360\_08-TYPE 21  
B.0360\_08-TYPE22 Rev I  
B.0360\_08-TYPE24 Rev I  
B.0360\_08-TYPE38 1 Rev I  
B.0360\_08-TYPE38 2 Rev I  
B.0360\_08-WOO 1 Rev I  
B.0360\_08-WOO 2 Rev I

B.0360\_09D\_Street Scenes  
B.0360\_10F Materials plan  
B.0360\_11C Adoptable areas  
B.0360\_12B External details  
B.0360\_13B Parking Strategy

BBS19077-03 D Tree Protection Plan

### **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.

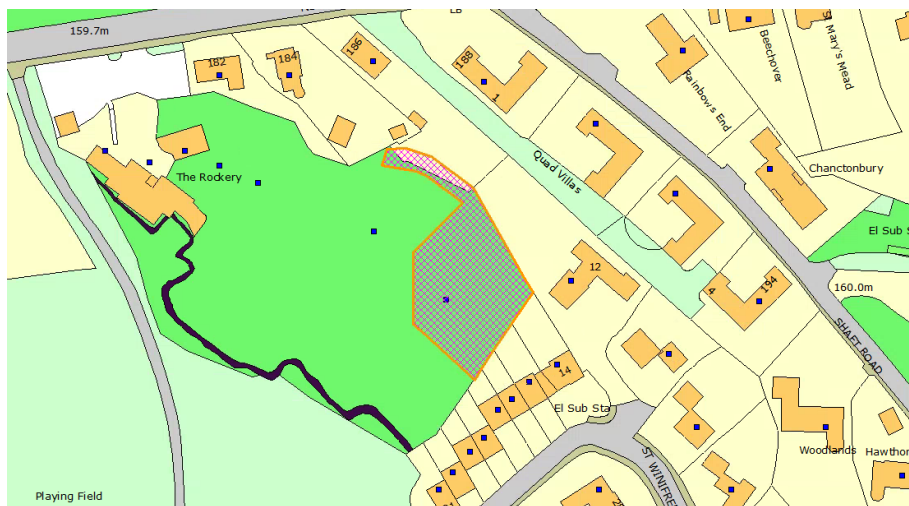
Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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

### Decision Making Statement:

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

**Item No:** 02  
**Application No:** 16/02658/REM  
**Site Location:** Rockery Tea Gardens Vacant Premises North Road Combe Down Bath



**Ward:** Combe Down      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Cherry Beath      Councillor Bob Goodman  
**Application Type:** Removal of conditions

<b>Proposal:</b>	Removal of condition 11 on application 13/01733/FUL, allowed on appeal 15th May 2015, (Erection of a detached single storey dwelling (revised proposal).
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, Mineral Construction Area, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Tree Preservation Order, Water Source Areas, World Heritage Site,
<b>Applicant:</b>	Freemantle Capital (Gainsborough) Ltd
<b>Expiry Date:</b>	24th October 2016
<b>Case Officer:</b>	Rachel Tadman

## REPORT

Referral to Chair:

Cllr Cherry Beath has requested that the application go to Committee for the following reasons:

- Sensitive site
- Conditions were imposed with regard to the protection of the special environment, ecology and wildlife (what remains of it) such as the protected bat species, and the harm of light spread, which are vital to uphold.
- Conditions were attached by Planning Inspector on Appeal
- The Developer's argument of not realising the implications of these conditions is not accepted
- This dwelling is sited on a high, prominent point of the site, where it is necessary to reduce light spread to an absolute minimum. Hence the need to retain the Smartglass condition.
- The site's long history of being a noted and well loved public area of importance.
- High strength of local feeling and it would serve the public interest for the decision being heard in public.

Cllr Bob Goodman has also requested that the application go to Committee for the reason that the condition was imposed by the Planning Inspectorate and should not be removed. The expense of the glass is not valid planning reason for its removal.

On referring the application to the Chair, she has noted the changes and the negotiation between the Officer & applicant, however as the Ward Cllrs and neighbours have not re-consulted and in view of their understanding of the conditions imposed & agreed by the applicants at the appeal, she believes this application should be determined by Development Management Committee.

Description of development:

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

The site comprises a former quarry, a Tea Gardens and has now been redevelopment to accommodate three houses and nine apartments granted planning permission under application refs: 08/03370/FUL and 13/01733/FUL.



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

The site is known to be used by bats from the nearby Bathampton Down Mines Site of Special Scientific Interest and also from the Bradford on Avon Bats Special Area of Conservation (SAC).

Planning permission ref: 13/01733/FUL for the erection of a single dwelling was refused by Members at Development Control Committee in September 2014, on the grounds of loss of trees, overdevelopment of the site and the adverse impact on nearby residents. However a subsequent appeal was allowed by the Planning Inspectorate with a decision being issued on 15 May 2015.

Attached to that decision was Condition 11 which states:

'No development shall take place until a technical specification has been submitted to and approved in writing by the local planning authority to demonstrate that the glazing to all the windows to the dwellinghouse hereby permitted will limit any light spill to a minimum and acceptable level. The development shall be carried out in accordance with the approved details and permanently retained.'

Details were then submitted under application 15/03757/COND to discharge Condition 11 proposing the use of 'SPD - Smart Glass', a type of glass that can be tuned to control the amount of light, glare and heat passing through the glass. This was considered acceptable and the condition was discharged on 17 November 2016.

The proposal is now to vary Condition 11 to limit any light spill to a minimum and acceptable level by way of a bespoke internal lighting scheme along with a 1.2m fence within the dwelling's garden.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Ecologist: No objections subject to conditions.

The submitted plans refer to different fence / hedgerow heights: the light spill calculation as predicted with fencing included was based on a fence height of 2.5m; the sections show a hedgerow at 1.2m height; the site plan shows a fence a 1m height.

In accordance with the advice from NE, a 1.2m height fence is requested. This should be combined with a hedgerow, as previously approved, and the fence to be installed on the inside edge of the hedgerow.

The hedgerow can be permitted to grow taller than the fence. Hedgerow height would however be difficult in this case to secure by condition and subsequently to enforce, so is not being relied upon alone to reduce light spill. The solid fence will provide a screening effect at the height at which light spill, whilst still below 0.5 lux, is predicted to be highest and will therefore be reduced to zero lux beyond the fence line at this height. A taller fence

is not considered an essential requirement here as the model predicts light spill to lessen at increased heights, it is strongest at 0m height.

Natural England: No objections subject to a 1.2m high fence.

Arboricultural Officer: No objections - The proposed fence would be 1.0m from T7 - T9; 1.2m from T17 and 1.5m from T19 which is acceptable and the hedge boundary has been included within revised drawings.

## OTHER REPRESENTATIONS / THIRD PARTIES

A total of 9 letters of objection have been received and which raise the following concerns:

- The Smart Glass condition was attached by the Planning Inspectorate and should not be removed.
- The removal of the Smart Glass will cause light pollution and have a harmful impact on bats, a protected species
- The expense of Smart Glass is no argument for its removal from the scheme
- The proposed fencing will be obtrusive and will be ineffective in relation to the bats
- The submitted lighting report is vague and inaccurate
- Alternative lighting solution is unenforceable
- Impact of the proposed fence on protected trees

## POLICIES/LEGISLATION

### RELEVANT PLANNING HISTORY:

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

nine garages

DC - 11/05422/COND - DISCHG - 30 April 2012 - Discharge of condition 2, 8, 15 and 24 of application

08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 12/00053/COND - SPLIT - 19 April 2012 - Discharge of conditions 3,4,5,6,11,13,14 and 17 of

application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 12/00145/COND - DISCHG - 6 March 2012 - Discharge of condition 2 of application 08/03370/FUL

(Erection of new two houses and nine apartments with nine garages)

DC - 12/00232/COND - DISCHG - 30 April 2012 - Discharge of conditions 15 and 16 for application

08/03370/FUL (Erection of new two houses and nine apartments with nine garages)

DC - 12/02264/COND - DISCHG - 29 June 2012 - Discharge of condition 16 of application 08/03370/FUL

(Erection of new two houses and nine apartments with nine garages)

DC - 12/02715/COND - RF - 8 August 2012 - Discharge of condition 10 of application 08/03370/FUL

(Erection of new two houses and nine apartments with nine garages)

DC - 12/03544/COND - RF - 19 October 2012 - Discharge of condition 10 of application 08/03370/FUL (

Erection of new two houses and nine apartments with nine garages)  
 DC - 12/04380/NMA - WD - 25 October 2012 - Non-Material Amendment to application 08/03370/FUL  
 (Erection of new two houses and nine apartments with nine garages)  
 DC - 12/05489/COND - DISCHG - 11 February 2013 - Discharge of condition 10 of application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)  
 DC - 12/05583/FUL - WD - 28 February 2013 - Erection of single dwelling.  
 DC - 13/01733/FUL - RF - 10 September 2014 - Erection of a detached single storey dwelling (revised proposal).  
 DC - 13/01823/NMA - APP - 9 July 2013 - Non-Material amendment to application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages)  
 DC - 13/05125/COND - DISCHG - 16 January 2014 - Discharge of Conditions 2 (Resubmission) and 20 of application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages).  
 DC - 13/05346/COND - RF - 20 January 2014 - Discharge of condition 22 of application 08/03370/FUL.  
 (Erection of 2no houses and 9no apartments with 9 garages)  
 DC - 14/00693/COND - DISCHG - 26 March 2014 - Discharge of condition 22 attached to 08/03370/FUL  
 (Erection of new two houses and nine apartments with nine garages)  
 DC - 14/03107/COND - DISCHG - 18 August 2014 - Discharge of conditions 7 and 13 of application 13/04949/VAR. (Variation of conditions 2,4,5,7,9,12,13,14, 15,17,18 and 19 attached to planning permission  
 DC - 14/04906/COND - DISCHG - 16 December 2014 - Discharge of conditions 21 and 22 attached to application 08/03370/FUL (Erection of new two houses and nine apartments with nine garages).  
 DC - 15/03757/COND - DISCHG - 17 November 2015 - Discharge of conditions 3, 4, 5, 10, 11, 12, 14, 17, 18, 19 and 21 of application 13/01733/FUL (Allowed on appeal 15th May 2015) (Erection of a detached single storey dwelling (revised proposal).)  
 DC - 15/04542/LEGOB - AGREED - 8 December 2015 - Submission of details in relation to Schedule 2 (submission of Woodland Management Plan), of S106 dated 13th March 2015 re application 13/01733/FUL  
 (Erection of a detached single storey dwelling (revised proposal)).

#### POLICY CONTEXT:

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

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan

and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

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

The following policies of the Core Strategy should be considered:

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

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

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

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

- Policy SD1 - Presumption in favour of sustainable development
- Policy D1, D2, D3, D4, D5, D6 - Design and amenity
- Policy D8 - Lighting
- Policy NE1 - Development and green infrastructure
- Policy NE12 - Landscape and landscape character
- Policy NE3 - Sites, species and habitats
- Policy NE6 - Trees and woodland conservation
- Policy CP7 - Green Infrastructure

Other possible Relevant Considerations (without limitation):

- Planning Obligations SPD
- National Planning Policy Framework
- National Planning Practice Guidance

## **OFFICER ASSESSMENT**

### **IMPACT ON PROTECTED SPECIES:**

As stated above the site is known to be used by bats from the nearby Bathampton Down Mines Site of Special Scientific Interest and also from the Bradford on Avon Bats Special Area of Conservation (SAC).

Therefore, within the original application there was specific concerns regarding light spill from the large lounge windows and much smaller bedroom window on the south west elevation of the dwelling and the potential impact this could have on bats and other wildlife. At the time the proposed, and accepted, solution was the provision of a technical glazing system that would darken when the rooms were lit thereby reducing lightspill. This resulted in condition 11 being attached to the permission.

The approved glazing system has been found to be prohibitively expensive so an alternative method of mitigation for light spill is proposed, particularly in relation to the windows in the south west elevation, and involves limiting the source of lighting rather than providing a secondary barrier method i.e. the glass.

It is proposed that a standard down lighting system is installed within the lounge and bedroom to ensure that the light is directional, and focused on surfaces within the horizontal plane. This technique would ensure that light spilling through the windows is diffused, therefore is less intense. Furthermore, throughout the property it is proposed to recess the ceilings so that the down lighters are not flush with the window opening to reduce the potential for direct light beams to spill through the windows. A maximum luminance for each light fitting throughout the property is also specified.

In addition to this, a fence running along the south western, south eastern and eastern boundary of the site is also proposed to further limit light spill across the wider Rockery Tea gardens site. The submitted lighting report recommended that the fence should be 2.5m in height, however, following negotiation it has now been agreed that a 1.2m fence will be sufficient to limit light spill.

This has involved a period of negotiation and the submission of revised and additional information to provide clarity and address the Ecologist's concerns. The Council's Ecologist and Natural England are now of the view that the alternative method of reducing lightspill is acceptable and therefore would meet the overall requirements of Condition 11 to reduce light spill to reduce harm to the bats to an acceptable level albeit using a different approach.

It should be noted that, in attaching Condition 11, the Inspector states that 'I consider that any potential harm from light spill to Bats or other wildlife can be suitably addressed by a planning condition that would require measures to minimise light spill to an acceptable level to be implemented, which would be agreed with the Council.'

Whilst the Inspector then goes on, within Condition 11, to refer to a technical specification for glazing as a method to achieve the necessary light spill levels, this was purely because a glazing solution was put forward by the Appellant at the time.

Therefore it is perfectly reasonable for an alternative method of minimising light spill to be proposed and, provided it meets with the overall aims of the condition i.e. to ensure that potential harm from light spill to Bats or other wildlife is minimised to an acceptable level, there is no justification to refuse to vary the condition.

In light of this it is considered that the proposed alternative method of minimising light spill is considered to be acceptable and Condition 11 can therefore be reworded to refer to the approved lighting scheme.

#### IMPACT ON TREES:

As the proposed fence would be 1.0m from T7 - T9; 1.2m from T17 and 1.5m from T19 it is considered that the development would not have a harmful impact on existing trees within or adjoining the site.

#### IMPACT ON RESIDENTIAL AMENITY:

The proposed alternative method to limit light spill is not considered to have a material impact on the residential amenity of any neighbouring occupiers.

#### PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

There would be no material harm to highway safety as a result of the proposed amendments to Condition 11.

#### CONCLUSION:

Due to the Rockery Tea Gardens site being used by bats from the Bathampton Down Site of Special Scientific Interest and also Bradford on Avon SAC, the impact of the additional single dwelling house on the bats and other wildlife has always needed careful consideration.

In light of this, when planning permission was originally granted, a condition was attached to ensure that the glazing used within the scheme was designed to limit light spill to an acceptable level.

Despite a glazing scheme using SPD Smart-Glass being approved by condition, an alternative method of mitigation is now proposed due to the prohibitive cost of the previously approved glazing system.

The alternative approach proposed involves limiting the source of lighting rather than providing a secondary barrier method i.e. the glass and the provision of a fence within the rear garden.

This would mean that, internally, a bespoke lighting scheme using downlighters would be installed which, in conjunction with recessed ceilings, would reduce light spill from the development to an acceptable level.

Both the Council's Ecologist and Natural England are of the view that the alternative approach would achieve acceptable levels of light spill thereby also reducing the potential harm to bats to an acceptable level. Whilst this is not the approach proposed, or envisaged, when the original application was considered at appeal, as the level of harm would be the same regardless of which approach is used, it is considered that there is no justification to object to the proposed amendments to the existing permission and conditions.

The proposals are not considered to have a material impact on the residential amenity of any neighbouring occupiers and would also not have a material impact on highway safety.

Finally the concerns of the local residents and Ward Members have been considered in full. The comments in relation to the cost of the Smart Glass are noted and although the argument of the glass being prohibitively expensive is a material consideration, as an acceptable alternative solution has been proposed, it has been given limited weight.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

### **1 Schedule of External Materials (Compliance)**

The development shall be carried out in accordance with the schedule of materials and finishes, and samples of the materials submitted, approved in writing by the Local Planning Authority under application 15/03757/COND on 17 November 2015.

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.

### **2 Finished Floor, Eaves, Ridge and Flat Roof Heights (Compliance)**

The development shall be carried out in accordance with the finished floor, eaves, ridge and flat roof heights of the approved dwelling approved in writing by the Local Planning Authority under application 15/03757/COND on 17 November 2015.

Reason: In the interests of clarity and 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 Hard and Soft Landscaping Scheme (Compliance)**

The development shall be carried out in accordance with the hard and soft landscape scheme approved in writing by the Local Planning Authority under application 15/03757/COND on 17 November 2015. The works shall be carried out prior to the first occupation of the dwelling 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 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 in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

#### **4 Removal of Permitted Development Rights - Extensions, Enlargements and External Alterations (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extensions, external alterations or enlargements of the dwelling or other buildings hereby approved shall be carried out.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area and to avoid harm to bats and wildlife in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

#### **5 Removal of Permitted Development Rights - Garages and Freestanding Buildings (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling hereby approved.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and to avoid harm to bats and wildlife in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

#### **6 Removal of Permitted Development Rights - Windows, Roof Lights or other Openings (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the approved plans, shall be formed in any elevation, roof or roof slope at any time.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D.2 of the Bath and North East Somerset Local Plan and to avoid harm to bats and wildlife in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

#### **7 Sound Attenuation (Pre-occupation)**

The development shall be constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following noise levels shall be achieved: Maximum internal noise levels of 30dB<sub>L</sub>AeqT, for living rooms and bedrooms. For bedrooms at night, individual noise events (measured with F time-weighting) shall not (normally)



exceed 45dBL<sub>Amax</sub>. Compliance with the levels specified, with proper provision for ventilation, shall be demonstrated to and approved in writing by the Local Planning Authority before the first occupation of the dwelling.

Reason: To protect the amenities of the occupants of the development in accordance with policy ES.10 of the Bath and North East Somerset Local Plan.

#### **8 External Lighting (Bespoke Trigger)**

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

Reason: To avoid harm to bats and wildlife in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

#### **9 Lighting Design Scheme (Bespoke Trigger)**

The approved single dwelling house shall be constructed in accordance with the lighting design scheme and measures set out in Section 3 of the Technical Report by Designs for Lighting Ltd dated 1st August 2016. This is with the exception of the provision of a 2.5m fence in the garden, and referred to in the report, which should instead be constructed at 1.2m in height in the location shown on approved drawing 2233/2001 Rev E.

Thereafter a post occupation ground light spill levels compliance assessment shall be carried out no earlier than 12 months of first occupation and no later than 24 months of first occupation. If the assessment finds that the development does not comply with the predicted low light spill levels, the assessment shall include further remediation measures necessary to ensure that the development thereafter complies with the predicted low light spill levels within the approved reports along with a programme of implementation. The development shall be thereafter be carried out in accordance with the approved details and permanently retained.

Reason: To avoid harm to bats and wildlife in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

#### **10 Ecological Working Method Statement (Compliance)**

The development shall be carried out in accordance with the approved Ecological Working Method Statement approved in writing by the Local Planning Authority under application 15/03757/COND on 17 November 2015.

Reason: Reason: To avoid harm to bats and wildlife in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

#### **11 Parking and Turning Area (Compliance)**

The dwelling shall not be occupied until space has been laid out within the site in accordance with the approved plans 2233/001 Rev A (Proposed Site Plan) & 2323/2002 Rev A (Proposed Site Plan) for the parking and turning of vehicles. Such areas shall not be used for any other purpose than the parking and turning of vehicles associated with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas 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.

#### **12 Arboricultural Method Statement (Compliance)**

The development shall be carried out in accordance with the detailed Arboricultural Method Statement and Tree Protection Plan approved in writing by the Local Planning Authority under application 15/03757/COND on 17 November 2015.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE.4 of the Bath and North East Somerset Local Plan.

#### **13 Arboricultural Signed Certificate of Compliance (Pre-occupation)**

The development shall take place in accordance with the approved Arboricultural Method Statement. A signed certificate of compliance shall be submitted to the Local Planning Authority by the appointed Arboriculturalist prior to the first occupation of the dwelling.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE.4 of the Bath and North East Somerset Local Plan.

#### **14 Contaminated Land Investigation and Risk Assessment (Compliance)**

The development shall be carried out in accordance with the investigation and risk assessment for contaminated land approved in writing by the Local Planning Authority under application 15/03757/COND on 17 November 2016.

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

#### **15 Contaminated Land - Detailed Remediation Scheme (Compliance)**

The development shall be carried out in accordance with the detailed remediation scheme approved in writing by the Local Planning Authority under application 15/03757/COND on 17 November 2015.

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

#### **16 Contaminated Land - Unexpected Contamination (Compliance)**

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be

submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

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

### **17 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 drawing nos

2233/2005 Rev B (Location Plan), 2323/2002a1 Rev A (Proposed Site Plan), 2323/2002a2 Rev B (Proposed Site Plan), 2467/2003 Rev A (Plot 3: Plans and Elevations), 2467/2004 (Section A-A), 2467/2008 (Section B-B), L331 SK2 Rev B (Tree Survey/Constraints Plan), L331 SK3 (Arboricultural Implications Plan), 1076-10 Rev A (Landscape Masterplan) and 1098-02 Rev A (Off Site Planting).

2233/2001 Rev E (Proposed Site Plan), 2233/2500 (Plot 3 sections), 0435-DFL-1300-1307 (Isolux Contours), 0435-DFL-TR-001-A Lighting Report,

### **Decision Making Statement:**

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

### **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.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

There are two agreements under Section 106 of the Town and Country Planning Act 1990 that affect this site and planning permission. The first S106 legal agreement is attached to planning permission 08/03370/FUL and the second is attached to planning permission 13/01733/FUL.

**Item No:** 03  
**Application No:** 16/03069/FUL  
**Site Location:** Workshop 239A London Road East Batheaston Bath BA1 7RL



**Ward:** Bathavon North      **Parish:** Batheaston      **LB Grade:** N/A  
**Ward Members:** Councillor M Veal    Councillor Alison Millar    Councillor Geoff Ward

<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Conversion and extension of existing industrial building to create a Live Work Unit.
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Housing Development Boundary, LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr Robert Marcuson
<b>Expiry Date:</b>	23rd September 2016
<b>Case Officer:</b>	Alice Barnes

## REPORT

Reason for reporting application to committee

The application is being referred to the committee at the request of Councillor Alison Millar.

The application has been referred to the chair who has requested that the application is considered by the committee.

### Description of site and application

Number 239A is located on the eastern side of Batheaston village. It is accessed from the main road which runs through the village. It is located within the housing development boundary and outside the Conservation Area. The existing garage is set back behind number 239 and is set back from London Road East. The rear elevation backs onto the boundary wall with Bannerdown Road. The existing building is a single storey building. It has not been used for some time but has previously been used as a garage. There are currently no restrictions on the use of the property. Number 239 is currently used as a physiotherapy centre.

The site currently comprises a disused garage/workshop. This is an application for the conversion and extension of existing industrial building to create a Live Work Unit. The application includes a patio area and car parking to the front with vehicle access from London Road East. A roof extension will be added to the building increasing the height of the building by 1.3m to 1.9m.

### Relevant History

DC - 10/01203/FUL - PERMIT - 28 March 2011 - Change of use from car sales to shop (Use Class A1) (number 239)

DC - 13/02832/FUL - PERMIT - 21 October 2013 - Change of use from shop (Use Class A1) to Fitness Consultants (Use Class D1) (number 239)

DC - 13/05209/FUL - RF - 5 February 2014 - Erection of a dwelling following demolition of existing garage/workshop. (Resubmission)

DC - 13/01811/FUL - RF - 26 June 2013 - Erection of a dwelling following demolition of existing garage/workshop.

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

Highways: This is a conversion of an existing industrial unit (that has the potential to generate several vehicle movements per day) to a residential property with a B1 work element also. There is unlikely to be an increase in the total number of vehicle movements generated by the site, and the principle of a residential unit at this location is considered to be acceptable.

As with the existing site layout, there are times when vehicles accessing the site may have to reverse towards / from London Road East, however, the site should result in a reduction in traffic movements and there is sufficient space on London Road East to ensure that manoeuvres can be undertaken without impacting the local traffic flow.

Environmental Health: No objection but the business should be restricted to B1.

Ecology: There is known bat activity in the vicinity and it is reasonably likely that bats may use some buildings in this area for roosting.

The roof materials and open light construction of this building does not provide conditions that would make the building or its roof attractive for roosting bats, although it is likely that bats fly around the site. There is negligible risk of a significant or maternity roost being present and from submitted photographs and arial photos I consider the risk of roosting by crevice dwelling bats is also extremely low, especially given the range of alternative more suitable potential roost locations nearby. There is a possibility that the building may be used by nesting birds. Whilst I consider the risk of bats using the building for roosting to be negligible, it can never be completely eliminated, therefore a condition requiring precautionary working methods and pre-commencement checks would be appropriate.

Batheaston Parish Council: Reject.

1.Design is not in character with this area - recognising that Bannerdown Road has recently been altered.

2 The proposed new roof line is not acceptable - it is creating a structure not in character with this area.

3 This application does not satisfy policies D2 and D4

Councillor Alison Millar: It is not in keeping with the area and is right next to a listed property and is too large for the size of the plot.

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

The increased height is not appropriate in this location.

The existing industrial building makes negligible impact when viewed from Bannerdown Road or London Road East and is flanked by old cottages which do much to enhance the environment. The current proposed increase in height would be to the detriment of both the building line and the houses on either side.

The proposal states it will be in keeping with the boxes on the opposite side of the road which are inappropriate.

Extensions to adjacent properties have been restricted.  
 The building has not been disused it has been used to house classic cars. The building is still viable as a business.  
 The working hours of a business will protect neighbours from unwanted noise at evenings and weekends.  
 The proposed design will increase the height of the building.  
 The proposed building will adjoin a Grade II listed property.  
 The building is out of character with the neighbouring properties.  
 The increase in height will be overbearing to neighbouring properties.  
 The design should match the neighbouring properties.  
 The building will turn the neighbouring dwellings into terraced properties.  
 There is no need for the building to be a two storey.  
 A boundary wall should be constructed to separate the dwelling from neighbouring properties.  
 No information has been submitted with regards to the gas pipe and drainage.  
 A patio will be constructed which will be higher than the neighbouring garden resulting in overlooking and noise disturbance.  
 There is a pedestrian right of way across the site.  
 Neighbouring properties should not be damaged during construction.  
 The properties could be let to tenants who would show little regards for neighbour amenity.  
 Applications have been previously refused at this site.  
 The workshop has deliberately been left in a state of disrepair.  
 The tenant of the adjacent gym could use the building.  
 The building will result in a loss of light and overlooking to nearby properties.  
 The party wall act will need to be utilised.  
 The site is too small to accommodate a dwelling.  
 Bats have been seen at the building

One representation has been received in support of the application for the following reasons;

The proposed design is a clean and simple update of the current building.  
 There is a range of styles and materials used in the neighbouring properties, there is no one dominant style.  
 The applicants have made a good job of maintaining their other building on London Road, having renewed the roof shortly after they purchased it.  
 A green roof will soften the appearance of the building.

## **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

RA1 - Development in the village meeting the listed criteria

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

ET.3: Core employment sites.

Bh.2: Listed buildings and their settings

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

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 requirements for managing development

ED.2B - Non-strategic industrial premises

## **OFFICER ASSESSMENT**

The site currently comprises a disused garage/workshop. This is an application for the conversion and extension of an existing industrial building to create a Live Work Unit. The site is located behind an existing property used as a physiotherapy centre and is accessed from London Road East. The rear elevation of the workshop is visible from Bannerdown Road which runs to the rear of the site. This includes a stone boundary wall onto Bannerdown Road. The site is bordered by stone dwellings on both sides. Number 241 sits above the site and number 237 sits below. Number 237 is a Grade II listed property.

### **Planning history**

Two applications have been refused on site for the demolition of the existing workshop and the construction of a new dwelling. One application proposed a traditional design and one proposed a contemporary design. Both properties were two stories in height and sited in a different position to the existing building. This application proposes the retention and extension of the existing building.



## Principle of development

The proposed development will result in the loss of an employment use. Previous applications have been refused as they had not provided sufficient information that the loss of the employment use would be acceptable.

Policy ET.3 of the local plan relates to the loss of industrial floor space. It states that the loss of the accommodation will be considered against the following criteria;

- (i) Whether the site is capable of continuing to offer adequate accommodation for potential business or other similar employment uses; or
- (ii) Whether continued use of the site for business or other similar employment uses would perpetuate unacceptable environmental or traffic problems; or
- (iii) Whether an alternative use or mix of uses offers community benefit outweighing the economic or employment advantages of retaining the site in business or other similar employment uses.

The applicant has submitted a written statement regarding the use of the building. The existing building only provides a small amount of industrial floor space and whilst demand for larger premises is high, demand for premises the size of the application building is low. The building appears to have remained unoccupied from previous applications.

The existing building is in a poor condition. It is situated in a residential area outside of the city. Access to the property is poor for commercial vehicles, with a narrow and steep entrance leading to the property which limits the potential for tenants.

The submitted statement suggests that the building is not capable of offering adequate accommodation for a business. The building has been previously used as a garage which would have generated noise and traffic to the site. The use of the building is currently unrestricted and therefore has the potential to create noise and disturbance to nearby properties.

Therefore the loss of the employment use is accepted.

The application site is located within the housing development boundary therefore the principle of residential development is accepted subject to compliance with all other policies within the local plan.

## Design

The proposed plans have been revised to reduce the amount of glazing on the front elevation.

The existing garage is located between numbers 237 and 241. The surrounding site is characterised by a random patterns of development whereby the application site and its neighbours are accessed from London Road East and other nearby properties are accessed from Bannerdown Road. The site is surrounded by a variety of dwelling styles.

The existing building is a single storey property with a lean to roof. The existing building is sited along the boundary with Bannerdown Road and the roof is visible from the streetscene. The front of the building is set back from London Road East behind number 239. There is a parking area towards the front of the property. The neighbouring properties are traditional stone built properties, number 237 is Grade II listed. The existing building is currently disused and appears to have a neutral impact within the streetscene in that it does not appear to be visually prominent within the surrounding area.

The proposed development will partly refurbish the existing property. The main alteration to the built form is a roof extension that will increase the roof height by 1.3 -1.9m. Previous applications have included the provision of a new contemporary two storey dwelling. This proposed design will retain the building in its existing footprint and is smaller than previous proposals. The roof extension is set back from the front of the building to retain a degree of subservience.

The proposed alterations will retain the existing structure and include an extension to the roof. The proposed extension will include a flat roof. The roof extension will be timber clad and include zinc finishes. The existing building will be refurbished with the addition of aluminium framed windows and Bath stone cladding. The amount of glazing has been reduced in the front elevation so that the solid to void ratio complements the style of nearby dwellings. The increase in the height of the building will still result in a building which is lower than the adjacent properties. The proposed alteration will improve the appearance of the existing building and are considered to enhance the appearance of the existing streetscene.

The two previous applications sought permission to demolish the existing building and construct a new building with different footprint and designs. This application will largely retain the existing structure which will be improved and the roof extension added. In this respect this application is significantly different in design to the previous applications.

The building would be set back from the road edge within London Road East and will not appear to be visually prominent within the streetscene. The rear of the property will be visible from Bannerdown Road which is characterised by a variety of dwelling styles. The Bath stone wall to the rear of the property will be retained. Currently the roof of the building is visible from Bannerdown Road and the additional height of the building is not considered to appear harmful to the streetscene.

The proposed development is located adjacent to a stone built listed building. 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 listed building or its setting. Here it is considered that the proposed development will not harm the setting of the adjacent Grade II listed building.

## Highways

The highways officer has advised that the alterations will be unlikely to result in an increase of vehicle movements to and from the site. As with the existing site layout, there are times when vehicles accessing the site may have to reverse towards / from London Road East, however, the site should result in a reduction in traffic movements and there is sufficient space on London Road East to ensure that manoeuvres can be undertaken

without impacting the local traffic flow. Therefore the proposed development will not have an adverse impact on traffic flow.

#### Amenity

Concern has been raised within the representations that the development will result in an increase in noise within the site. The existing industrial space is currently unrestricted and potentially could be used as an operation such as a garage at any time of the day. A dwellinghouse would be expected to result in a reduction in vehicle movements and would be less likely to include the use of machinery. Therefore the provision of a dwelling is not considered to cause harm through unwanted noise. Any construction works can be controlled through the submission of a construction management plan.

The building is set between the properties of numbers 237 and 241. The increased height of the building will be visible to both properties. The building is located adjacent to the garage of number 240. Whilst it will be visible to number 240 and increase in height of 1.9 -1.3 m is not considered to appear overbearing to the occupiers of the property.

The building is set adjacent to the property of number 237. Again whilst the extension will be visible to number 237 the increase in height is not considered to result in a building which appears to be overbearing to the neighbouring property. The proposed patio will not alter the existing land levels and will be separated from number 237 by a close boarded fence so that the privacy of number 237 is maintained.

#### Other matters

The representations have suggested that bats are using the building.

The ecologist has advised that the roof materials and open light construction of the building does not provide conditions that would make the building or its roof attractive for roosting bats, although it is likely that bats fly around the site. There is negligible risk of a significant or maternity roost being present and from submitted photographs and aerial photos the risk of roosting by crevice dwelling bats is also extremely low, especially given the range of alternative more suitable potential roost locations nearby. There is a possibility that the building may be used by nesting birds. A condition requiring precautionary working methods and pre-commencement checks would be appropriate.

## **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 - Submission of Schedule and Samples**

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

### **3 Construction Management Plan (Pre-commencement)**

No development shall commence until a Construction Management Plan has been 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, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

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.

### **4 Ecology (Compliance)**

Works must proceed only in accordance with the following measures for the protection of bats and birds:

- a careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the building and its roof, and any crevices and concealed spaces, prior to any works affecting these areas
- active nests shall be protected undisturbed until the young have fledged
- works to the roof and any areas with concealed spaces or crevices shall be carried out by hand, lifting panels or tiles (not sliding) to remove them, and checking beneath each one.
- If bats are encountered works shall cease and the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker shall be contacted for advice before proceeding.

Reason: To avoid harm to protected species (bats and nesting birds)

### **5 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:**

Existing site plan LRE-ESP  
Location plan LRE-LP  
Proposed site plan LRE-PSP  
Existing west elevation LRE-EE-02  
Existing roof plan LRE-EP-02

Existing east elevation LRE-EE-03  
Existing north elevation LRE-EE-04  
Existing south elevation LRE-EE-04  
Existing cross section LRE-EE-05  
Existing ground floor plan LRE-EP-01  
Proposed south elevation LRE-PE-01 revised  
Proposed west elevation LRE-PE-02  
Proposed east elevation LRE-PE-03  
Proposed north elevation LRE-PE-04  
Proposed ground floor plan LRE-PP-01 rev A  
Proposed mezzanine plan LRE-PP-02 rev A  
Proposed roof plan LRE-PP-03  
Proposed cross section LRE\_PE\_05 \_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.

### **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.

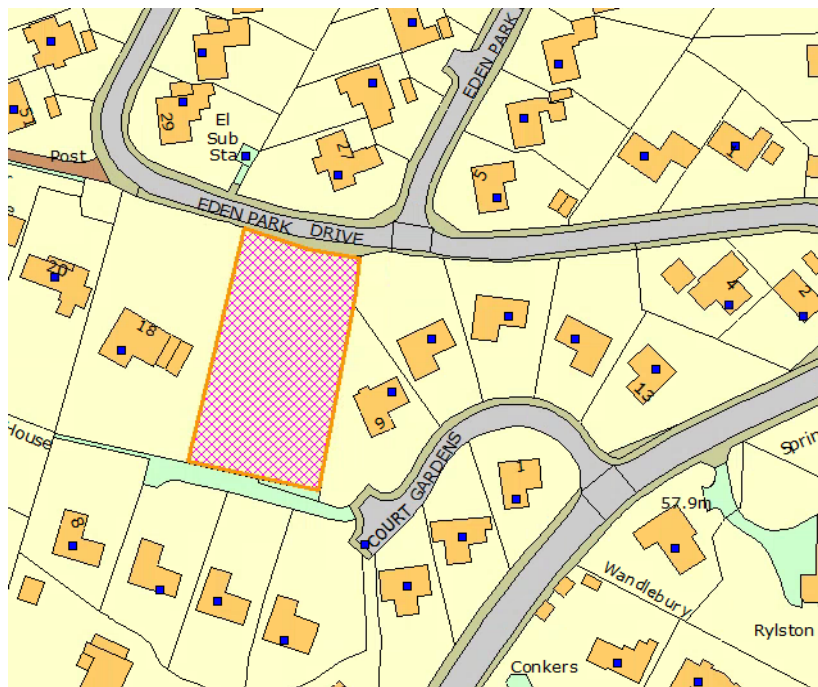
Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

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.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

**Item No:** 04  
**Application No:** 16/03043/FUL  
**Site Location:** 18 Eden Park Drive Batheaston Bath Bath And North East Somerset BA1 7JJ



**Ward:** Bathavon North      **Parish:** Batheaston      **LB Grade:** N/A  
**Ward Members:** Councillor M Veal   Councillor Alison Millar   Councillor Geoff Ward

**Application Type:** Full Application

**Proposal:** Erection of 2no.detached dwellings with detached garages, access and associated works

**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones,

**Applicant:** Mr And Mrs D Crook

**Expiry Date:** 21st October 2016

**Case Officer:** Alice Barnes

## REPORT

The application is being reported to the committee as the parish council have raised an objection to the application.

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.

Eden Park Drive is located to the north east of Batheaston village. Number 18 is a detached property located within a large plot. Number 18 is a two storey property which occupies a large plot. The site slopes downwards from the road level. Whilst there is a large number of single storey dwellings in Eden Park Drive this section of the street is characterised by two storey properties. Number 18 sits within a plot which is far larger than the surrounding buildings. In particular it includes a large side garden and tennis court.

The proposed development relates to the construction of two new dwellings within the side garden of the existing dwelling with vehicle access from Eden Park Drive. The proposed dwellings would be accessed from a new entrance along Eden Park Drive. The proposed dwellings would be two stories in height and would include detached garages.

#### Relevant History

15196 - Erection of a boundary fence, permission 03/08/90

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

Highways: No objection. The proposed access and parking arrangements, where adequate parking spaces and a garage for each property would be provided, are considered to be appropriate and the highway authority raises no objection. There is appropriate visibility from the proposed access position, and traffic flows on Eden Park Drive are very low in any case. Minor works would be required to alter the existing kerbs to provide appropriate access

#### Batheaston parish Council: OBJECT

1 Design quotes that the new buildings are in keeping with the area. There are 31 existing dwellings, 27 are Bungalows so an additional 2 x 2-storey Houses is not in keeping with the area.

2 There are no elevation drawings that illustrate the relationship of roof ridge-lines with the area and proposed new dwellings

3 This application does not satisfy Policies D2 and D4

4 Would consider 2 x dwellings on this site if in keeping with the locale and ridge-lines do not exceed existing properties. Would prefer the application to offer new dwellings in keeping with the area.

Councillor Martin Veal: I support the PC's position on this and would ask that it be referred to committee if you felt you were likely to approve.

Representations: 3 representations have been received objecting to the application for the following reasons:

When permission was granted at number 51 for a replacement dwelling it was specified to be no higher than the existing building.

A single storey dwelling would be preferable as this is characteristic of the surrounding streetscene.

The majority of dwellings within Eden Park Drive are single storey.

Number 18 can be considered to be a bungalow as the upper floor is contained within the roof space

No plans have been submitted to show the proposed dwellings in relation to number 18 or 9 and 10 Court Gardens.

The ridge height should be no higher than the existing bungalows within the streetscene. The application should be refused as the height, massing and scale are unacceptable in the locality.

The proposed dwelling will result in a loss of light to the external patio of number 10 Court Gardens.

The dwelling will block views towards Solsbury Hill from number 10 Court Gardens.

The construction of the dwelling will result in noise and disruption to neighbouring properties. Building work could occur at evenings and weekends.

The submitted drawings do not show how the properties will sit in relation to the existing buildings.

There are bungalows on the south side of Eden Park Drive as well as the north side.

Does the applicant own the strip of grass in front of the dwellings.

The agent should produce a copy of the planning permission for number 18. There may be conditions attached to the permission of number 18 which have a bearing on the proposed houses.

Number 9 and 10 Court Gardens are not indicated on the plans.

The revised drawings do not show the relationship to the neighbouring buildings.

The height of the building is inappropriate.

Do the applicants own the strip of grass in front of the site?

The agent should produce a copy of the planning permission for the original dwelling.

1 representation has been received in support of the application for the following reasons: Given the great need to find sites for housing development this appears to me a wise proposal.

## **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

RA1 - Development in villages meeting the listed criteria.

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

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

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

D.2 - Local character and distinctiveness  
D.3 - Urban Fabric  
D.5 - Building design  
D.6 - Amenity  
ST.7 - Transport requirements for managing development

### **OFFICER ASSESSMENT**

The proposed development relates to the construction of two new dwellings within the side garden of the existing dwelling with vehicle access from Eden Park Drive. Eden Park Drive is largely characterised by single storey detached dwellings. However Number 18 is a two storey property with rooms in the roof and numbers 20 and 22 are two storey properties. Number 18 includes a large side garden with a tennis court. The applicant is intending to construct two dwellings within the side garden adjacent to number 18. Number 9 and 10 Court Gardens back onto the side boundary of the application site.

#### **Principle of development**

The application site is located within the housing development boundary and the principle of residential development is accepted subject to compliance with all other policies within the local plan.

#### **Design**

The proposed properties have been designed as two storey properties. The plot adjacent to number 18 includes a gable end and the other plot includes a hip end. The buildings will be constructed from a mix of random coursed reconstituted stone with dark brown roof tiles. The land slopes downward from road level and the buildings will be set back from the existing road. The dwellings will include an access drive and garage located to the front of the properties. The proposed materials are considered to be appropriate within the surrounding streetscene. A section has been submitted which shows the dwellings will be set down below the existing land level.

The proposed dwellings will be sited to continue the line of development from number 18. It is noted that the opposite side of the road is characterised by single storey dwellings. However the application site is bordered by two storey properties and therefore the provision of a two storey property is considered to be appropriate at this particular location.

#### **Highways**

No objection has been received from the highways officer. Adequate access and parking has been provided for each property. Vehicles will be able to enter and leave the site in forward gear. There is appropriate visibility from the proposed access position, and traffic flows on Eden Park Drive are very low in any case. Minor works would be required to alter the existing kerbs to provide appropriate access

Concern was raised within the representation that the grass verge within the front of the site was not in the applicant ownership. The applicant has confirmed that this forms part of the highway being a continuation of the existing pavement. The applicant will have to gain consent from the highways department to install a dropped kerb.

### Amenity

The proposed dwellings have been site so that they continue the line of development from number 18. The side elevation of one of the dwellings will be set close to the boundary with number 9 Court Gardens. The applicant has submitted revised drawings which will move the proposed dwelling away from the boundary with number 9 Court Gardens. The two properties will be separated by a 2m high fence. No windows have been located on the side elevation so that the dwelling will not result in increased overlooking of number 9. The dwelling will be two stories in height in close proximity to the rear garden of number 9. On visiting the site it would appear that the outdoor space of number 9 extends to the side and rear of the property, in that the rear garden is not the only private outdoor space to number 9. The proposed dwelling will be set away from the boundary with number 9 by 4 metres and therefore on balance the proposed dwelling would not result in harm to warrant refusal of the application.

An objection has been received from number 10 Court Gardens stating that the proposed dwelling will result in a loss of light to the garden. The dwelling is not located on the boundary of number 10 and will be separated from number 10 by the garden of number 9. Therefore the proposed dwelling would not result in a loss of light to number 10. Concern has also been raised that the dwelling would result in the loss of a view. Planning policy does not protect from the loss of a view and in any event the proposed dwelling will not be located on the boundary with number 10.

Concern has been raised that the construction of the dwellings will result in unwanted noise. The construction of the dwellings will result in some disruption but this would be temporary. A condition can be added to any permission requiring the submission of a construction management plan in order to control the hours and method of construction.

## **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 Existing and Proposed Levels (Pre-commencement)**

No development shall commence until details of the existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: For the avoidance of doubt and to clarify the finished ground levels of the development to accord with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan. This is a condition precedent because the ground levels have the potential to affect the overall impact of the development. Therefore these details need to be agreed before work commences as they could not easily be amended after.

## **3 Parking (Compliance)**

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 ensure sufficient parking and turning areas 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 (Pre-occupation)**

No occupation of the development shall commence until the vehicular access has 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 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:**

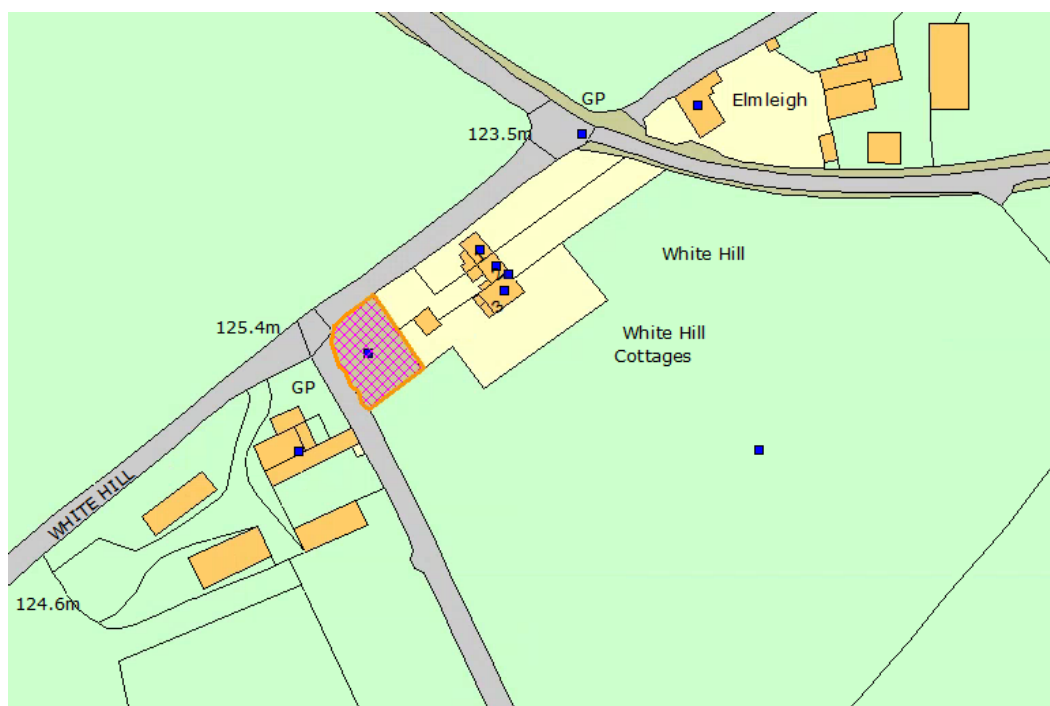
Site plan and section 16697/A  
Proposed elevation 16689/D  
Proposed elevation 16690/C

### **Informative**

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

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:** 05  
**Application No:** 16/01465/FUL  
**Site Location:** Land Adjacent To White Hill Cottages White Hill Shoscombe Bath  
Bath And North East Somerset



**Ward:** Bathavon South      **Parish:** Shoscombe      **LB Grade:** N/A  
**Ward Members:** Councillor Neil Butters  
**Application Type:** Full Application  
**Proposal:** Erection of attached garage and refurbishment of domestic store/workshop following demolition of existing garage (Resubmission).  
**Constraints:** Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones,  
**Applicant:** Mrs Carolyn Burnell, Jane Ettle & Anne Rogers  
**Expiry Date:** 7th September 2016  
**Case Officer:** Christine Moorfield

## REPORT

This application is presented to committee as the parish council object to the development on the grounds that the extension to this stone built structure in this greenbelt location would have a detrimental effect on residential amenity, the green belt and highway safety.

The application has been considered by the Chair who has decided that the application be determined by committee

The site is land adjacent to White Hill Cottages and in 2007 it formed part of the garden of No 1 White Hill Cottages and comprises a stone built building with tiled roof which was formally a forge and a metal car port/garage. To the south of the building is a disused underground water storage reservoir which is now grassed over.

This application is for the refurbishment of the old forge building and an extension to the existing stone built forge to form a garage. The adjacent corrugated car port/garage building is to be demolished and the extension to the existing building will be constructed on the site of the garage. The extension has a footprint of 4.6m by 2.75m and the roof form will continue the existing buildings roof.

The old forge building is a relatively attractive traditional building which appears to have undergone some repair work in the past but has become quite overgrown. The adjacent garage building is a metal sheet construction which is less substantial and is considered to have little visual amenity value.

The site is located within the Greenbelt.

The materials to be used are stated to be limestone rubble walling (salvaged stone) to the west elevation whilst the South and East elevations are shown to be render with interlocking double roman tiles on the roof. The windows are shown to be white UPVc and the door is indicated to be a panelled and braced door.

#### Site History

07/02078/FUL - REFUSED- 15 August 2007 - Erection of a single detached dwelling in land adjacent to 1 White Hill Cottages. The scheme was refused primarily due to the unsustainable location of the site and the unacceptable design.

The building was previously in the ownership of the residents in No. 1 White Hill Cottages however, when the cottage was sold the building was retained by the owners who now live in Timsbury.

15/05014/FUL WITHDRAWN This application was for the demolition of the existing forge building and attached corrugated garage building and the redevelopment of the site with a triple garage for residential parking and storage.

Following advice from the planning officer that the extensions were too large and the application was to be recommended for refusal the application was withdrawn by the applicant.

The current application as originally submitted was for the erection of an attached garage and refurbishment of store/workshop following demolition of existing garage (Resubmission). The description of the proposal was considered contentious as the use of the building has not been established prior to the submission of this application. This

matter is discussed in the officer assessment below. However, the applicant was advised to describe the development as Erection of attached garage and refurbishment of domestic store/workshop following demolition of existing garage (Resubmission). This amended description was agreed by the applicant and neighbours were re consulted.

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

Parish Council- This site is in a very prominent position on the east side of Shoscombe and is on the main thoroughfare into the village. The existing stone structure is quaint and despite the adjacent detached temporary corrugated shed, enhances the appearance of the area. The proposal to increase the size of the stone building by the attachment of a garage/store, in such a visible greenbelt location, will have a detrimental effect on the residential amenity of the area, for the majority of our community.

The existing building has historically been used as a store for the residents of no1 White Hill Cottages. Refurbishment of the structure as a workshop would constitute a change of use and as the property is no longer in the ownership of the local residents, its use therefore as a workshop would imply this to be commercial. The adjacent roads provide daily access to all parts of the village including the local primary school. Because of the nature and position of the school, most of the pupils are from neighbouring villages and at key times in the day, these roads become extremely congested. The roadway directly opposite this proposed development is the closest point to which coaches are able to get to the school and this section of highway is used regularly for this purpose. A workshop operating in this location could significantly increase the amount of traffic, to and from the site and would be inappropriate.

After the previous proposal was submitted and following Highways initial written comments, the applicants have, under their permitted development rights, chosen to erect a fence along the eastern boundary of the plot. This fence whilst not a planning issue in itself, has significantly restricted manoeuvrability for both the residents of White Hill Cottages and the applicants own vehicles, particularly when entering and leaving the site in an easterly direction. In the last few weeks, four vehicles have been reported to have suffered minor damage as a consequence of this.

The parish council wish to object to this development on the grounds:

The increase in size of the stone built structure in this greenbelt location would have a significantly detrimental effect on the residential amenity of the area and is contrary to NPPF para 89 that new buildings within the green belt should be considered as inappropriate however, the replacement of a building with a new building that is in the same use and not materially larger than the one it replaces is identified as being an exception to this restriction.

A workshop operating in this location would increasing the amount of traffic entering an already problematic location and could further compromise safety.

If the planning committee is to grant permission for this development then the Parish Council would ask that conditions requiring the use of the building to be personal to the applicant and the fencing within 3m of the road being removed being attached to any permission.

Following the amendment to the description the PC commented as follows

This additional representation is made on behalf of Shoscombe Parish Council; it incorporates the views of a number of the local residents affected by this proposal. These residents have reiterated their concerns following the resubmission of this application.

These comments should be read alongside the Parish Councils previous comments , although they did acknowledge that the revised submission, in part deals with a number of its previous objections.

The parish council is very mindful of the impact that any form of development at this location will have to the residential amenity for the neighbouring properties, particularly with regard to the awkward access to the highway that now exists.

Because of this, The Parish Council would wish to most strongly urge that if the planning department is to grant permission, under its delegated powers, then the following conditions be imposed:

1-That the domestic workshop/stores is to be for the sole, residential benefit of the applicants and is not to be used for any business, or rental purpose. In order not to significantly increase the volume of traffic to and from the location and to minimise potential noise pollution.

2-That any boundary marking within 3m of the road is at ground level and that the entrance on to the highway is to remain unencumbered by any posts within the same zone. This is in order to render as safe as possible transit to and from this and the adjacent properties, when accessing the highway.

If the Planning Department feels unable to impose such conditions, then we would further request that this application be put forward to the Planning Committee for the final decision to be made.

## HIGHWAYS

It is noted that a previous application for the conversion of the existing workshop into a triple garage was withdrawn under ref. 15/05014/FUL. While Highways DC raised no objection to this application, concerns were raised regarding the impact on the residents of White Hill Cottages. It was noted that a low level fence had already been erected along the northeast boundary of the site (side bounding the vehicular access serving these properties). While it doesn't impact visibility it certainly impacts vehicles manoeuvring in and out of the parking spaces used by the residents of the cottages. The area to the front of the existing workshop and garage to be developed was previously used by the residents for manoeuvring out of their parking spaces. They are no longer able to as a result of the fence. While this will result in the residents having to reverse onto White Hill or even parking on the adjacent public road, Highways DC have no grounds to object to this application as the Local Planning Authority have no control over land ownership and the fence that the applicant has erected is permitted development.

While the proposed development will result in an increase in traffic movements on White Hill, this increase is likely to be negligible and will not have any material or noticeable impact on the safety or operation of the local highway network. Therefore no objection is raised subject to the following conditions:

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

2. The workshop/store is to be for the sole, residential benefit of the applicant and is not to be used for any business, or rental purpose.
3. The development hereby approved shall not be brought into use until a properly bound and compacted turning space for vehicles has been constructed to the satisfaction of the Local Planning Authority within the site in accordance with details which shall have been submitted to and approved by the Local Planning Authority.  
Such turning space shall be kept clear of obstruction at all times.
4. The existing visibility splay to the southwest from the access serving While Hill Cottage shall remain clear of obstruction at all times.

Additional highway comments on 9th September 2016

Although concerns remain regarding the impact on the neighbouring properties with regard to the loss of a turning area and the likelihood of parking on White Hill, Highways DC have no grounds to object to this application. The Local Planning Authority has no control over this land and the fence that the applicant has erected is permitted development.

I therefore recommend that no highway objection be raised subject to the conditions listed above being attached to any permission granted.

#### DRAINAGE

No comment or objection.

#### ECOLOGY

A completed bat survey has been submitted. No bat roosts are identified and no further survey is considered to be required. The report makes appropriate recommendations for precautionary measures to avoid harm to bats and nesting birds, for example timing of works to remove ivy, and for provision of bird and bat boxes. The recommendations should be implemented; this should be secured by condition:

The development hereby permitted shall be carried out only in accordance with the measures described in the Discussion and Conclusions section of the approved report entitled Building Inspection For Bats by Stark Ecology Ltd dated February 2016.

Reason: to avoid harm to bats and nesting birds.

#### NEIGHBOURS

Two letters of objection have been received in relation to this proposal

The issues raised are as follows

The applicants seems to be doing anything he can to build on this plot.

We, the residents have made it clear that we are not interested in any garages for ourselves.

Any un-restricted use of garages or use of the proposed workshop might well cause noise and traffic disruption.

The intended use of the garage and workshop needs to be clarified. A workshop so close to the 3 cottages would be disruptive to residents whether used in a commercial or domestic way .

The road running along side of the 3 cottages is very busy .

Currently cars are having to back in and out as a new boundary fence has been recently erected. This has caused access problems and creates a traffic hazard.

The potential to park a further 3 cars on the site will cause further obstruction adding to the use of the highway and increased parking and further hazards .

Cars have already been damaged coming in or out of the properties.



The highways officer recognised that the road is dangerous.

This development would also be inappropriate if used as a workshop and have a detrimental disruptive effect on the 3 cottages.

The current plans look more like a house and the Garage is now shown attached to the forge, increasing its size.

## **POLICIES/LEGISLATION**

The main planning policies that will be considered relevant to this proposal are:

Bath and North East Somerset Core Strategy (July 2014)

CP6: Environmental Quality

CP8: Green Belt

Bath and North East Somerset Local Plan Saved Policies (2007)

D.2: General design and public realm considerations

D.4: Townscape considerations

GB.2: Visual amenity of the Green Belt

T.1: Overarching access policy

T.24: General development control and access policy

T.26: On-site parking and servicing

Also of relevance are the following documents:

National Planning Policy Framework (NPPF)

Section 7: Requiring good design

Section 9: Protecting Green Belt land

National Planning Practice Guidance (NPPG) 2014

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

However, currently the Plan has limited weight in the determination of planning applications. Of relevance to this application are the following policies.

D 1 General Urban Design principles

D2 Local character and distinctiveness

D6 Amenity

ST1 Promoting sustainable travel

ST7 transport access and development management.

## **OFFICER ASSESSMENT**

The key issues in respect of this proposal are:

The principle of the proposed development within the Greenbelt

Use of the building as extended.

Design, Mass and Bulk of the garage block

Impact on amenity

Highways and Parking

Drainage

Ecology

The principle of the proposed development within the Greenbelt

The removal of the garage building and its replacement with a stone fronted garage building of similar proportions could provide some planning gain in terms of the appearance of the site. NPPF para. 89 indicates that new buildings within the green belt should be considered as inappropriate however, the replacement of a building with a new building that is in the same use and not materially larger than the one it replaces is identified as being an exception to this restriction.

The proposed garage will be in the same use as the buildings as existing i.e. domestic. This use does not appear to be disputed. The existing buildings on the site have a cumulative volume of 105 m cubic. The proposed newly extended building will have a volume of 117 m cubic. The proposal therefore is for a building with a volume 11% larger than the existing buildings on the site and would not be considered materially larger. The new building is not materially larger than the buildings it replaces and therefore this proposal is considered to be appropriate development in the Green Belt.

This approach to new development within the Green Belt is supported by the Councils Policies. Core Policy CP8 Green Belt seeks to protect the openness of the Green Belt through the resistance of inappropriate development.

Therefore, in this instance where the proposed use of the building is for a garage extension to a domestic workshop storage building (albeit that the owner does not live within walking distance) which appears to be the same use as the existing building. The replacement building is of a similar mass and bulk as the existing building and therefore the development is not inappropriate development in the countryside and will not impact on the openness of the green belt thereby complying with both policy CP8 and the requirements of the NPPF.

Use of the building as extended.

When the previous application was considered the use of the building was an issue. Whilst called the 'Forge' it appears that the building had been used for domestic storage for many years following the decommissioning of the forge in the 1980s. The building appears to have been used more recently as a domestic workshop/store/garage and in relation to the previously submitted planning application interested parties confirmed that the building has not been used as a commercial workshop in 50 yrs. The building has more recently been used for storage of building materials belonging to the owners. Officers were concerned that the reference to 'workshop' within the description could relate to a commercial use and therefore in line with the local information provided it was considered appropriate for the use of the building to be referred to as domestic. The applicant agreed to this amendment to the description and the description was changed. Interested parties were informed of this change to the description.

The refurbishment work to the existing building comprises repair and repointing of the stone work replacement of windows and door coupled with replacement of the roof structure and covering. The repair refurbishment works to the building do not require planning permission The proposed new garage roof is to be tiled with interlocking double roman tiles to match the forge building.

The Parish Council have stipulated that the use should be for the applicant use only.

It is not considered reasonable to restrict the use of the extended building to a personal use for the applicant only. However, given the close relationship between this building and the adjacent residential properties there could be a conflict and loss of amenity to residents if the existing building is not restricted to domestic use and therefore it is necessary for any permission to be suitably conditioned.

#### Design, Mass and Bulk of the garage block

The proposed garage extension is of a modest scale. It is proposed that it will have a stone elevation facing the road (West) and whilst the use of stone on the south elevation was requested the applicant proposes render due to the limited amount of stone that will be available and therefore only the front elevation will be stone. The new roof extension will be tiled with interlocking double roman tiles. The colour of the render and a sample panel of the stone work would require conditioning however the general mass bulk and appearance of this proposed extension is considered appropriate for this rural location within the Green Belt. The proposed extension is considered acceptable in terms of its siting mass bulk and design and complies with saved local plan policies D2 and D4.

#### Impact on amenity

Concerns have been raised by residents in relation to various issues. For some years the adjacent residents have enjoyed the ability to access their properties by vehicle by using the existing access to the forge building. However the owner has recently erected a fence which is permitted development and this has restricted residents from being able to access their properties in a way that enables them to enter and exit in forward gear. This issue has been raised with the Highway Engineer and is seen as a potential highway safety issue however the residents do not have the right to encroach on the adjacent landowner's property. The submitted plans indicate that the railings erected along the northern boundary will be retained but they are angled adjacent to the road to make access/egress from the adjacent houses easier. Whilst residents and the Parish Council have asked that there be no fencing along this boundary or adjacent to the road as stated the applicant is within their rights to retain the fencing as erected along this boundary. The Parish Council has objected to these railings requiring the first 3m of railings adjacent to the highway being removed. As this fencing is permitted development the applicant cannot be forced to remove this section of fencing as this would be unreasonable.

In order to prevent the ad hoc parking of vehicles or storage on the grassed area (reservoir) to the south of the building a 450mm high fence has been indicated to the south of the building at the request of the planning officer.

Concerns have been raised in respect of the mention of garage workshop facilities being provided in the new building. The application is for a modest extension to this building and given that the adjacent properties are residential it was considered necessary to amend the description to restrict any use of these garages to vehicle parking and domestic workshop/ storage only. On the basis of the amended description the use of the extended building is considered acceptable and the impact on the amenity of adjacent residents should be no greater than the impact the building and its existing use can have at present.

Concerns were previously raised in respect of vehicles being parked in front of the garages which would be unsightly. This is an existing building with an existing access and therefore, there would not be any justification to restrict the parking of vehicles in front of the building.

A new window is proposed on the eastern elevation to match the existing window on this elevation. This additional window that is at ground floor level is not considered to result in

an increased loss of privacy to adjacent residents given there is an existing window on this elevation.

#### Highways and Parking

The site is located on White Hill, a classified road where the national speed limit applies, in this case 60 mph, at the junction with Barn Hill. The proposed garage extension will use the existing access to the rear of White Hill Cottages. It has been noted that this building as extended is not for any of the occupiers of the adjacent houses. Despite concerns in relation to the obstruction to the access for the adjacent cottages as a result of the fence erected it is not envisaged that the proposal will have a detrimental impact on the local highway network relative to the existing workshop and garage. Therefore, no objections to its approval subject to conditions have been raised by the highway engineer. The proposed garage extension is small in footprint for a garage but the agent has confirmed that the dimensions have been dictated by the need to adhere to the restrictions on development scale within the Green Belt. However the space is considered useable if a bit tight in its dimensions.

The site is located outside the Local Plan housing development boundary and is therefore considered to be unsustainable as it is located at some distance from schools, shops and local facilities and given the building is not being occupied by residents within the locality it will give rise to traffic generation as all journeys to and from the site would be reliant on the private motor car which if this were a green field site would be unacceptable. However, in this instance the building exists and has been used for many years as ancillary residential workshop/storage etc. and therefore it is not considered that the proposal now being considered would give rise to a level of use that would be more unsustainable in terms of increased private vehicle use than the existing use/building on the site.

#### Drainage

No objection has been raised in respect of this proposal.

#### Ecology

A satisfactory protected species survey has now been submitted. The buildings are not considered likely to be used by bats although the ivy covering could be used by wildlife including bats and nesting birds. Appropriate measures are described for ensuring any works avoid harm to birds and bats and for provision of replacement nesting and roosting habitat. These measures should be secured by condition. Subject to such a condition no objection to the proposal is raised by the council's ecologist.

#### Conclusion

The proposed extension to this traditional stone building to form a small garage is considered acceptable in terms of its use, the design mass and bulk of the development and the access to the building.

The proposal is seen to comply with Core Strategy Policy CP8 and saved Local Plan Policies D.2, D.4, GB.2 as well as T.1,T.24 and T.26: and therefore permission is recommended.

### **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 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.

### **3 Domestic use only (Compliance)**

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

Reason Any commercial use of this building may generate additional traffic thereby being contrary to and the interests of highways safety and saved Policy T.24 as well as harmful to the residential amenity of neighbours being contrary to saved Policies D2 and D4 of the Bath and North East Somerset Local Plan.

### **4 Ecology works in accordance with report.(Compliance)**

The development hereby permitted shall be carried out only in accordance with the measures described in the Discussion and Conclusions section of the approved report entitled Building Inspection For Bats by Stark Ecology Ltd dated February 2016.

Reason: to avoid harm to bats and nesting birds.

### **5 Turning space (Prior to first commencement of use)**

The development hereby approved shall not be brought into use until a properly bound and compacted turning space for vehicles has been constructed within the site in accordance with details which shall have been submitted to and approved by the Local Planning Authority. Such turning space shall be kept clear of obstruction at all times.

Reason: To ensure that vehicles can leave and enter the site in forward gear in the interests of highways safety and in accordance with saved Policy T.24 of the Bath and North East Somerset Local Plan.

### **6 Removal of Permitted Development Rights - Vehicle Visibility Splay (Compliance)**

Notwithstanding the provisions of the Town and Country Planning General Development Order 2015 (or any order revoking and re-enacting that Order) no building, structures or erection of any kind (including walls, fences, and drainage works) shall be constructed or planted adjacent or within 3m of the western boundary of the site.

Reason: To ensure visibility is maintained in the interests of highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

#### **PLANS LIST:**

PLANS Site Location plan 001, 002, 003, and 004.

#### **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.

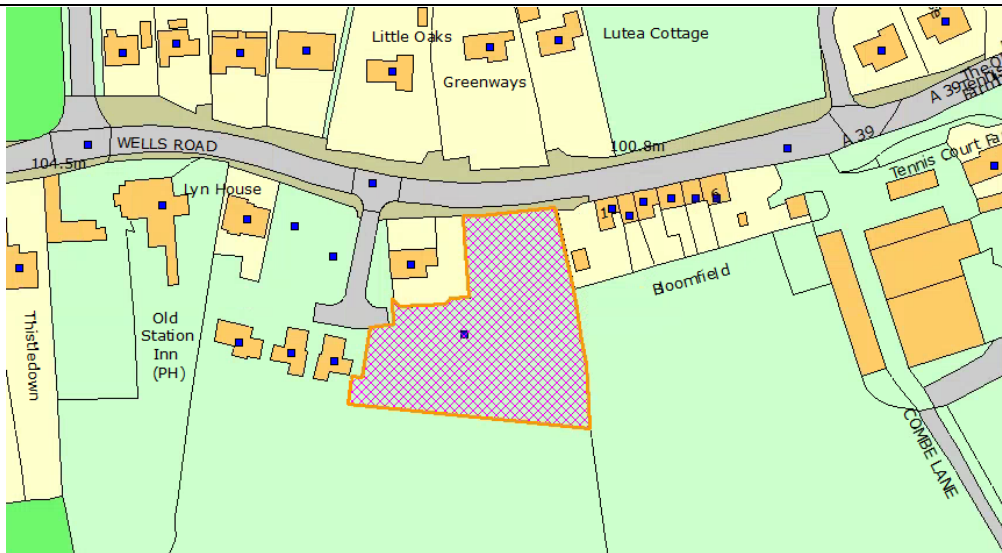
**Bespoke Trigger** - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

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

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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.

<b>Item No:</b>	06
<b>Application No:</b>	16/03724/FUL
<b>Site Location:</b>	Lea Meadow House Wells Road Hallatrow Bristol BS39 6EN



**Ward:** High Littleton

**Parish:** High Littleton

**LB Grade:** II

**Ward Members:** Councillor L J Kew

**Application Type:** Full Application

**Proposal:** Erection of 4 No. detached dwellings (Resubmission of 15/04514/FUL)

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

**Applicant:** Ken Biggs Contractors Ltd

**Expiry Date:** 21st October 2016

**Case Officer:** Christine Moorfield

## REPORT

This application has been referred to committee for determination at the request of Cllr Kew.

The Chair of the Planning Committee has studied the application, and has agreed that the application be determined by committee

This application is for the erection of 4 detached dwellings on land to the South East of Lea Meadow a grade II listed dwelling located adjacent to the Wells Road in Hallatrow.

Part of the site, the area of land adjacent to the Wells Road is within the Housing Development Boundary. The site is cleared and there is a relatively newly constructed access which serves the new dwelling that has been constructed to the South East of Lyn House.

## HISTORY OF SITE

04/03682/LBA - RF - 7 February 2005 - Side/rear extensions and minor alterations.

04/03886/FUL - RF - 22 February 2005 - Single storey side and rear extension

05/01968/FUL - PERMIT - 1 February 2006 - Extension and minor alterations and repairs

05/02051/LBA - CON - 6 September 2005 - Extension and minor alterations and repairs

06/04367/FUL - PERMIT - 14 May 2008 - Erection of 4 new terraced dwellings on land east of Lea Meadow

09/04678/COND - DISCHG - 20 April 2010 - Discharge of conditions 3 and 4 of application

05/02051/LBA (Extension and minor alterations and repairs)

14/02295/FUL - WD - 26 January 2015 - Erection of 5 detached dwellings.

15/04514/FUL - RF - 28 January 2016 - Erection of 4no detached dwellings.

This application was refused for the following reasons:

1 The proposed development of this site, due to the lack of local primary education places in the area, is contrary to the principles of sustainable development and would be likely to result in unsustainable transport movements by private cars. The proposed development is considered to be contrary to Policy CF.3 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007, policies DW1 and CP13 and of the adopted Bath and North East Somerset Core Strategy, and contrary to the National Planning Policy Framework, which seek to facilitate sustainable development supported by the timely provision of necessary infrastructure and the use of sustainable modes of transport.

2 Whilst the construction of 4 dwellings falls below the threshold where affordable housing provision or contributions are sought the site is part of a larger site whereby affordable housing provision/contribution should be sought. As no affordable housing provision/contribution has been made the proposal is contrary to Policy CP9 of the adopted Bath and North East Somerset Core Strategy.

3 The erection of the proposed dwellings on plots 1 and 2, which have large roof forms would detract from the setting of the Grade II listed Lea Meadow House as seen from the street. The proposed harm is not considered to be outweighed by a public benefit brought about by the erection of these houses and therefore the proposed development is contrary to Policy CP6 of the adopted Bath and North East Somerset Council Core Strategy and saved policies D4 and, BH2 of the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **PARISH COUNCIL- SUPPORT**

Cllr Kew has registered an interest in this application. Cllr Kew stated:

I believe this is a resubmission of the application previously refused on lack of education facilities at High Littleton.

However as you will be aware, new developments are now being undertaken and spare school places will now become available. Should you be minded to refuse this application, I request that this be referred to the Committee Chairman for referral to the committee for a final decision.

**DRAINAGE-** no objection subject to a condition.

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not



appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and 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. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy

## HIGHWAYS

The applicant is seeking permission to erect 4 no. dwellings on land to the south of Lea Meadow House. The application is a resubmission of an application which was refused under ref. 15/04514/FUL for reasons unrelated to highway matters.

As the current proposal is identical to that previously submitted in terms of highway layout and parking arrangement, the highway authority response is one of no objection subject to conditions being attached to any permission granted:

## HOUSING

This is a resubmission of planning application 15/04514/FUL where the affordable housing considerations raised within that application continue to remain with this current application.

The B&NES SPD states:

3.1.35 The Council will be mindful of applications that deliberately seek to circumvent the relevant threshold for affordable housing and will not permit any benefit to be gained from this. Proposals for residential development just below the relevant thresholds must be based on the assessed housing potential of a site and not an attempt to avoid the provision of affordable housing. Sites presented just below threshold levels will be scrutinised in terms of site/ownership boundaries, density and unit mix to ensure that land is not used inefficiently or in a piecemeal fashion to produce a scheme that avoids affordable housing contributions.

Housing Services ask the Planning Officer considers this application against the B&NES SPD, subsequently placing an obligation on the red line application land intrinsically tying it with the adjacent Blue line land, therefore ensuring any further (piecemeal) development of land adjacent automatically takes into account the development on land within the red line when being assessed against Planning Policy Planning Policy CP10.

This policy is aimed at ensuring that new residential development provides for a range of housing types and needs, to help support mixed and Inclusive communities and to respond to demographic change.

The Planning Officer is made aware the proposed mix of dwellings is a homogenous mix of 4 bed detached dwellings and fails to adhere to Policy CP10.

## EDUCATION

Application reference: 16/03724/FUL

Should this development of 2 no. 4 bed houses and 2 no. 5 bed houses at Lea Meadow House Wells Road Hallatrow go ahead, we estimate that the children generated by the development will create the following need.

Early Years children age 0-1 - 0.114

Early Years children age 2 - 0.099

Early Years children age 3-4 - 0.426

The Childcare Act 2006 made law from April 2008 that Local Authorities have a statutory duty to ensure sufficient childcare is provided, and this was to be evaluated through a childcare Sufficiency report. Bath & North East Somerset's report and an assessment of the impact of the development on existing capacity in the area identify this area as an area of childcare Insufficiency. Therefore additional local provision will need to be created to accommodate the early year's age children generated by this development.

Primary age pupils - 2.220

Primary age pupils living in Hallatrow would normally attend High Littleton C of E Primary school as their closest school. Pupil projections for High Littleton C of E Primary school up to admissions in 2019 indicate that there will be 169 pupils on roll at the school. The school will have a capacity of 175 places, so 6 places spare.

Significant weight should be given to the currently pending appeal for the proposed development at Parcel 3615, Wells Road, Hallatrow Ref 15/01335/OUT which is calculated to generate 5.409 pupils. Should this appeal be successful, the 5.409 pupils would fill the available spaces at the school taking the school to capacity. Therefore there would be insufficient existing capacity to accommodate the 2.220 primary age pupils generated by this proposed development at Lea Meadow House. High Littleton C of E Primary school occupies a very constrained site and there is no space to expand the school on its existing site in order to create sufficient additional school capacity and outside space required to accommodate the pupils calculated to be generated by this proposed development. Other schools nearby are also projected to be at capacity, therefore we object to the proposed development on the grounds that it is not possible to provide the required supporting primary school infrastructure in a timely fashion in order to mitigate against the impact of the development.

Should the above appeal be unsuccessful, the Council will re-assess this proposed development at Lea Meadow House due to a material change in circumstances.

Secondary age pupils - 1.460 Pupil projections for the area indicate that it may be necessary to create additional secondary school places in order to accommodate these pupils. Post 16 pupils - 0.360 Currently projected to be sufficient existing provision to accommodate these pupils. Young people aged 13-19 - 0.600

As existing Youth Service provision in Bath and North East Somerset is sufficient to meet the needs of the current population only, additional provision will need to be made for the young people generated by this development.

## **TREES**

No objection.

## **NEIGHBOURS**

One letter of comments has been received.

The main issues being notification and disturbance to local residents.

## **POLICIES/LEGISLATION**

### **POLICY FRAMEWORK**

The following policies are material considerations:

Saved Local Plan Policies:

- SC.1 Settlement classification
- D.2 - General design and public realm considerations
- BH2 Listed buildings
- D.4 - Townscape Considerations

- T.1 Overarching access policy
- T.3 Promotion of walking and use of public transport
- T.6 Cycling Strategy: cycle parking
- T.24 General development control and access policy
- T.26 On-site parking and servicing provision
- NE.1 Landscape character
- NE.10 Nationally important species and habitats
- NE.11 Locally important species & habitats
- NE.4- Trees woodlands
- IMP.1 Planning obligations

#### Bath and North East Somerset Core Strategy

The Bath and north East Somerset Core Strategy has now been adopted and can be afforded full weight in determining planning applications. The following policies should be considered:

- DW1 District Wide Spatial Strategy
  - RA2 - Development in Villages outside the Green Belt not meeting Policy RA1 Criteria
  - CP2 - Sustainable Construction
  - CP6- Environmental Quality
  - CP9 - Affordable Housing
  - CP10 - Housing Mix
  - CP13 - Infrastructure Provision
- Planning Obligations Supplementary Planning Document - Adopted July 2009

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.

- National Planning Policy Framework 2012
- National Planning Practice Guidance 2014

#### **OFFICER ASSESSMENT**

As with the previous application the main issues are as follows:

Principle of development

Education

Affordable Housing

Impact on the setting of the Listed Building, design mass bulk and layout

Impact on residential amenity.

Trees

Ecology

Traffic generation access and parking

#### Principle of Development

The application lies partly within and partly outside the HDB. Policy RA2 states that residential development within the HDB is acceptable in principle and that in order to provide the around 10- 15 dwellings at relevant villages the Placemaking Plan may need

to identify sites outside the HDB and review the HDB accordingly. As such the element of the site within the HDB accords with policy RA2 and the element outside will be considered for identification through work on the Placemaking Plan.

The around 10-15 dwellings provision at RA2 settlements is in addition to small windfall sites within the HDB. Therefore, the element of the proposal outside the HDB would contribute to the around 10-15 dwellings (the element inside the HDB would not).

Ideally the Council would want to identify the most appropriate site(s) outside the HDB through the Placemaking Plan. However, prematurity cannot be a sole reason for refusal. Therefore, if development of the site does not cause other harm it should be permitted. However, the development does give rise to harm by virtue of the fact there is insufficient primary school capacity or physical scope to expand the school to provide the school places to meet the needs of children generated by the development. For this reason the Draft Placemaking Plan does not propose to allocate site(s) at Hallatrow

#### Education

The lack of primary school capacity means that the development is contrary to Policy CP13 of the Core Strategy and Policy CF3 of the 2007 B&NES Local Plan and Policy LCR3A of the Draft Placemaking Plan. If there is clear evidence that the primary school can and will expand to provide the necessary school places (to the satisfaction of the Local Education Authority) and in the circumstances where the proposed development does not cause other harm the Planning Policy objection on education grounds would be overcome.

Whilst officers are aware that additional spaces within the school have been provided since the previous application was refused as stated by the education officer the Council has to give significant weight to the appeal for the proposed development at Parcel 3615, Wells Road, Hallatrow Ref 15/01335/OUT which is calculated to generate 5.409 pupils. As this appeal has now been allowed the number of pupils generated would fill the available spaces at the school taking the school to capacity.

Further discussions have taken place in respect of the number of spaces. The agents have submitted a letter with an attached letter from High Littleton School which confirms the capacity for the year 2016/17 is greater than the number on the roll. The agent has recognised that the council need to consider future projections and other commitments. They state they have been advised that there is also capacity in the primary school at Farrington Gurney which is a similar distance from the application site to High Littleton School and therefore there is sufficient local capacity to meet the theoretical demand for 2.220 primary school places that will be generated by this proposal.

The Education Officer has confirmed that if the Council was required to provide home to school transport for children from Hallatrow to Farrington Gurney because the designated school for Hallatrow, which is High Littleton is full, this would create a significant transport cost burden on the Council.

Farrington Gurney currently has a very small number on roll (NOR) in Year 5, which is 7. This is unusual for this school - all other year groups are 11 or above.

In 2018 this year group will have exited the school and the projected new Year R coming in is 15. This would give a projected NOR of 103.

In 2019 the projected NOR is 104.

In 2020 the projected NOR is 106 - 1 pupil over capacity.

The conclusion therefore, has to be that there is not capacity to accommodate the predicted children generated by this development and therefore in the absence of evidence to the contrary should this application be approved it would be contrary to Policies CF3 of the B&NES LP and CP13 of the Core Strategy. This would run contrary to a clear priority set by Council Members in plan making of ensuring infrastructure is available/provided alongside new residential development and would set a dangerous precedent that could be repeated elsewhere.

The issue of fairness in terms of the treatment of applications received is relevant. It is recognised that the application 15/01335/OUT has taken priority in terms of school places in advance of this application site. Application 15/01335/OUT was received on the 23/03/2015 with the refusal being issued on the 12/01/2016 and the appeal being allowed on the 25/08/2016. The additional spaces at High Littleton School becoming available at some time between the refusal being issued and the appeal being lodged. Lea Meadow House application was submitted on the 26/07/2016.

In terms of assessing each application a judgement is made during the time frame that the application is being considered and with the Outline permission being granted for application 15/01335/OUT and there being inadequate capacity at the school the officer's recommendation has to be to refuse on this basis.

#### Affordable Housing

With regard to affordable housing the housing officer confirms that 4 dwellings falls below the threshold where affordable housing provision or contributions will be sought. Therefore no affordable housing provision or contribution would be sought in respect of this proposal.

However, there is evidence that a proposal is part of a larger site then affordable housing provision/contribution should be sought as per Core Strategy Policy CP9. This point is also picked up in the Planning Obligations SPD at 3.1.35 (page 18) which requires councils to be mindful of applications that deliberately seek to circumvent the relevant threshold for affordable housing and will not permit any benefit to be gained from this.

In this location the adjacent agricultural land is within the same ownership but it is not identified as land for residential development with the planning policy framework. It has been confirmed that the applicant has no intention of developing the adjacent agricultural land and the applicant would sign an obligation along the lines of what has been suggested by the housing officer if the council consider it necessary. However, it is considered that there is no justification to say that the developer is splitting up a larger site to deliberately circumvent the relevant threshold for affordable housing obligation. Furthermore as the land is outside of the housing development boundary and it is not necessarily the case that any such development would be granted permission. In the absence of a reasonable prospect of the adjoining land being developed, this issue is no longer considered to justify a reason for refusal in respect of this proposal. However in the event that the applicant did bring forward proposals for that additional land this is an issue that could be revisited with justification.

Impact on the setting of the Listed Building, design, mass, bulk and layout.

The two units which front onto the Street are seen to be appropriate in terms of mass and bulk and the way these built forms fit into the surrounding context. The mass bulk and siting of the units is appropriate the units face away from the street but given the large stone wall that runs along the road this is seen to be an appropriate orientation for these dwellings. The agents were requested to simplify the rear elevations of these properties (facing the main road) by removing the pitched roof elements over the rear first floor windows and by removing the added detailing to the window surrounds. These amendments have not been carried out.

The two units at the rear of the site plots 1 and 2 are larger built forms and have a higher roof profile than the units adjacent to the road. The details submitted by the agent do not show these units as seen from the street and officers consider that these large built forms will appear over dominant and will be visible between the buildings adjacent to the road. The proposed roof forms are over complicated in their design and this coupled with the mass of the roof form renders this element of the scheme unacceptable.

The development sits to the east and south of the Grade II Lea Meadow House and whilst the two units fronting the street are seen to be appropriate in terms of their mass bulk siting and general design in close proximity to the listed building the units to the rear of the site are considered to result in less than substantial harm being caused to the setting of this listed building. The NPPF requires that in weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this case there is clearly identified harm (albeit less than substantial) that is not considered outweighed by the benefits of the proposal for 4 dwellings.

Whilst the comments of the agent are noted the design and in particular the mass and bulk of plots 1 and 2 was raised in relation to the previous application which was refused and therefore as with the previous application the scheme as a whole is not seen to comply with Saved Local Plan Policy BH2 as it is seen to adversely affect the listed buildings contribution to the local scene by overcrowding its setting.

Impact on residential amenity.

The proposed dwellings are not considered to have a detrimental impact on the adjacent existing dwellings or on each other due to their orientation and siting. It is however, noted that the units on plot 1 and 2 rely heavily on the open land to the south for their outlook. As the site is laid out at the moment this is not a problem however if further development was proposed on this land then this situation may change and the relationship between these units and the adjacent land would need full consideration.

Concerns have been raised in relation to possible disturbance to residents however it is recognised that during the construction period of a site there will be a level of disturbance to neighbours. However it is not considered necessary or enforceable to restrict the construction period.

Consultation letters have been sent to 12 immediate neighbours to the site the council protocol for neighbour notification is to notify those with an adjoining boundary so in this instance marginally more than the required neighbour notification has been carried out.

## Traffic generation access and parking

The proposed development will be accessed via an adopted 5m-wide access road which forms a junction with the A39 Wells Road. The access was granted permission under ref. 02/00650/OUT and currently serves 5 no. detached dwellings which were recently completed and the re-furbished Lyn House. This application is a resubmission of 15/04514/FUL highways comments would remain as stated in relation to the previous application.

Highways are satisfied with the layout of this junction and the visibility available to vehicles accessing the A39. It is envisaged that the addition of 4 no. dwellings will not result in a significant increase in traffic movements at the junction and thus will not have a detrimental impact on highway safety at this location.

The development meets the parking standards set out in the Bath and North East Somerset Local Plan with the provision of 16 no. spaces which includes 2 no. visitor spaces, both to disabled standards. Space for bicycle parking shall also be provided for each dwelling.

It has been noted that part of the development site is located outside the housing development boundary. However, Highways are of the opinion that the development is sustainable due to its close proximity to local services in Hallatrow.

No highway objection has been raised subject to conditions in respect of the parking being kept available at all times, the surface being bound, garages for domestic use and access and footpaths being available before occupation.

## Trees

No objection or comment has been made in respect of this proposal.

## Ecology

As a resubmission of application 15/04514/FUL the previous comments would be relevant. The site is slightly overgrown at present but does not appear likely to present significant ecological concerns. Photographs show denser vegetation and possibly mature tree/s near the boundaries, and could conceal protected species such as badger activity, although the extent of this appears limited. The site also provides some limited area of habitat and features (such as a large old looking boundary stone wall) that are potentially attractive to reptiles; the site is also likely to be used by a range of other wildlife for example hedgehog, invertebrates, and birds. If present these could be harmed during site clearance and construction phase. The ecologist recommended that an ecological method statement be produced by a suitably experienced ecologist prior to any site works or earth movement, detailing all necessary measures to avoid harm to wildlife prior to and during construction. This should include pre-commencement site inspection by a suitably experienced ecologist.

In the interim it is recommended that the applicant keeps vegetation growth down to prevent wildlife interest becoming established on the site if it is neglected. Subject to provision and implementation of such a method statement and appropriate replacement habitat being provided through the landscape scheme no objection to the proposal is raised.

Drainage

No objection has been raised subject to a condition.

## **RECOMMENDATION**

REFUSE

## **REASON(S) FOR REFUSAL**

1 The proposed development of this site, due to the lack of local primary education places in the area, is contrary to the principles of sustainable development and would be likely to result in unsustainable transport movements by private cars. The proposed development is considered to be contrary to Policy CF.3 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007, policies DW1 and CP13 and of the adopted Bath and North East Somerset Core Strategy, and contrary to the National Planning Policy Framework, which seek to facilitate sustainable development supported by the timely provision of necessary infrastructure and the use of sustainable modes of transport.

2 The erection of the proposed dwellings on plots 1 and 2, which have large roof forms would detract from and cause harm to the setting of the Grade II listed Lea Meadow House as seen from the street. The proposed harm is not considered to be outweighed by a public benefit brought about by the erection of these houses and therefore the proposed development is contrary to Policy CP6 of the adopted Bath and North East Somerset Council Core Strategy and saved policies D4 and, BH2 of the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007.

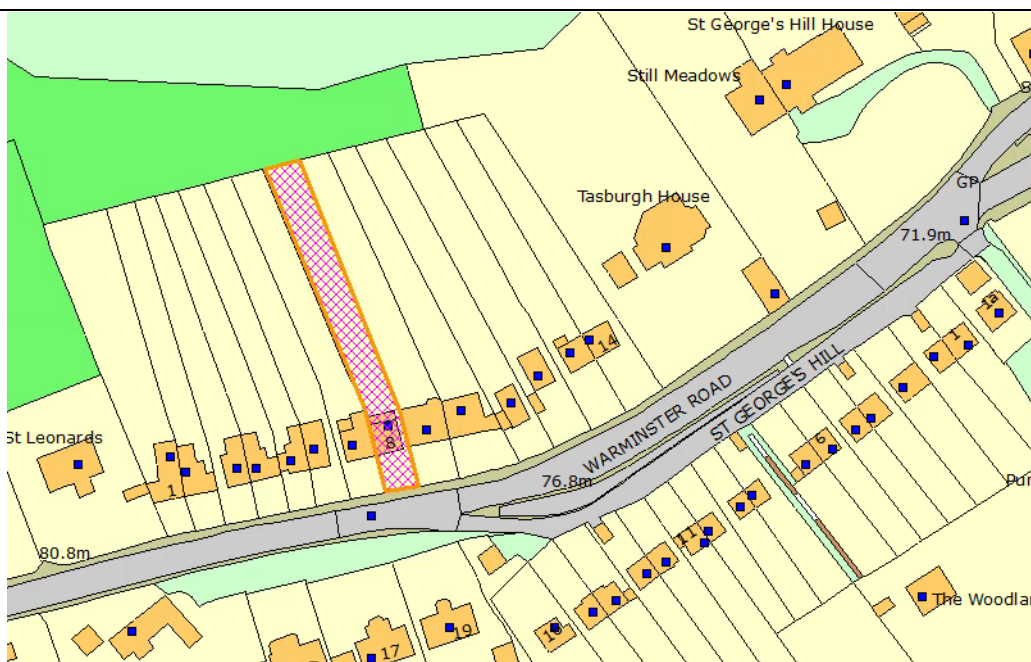
## **PLANS LIST:**

PS E05, PH 2E 01, 02, 03, PS 2 SL 01, PH2 LS 01, PH2, P01, 02, 03 PH SL 02, PH SS 02, PH SS 03, PH SS 101,

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.

<b>Item No:</b>	07
<b>Application No:</b>	16/00792/FUL
<b>Site Location:</b>	8 Warminster Road Bathampton Bath Bath And North East Somerset BA2 6SH





**Ward:** Bathavon North      **Parish:** Bathampton      **LB Grade:** N/A  
**Ward Members:** Councillor M Veal    Councillor Alison Millar    Councillor Geoff Ward

**Application Type:** Full Application

**Proposal:** Erection of two-storey rear extension with first floor rear balcony

**Constraints:** Affordable Housing, Agric Land Class 1,2,3a, British Waterways Major and EIA, British Waterways Minor and Householders, Forest of Avon, Greenbelt, Hotspring Protection, Housing Development Boundary, MOD Safeguarded Areas, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

**Applicant:** Mr J Paddy

**Expiry Date:** 21st October 2016

**Case Officer:** Nikki Honan

## REPORT

This application has been referred to the Development Management Committee due to the objection received from Bathampton Parish Council which is contrary to the Officer recommendation. These comments are summarised within the Representation Section of this report.

Planning permission is sought for a two storey rear extension with rear balcony at 8 Warminster Road, Bathampton.

The application property is a semi-detached house on the northern side of Warminster Road. The application site is set into the hill to appear two storeys on the front and three storeys on the rear (two storeys of accommodation with under croft at lower ground floor level). The rear gardens face north and enjoy panoramic countryside views. The current house includes a rear balcony.

The site is within the Green Belt.

Planning History:

The property has no relevant planning history.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

FIRST CONSULTATION:

22.02.16-14.03.16

Bathampton Parish Council:

1. The extension is too overbearing for the location. Applications for two storey extensions to other houses in the row have been refused for this reason.

2. The extension will be intrusive and overlook neighbouring gardens, and will particularly adversely affect Number 7.

3. The extension will not fit within the existing building line of the rear extensions of the other houses.

The Council would have no problem with a single storey extension at lower ground floor level, which would be more in keeping with the other houses.

Neighbours:

2no. neighbours, the neighbours either side of the application site, have objected to the application raising the concerns summarised below:

- Resultant tunnel view
- Overbearing
- Intrusive
- Boundary wall will block light to sitting room and balcony
- Blocks private views from balconies and upper floors
- Harmful to privacy through balcony overlooking gardens
- A single storey extension in line with ours would be supported
- Alternative options are available without harming the amenity of neighbours, as other extensions have tried hard to avoid harming neighbour amenity
- Two storey extension with balcony is poor design
- A precedent could be set for inappropriate development
- Pre application process was not followed
- The rear of the properties face north therefore light is at a premium
- Questions how the proposed extension will match the host dwelling as claimed by the applicant.
- Request planning officer site visit
- The proposed lower ground floor plans show usable floorspace but this is relatively small undercroft. The planning application makes no reference to excavation or structural due diligence in the design. The application makes no mention of access and management of any excavation works.
- The proposed lower ground wall running along the boundary with no.7 does not allow sufficient clearance for safe maintenance
- Opaque glass has no real bearing as people will still have a view from the balcony into our property
- Proposed development is disproportionate to the main house.
- Disagree the development is not 'overwhelming'
- Development is poorly conceived and not cost effective

- A redesign is encouraged, which could meet the applicant's needs and be more environmentally sensitive

Canal and Riverside Trust:  
No comments

SECOND CONSULTATION:  
29.06.16-13.07.16

Bathampton Parish Council:

Bathampton Parish Council continues to object to the proposed extension. The changes to the design in no way address the Council's objections, which were:

The extension is too overbearing for the location. Applications for two storey extensions to other houses in the row have been refused for this reason.

The extension will be intrusive and overlook neighbouring gardens, and will particularly adversely affect Number 7.

The extension will not fit within the existing building line of the rear extensions of the other houses.

Bathampton Parish Council has looked at the revisions and still feels that they do not address the concerns and previous reasons for objecting.

Neighbours:

The two neighbours either side of the development have maintained their objections. Objections are summarised below:

- Visual relationship between proposed development and neighbouring properties is overbearing
- Superficial changes to first scheme
- Revised proposal does little to address the amenity issues raised as part of the first consultation
- Saddened the applicant/agent has not discussed the outstanding issues with the neighbours
- Density and scale unsuitable for this area
- Harmful to neighbour amenity
- Harmful to privacy by way of overlooking
- Harmful overshadowing
- Questions over structural due diligence of lower ground floor proposals, access for excavation work and distance between the lower ground floor walls of no.s 7 and 8 remain unanswered
- Dominance of second storey
- Large blank wall would make us feel hemmed in
- Harmful loss of light into our lounge, which is north facing
- The roof of the extension appears too high which increases the impact beyond a second storey
- Sets a precedence for others when these houses can only support single storey extensions due to the land falling away to the rear of the properties which increases the overall scale and effect
- An existing small fence panel currently separates the balconies, which is not permanent and only extends 45 degrees from the centre of our lounge window

- Loss of private views is morally wrong
- Balcony forward of the building line and would increase overlooking to our main garden seating area and kitchen, regardless of balcony width
- Planning applications at numbers 2 and 5 have single storey extension have had conditions to ensure the roof is not used as a balcony to secure the amenity of nearby occupants
- High level balconies are contrary to policy D4.
- High level balconies where increased dominance and overlooking are of great concern to local residents
- Large window proposed on second floor of proposed extension will overlook our garden
- Would like to ensure any permission includes a condition to require hedging is maintained between properties
- Request for dimensioned information to show the fall of the land as plans imply a stepped footing which is not the case. We would like to see more detailed design information for the space between the new external wall and out property in order to facilitate the foundations, including building over the public sewer
- Amenable to discussions on alternative options
- All those involved in the decision making process should view visualisation images submitted showing the impact of the development
- Request the application is determined at committee, particularly in view of problems with planning and construction at no.2.
- Applications should be determined in a consistent manner as poor dominant design and amenity impact is irreversible

Canal and Riverside Trust:

No comments

## **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)
- 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:

CP.6: Environmental Quality

CP8: Green Belt

## **RELEVANT LOCAL PLAN POLICIES**

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

NE.5: Forest of Avon

NE.13A: Bath Hot Springs

GB.2: Visual amenities in the Green Belt

## RELEVANT PMP 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. However, currently the Plan has limited weight in the determination of planning applications. The following policies are relevant:

GB.1: Visual Amenities of the Green Belt

UD.1: General Urban Design Principles

UD.2: Local Character and Distinctiveness

UD.3: Urban Fabric

UD.4: Streets and Spaces

UD.5: Building Design

UD.6: Amenity

PS8: Bath Hot Springs

The Existing Dwellings in the Green Belt Supplementary Planning Document (2008) has been considered in the determination of this planning application.

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

## OFFICER ASSESSMENT

### Site Context:

8 Warminster Road is a semi-detached house on the northern side of Warminster Road. The application site is set into the hill to appear two storeys on the front and three storeys on the rear (including undercroft). The rear gardens face north and enjoy panoramic countryside views. The application site includes a rear balcony. The application site is washed over by the Green Belt.

There are other examples of rear extensions in the area. Adjoining property no.7 has a single storey rear extension with skylights above and raised rear balcony. No. 9 has a raised rear balcony and extension incorporating lower ground floor addition with conservatory above on the eastern side of the balcony.

### Proposed Development:

The application incorporates a two storey rear extension with rear balcony. The lower ground floor of the extension is proposed to project rearward by 5.5m. The upper ground floor level extension has a rear projection of 3m, with a hipped roof above to match the hipped roof of the host dwelling. The upper ground floor level has a further rear projection of 2.5m to incorporate a rear balcony.

Following discussions with the applicant the upper floor level extension has been brought back from a rear projection of 3.4m to 3m, to bring it in line with the balcony of the adjoining property at no.7. The balcony has also been set back away from the neighbours, with an opaque glass screen on the eastern side.

Matching materials are proposed throughout the extension including reconstituted Bath stone walls, concrete roof tiles and PVC doors and windows.

The proposed design will sufficiently complement the design and materials of the host dwelling and is not significantly harmful to the character of the street scene in this rear location.

Considerable concerns have been raised by neighbours in terms of harmful impact on residential amenity. Although the proposed development interrupts views of the valley from the rear of the neighbouring properties, these private views cannot be taken into account in determining this planning application. The proposed extension will adjoin the boundary line of no.7. and will limit light to the living room and ground floor kitchen with skylights. A living room is common on a ground floor level where a 3m extension would be considered permitted development. The 3m rear projection of the rear extension is on balance not considered significantly harmful to the amenity of the neighbours by overbearing or loss of light to justify refusal of the application.

The proposed balcony is now set back from no.7 by 2m and is not considered significantly harmful to the neighbours in terms of overlooking. Similarly, the balcony is set in away from no.9 with an obscure glass screen and is therefore not considered to lead to harmful overlooking of neighbours on this side.

#### Green Belt:

The proposed house extension lies within the Green Belt and therefore Policy CP8 of the adopted Core Strategy is relevant, which states the openness of the Green Belt will be protected from inappropriate development in line with the National Planning Policy Framework (NPPF).

The NPPF confirms new buildings are inappropriate in the Green Belt. As an exception, paragraph 89 allows:

"The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building"

The Council has produced a Supplementary Planning Document (SPD) to guide applicants on extensions in the Green Belt. Paragraph 7.1 confirms:

"For extensions which require planning permission, both National policy in PPG2 and Local Plan policy HG.15 allow some additions and alterations to be made to dwellings in the Green Belt providing that they do not represent disproportionate addition over and above the size of the 'original dwelling'"

The term 'original dwelling' refers to the dwelling as it was on 1st July 1948. This is the date when the Town & Country Planning Act came into force. If the dwelling was built after this date, 'original dwelling' should be taken to mean as originally built.

Paragraph 7.5 of the SPD document states:

"While each application will be considered on its own merit, and not all extensions may be acceptable, in many circumstances a well designed extension resulting in a volume increase of about a third of the original dwelling would be more likely to be acceptable."

There is no planning history for the site and it is understood the house has not been extended. The agent has confirmed the original volume of the house is 493.92m<sup>3</sup> and the proposed extension is 151.84m<sup>3</sup>. This represents an increase of 30.74% which is within the SPD guidelines and not considered to represent a disproportionate increase on the original dwelling.

The proposed two storey side extension will replace an existing raised balcony. Although the extension will increase the size and rear projection of the house, as it is attached to an existing house in a developed row and sits in a rearward location, the proposed development will not harm the openness of the Green Belt on this established building.

#### Planning History of Nearby Properties:

No.5 Warminster Road received planning permission (11/01710/FUL) for a single storey rear extension. This application first included a balcony above which was subsequently omitted due to concerns of overlooking and loss of privacy. This balcony was to be set in next to the rear wing and directly face the neighbouring property at no.4.

A planning application was refused at no.2 (10/01415/FUL) due to the harm to amenity of the occupants of no.3 in terms of overlooking. Decking was proposed to run the full width of the house and wrap around to the side facing the neighbouring property. Permission has since been granted for a single storey rear extension with walkway/balcony (14/04050/FUL). The approved development was not built in accordance with plans however the works have since been regularised through a non material amendment application (16/03029/NMA).

Each application is considered on its own merits and the circumstances of this application are different to the application currently being considered. However these different applications have been taken into account.

#### Other Matters:

Neighbour comments have questioned the useable space of the lower ground floor and highlighted that the application does not include any excavation. It is for the applicant to submit accurate plans for planning consideration. Any unauthorised excavation would be subject to enforcement action. The structural integrity of the works will be required to go through the Building Regulations process and any party wall issues are a civil matter.

A neighbour has requested detailed structural information from the application. The applicant has submitted sufficient information to be able to determine the planning application. Detailed structural information should be exchanged at the discretion of the applicant and neighbour, and will need to comply with Building Regulations.

The proposed windows at first floor level will not overlook the rear gardens of neighbouring properties in a significantly harmful way above the existing upper floor rear windows to justify refusal of the application.

A neighbour has requested a condition is attached to ensure a hedge is maintained between no.8 and no.7. Such a condition is not considered reasonable in this case. It is

envisaged the neighbours can agree hedging privately, or any concerned parties plant hedging for their own screening rather than this forming part of the planning application.

A neighbour has stated the proposed development would build over a public sewer. If so, the applicant should contact Wessex Water to discuss the application and seek permission as required.

**Conclusion:**

Following planning officer site visits to the application site and both neighbours either side of the application site, the proposal is considered proportionate to the scale of the main dwelling, finished in suitable and sympathetic materials and by reason of the siting and orientation of the property the works will not harm the appearance of the street and character of the wider area. It is not considered harmful to the openness of the Green Belt and is not a disproportionately large addition on the host dwelling. Although the proposed development will limit private views and lead to some reduction in light for neighbouring occupants, the north facing extension is not considered significantly harmful to the amenity of nearby residents such to warrant the refusal of the application.

For the reasons stated above this application is recommended for approval, subject to the inclusion of conditions.

**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 host dwelling 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 Removal of Permitted Development Rights - No Windows (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 windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the development hereby permitted at any time unless a further planning permission has been granted.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D.2 of the Bath and North East Somerset Local Plan.



#### **4 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:**

The development shall be carried out strictly in accordance with the details shown on the following drawings/documents:

001, 002, 003, 004 - received 19.02.16

005D, 006D - received 29.06.16

#### **Decision Making Statement**

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

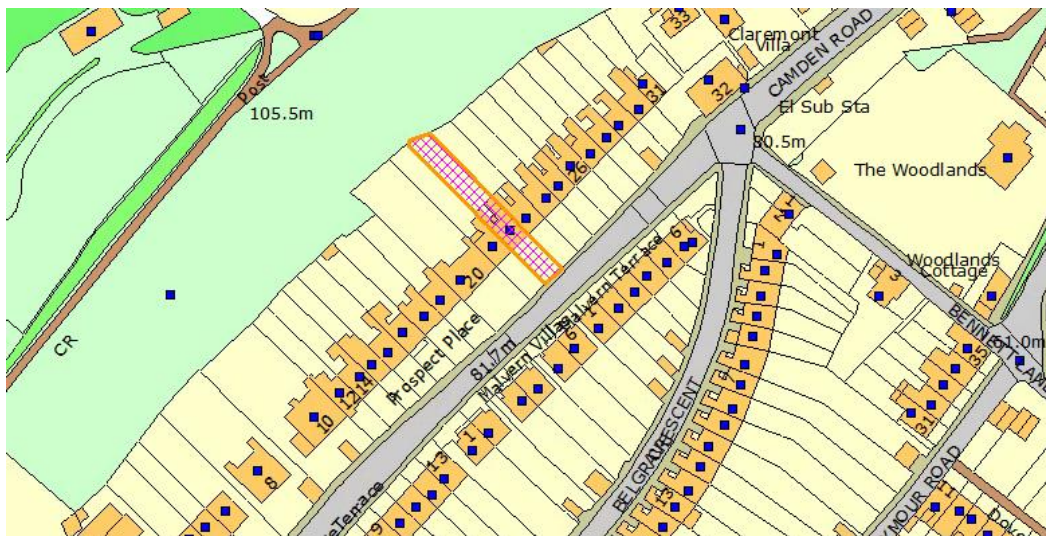
Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

## Sewers

The applicant is advised to contact the water authority to confirm if a sewer is affected by the proposed development and if permission is required from the water authority to build near or relocate a sewer

**Item No:** 08  
**Application No:** 16/03659/FUL  
**Site Location:** 22 Prospect Place Walcot Bath Bath And North East Somerset BA1 5JD



**Ward:** Walcot      **Parish:** N/A      **LB Grade:** II  
**Ward Members:** Councillor Lisa Brett Councillor Fiona Darey  
**Application Type:** Full Application  
**Proposal:** Erection of single storey rear extension and internal and external alterations following demolition of existing single storey rear extension.  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, HotSpring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,  
**Applicant:** Ms Rosalind Skinner  
**Expiry Date:** 20th September 2016  
**Case Officer:** Caroline Power

## REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE: The applicant's agent is Cllr Bob Goodman.

22 Prospect Place is a grade II listed building, sited within the Bath Conservation Area and wider World Heritage Site. It is one of a group of terraced artisan cottages built into the side of a steep slope, on the north east terrace located along Camden Road.

This planning application is for the demolition of a recent infill extension in order to reinstate an external courtyard and the formation of a new rear extension to this building. Other minor alterations are also proposed to the building's interior in order to upgrade its facilities. These are covered by a parallel Listed Building Consent application ref. 16/03660/LBA.

#### Relevant History

99/00523/LBA- Internal and External alterations to install new windows in rear elevation.

05/01199/FUL & 05/01215/LBA- Infilling yard to create single storey extension and modification of wall between living room and dining room to create one space. Withdrawn.

05/2688/FUL & 05/02694/LBA - Refurbishment of Existing Extension and modification of opening between living room and dining room. Permitted Feb 2006

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

Representations - None received.

#### **POLICIES/LEGISLATION**

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

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

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

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

DW1 - District wide spatial strategy

B1 - Bath spatial strategy

B2 - Central Area strategic policy

B4 - The World Heritage Site and its Setting

CP2 - Sustainable construction

CP6 - Environmental quality

The following saved policies of the Bath and North East Somerset 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

BH.2 - Listed Buildings and their Setting

BH.6 - Conservation Areas

T.24 - General development control and access policy

T.26 - On-site parking and servicing provision

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

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

H2: Local Character and Distinctiveness

HE1: Safeguarding heritage assets

ST7: Transport, access and development management and parking

Planning (Listed Buildings & Conservation Areas) Act 1990

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

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.

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

## **OFFICER ASSESSMENT**

The existing building is a traditional 2 storey terraced house. It has been subject to a number of alterations in the recent past through the works approved under 05/2688/FUL and 05/02694/LBA which have all been implemented. This includes the addition of a small single storey extension that takes up the entire area of the historic outside courtyard. The extension houses the kitchen to this property with a utility space created within the adjoining vault.

This proposal is for the demolition of the extension and to rebuild a smaller extension that will act as a lobby area for the relocated kitchen. This will in turn provide an opportunity to create an external courtyard at this level and provide a new external staircase up to the upper garden level.

The key issues that have been addressed are;

Principle of development.

The demolition of the single storey extension is not of concern. This structure has a lean to glazed roof that is attached to the party wall of the neighbouring property. It has damp problems on the internal walls and its removal will allow the original wall of the rear 2 storey extension to this house to be exposed as an external wall.

The principle of building a smaller single extension is fully acceptable. This structure will also be a lean to but will be attached to the rear wall of the principle building. It will have a traditional slate roof to match the new roof on the main roof with two modestly sized conservation rooflights. There will be a pair of french doors on the back leading into the courtyard.

The removal of inappropriate additions that currently harm the character and significance of the building will be removed and the plan form of the original house reinstated. The principle of redevelopment of the site is regarded as acceptable and an opportunity to enhance this part of the Conservation Area.

Highways; No changes to the current situation.

Third Party; There are no issues regarding overlooking and this more modest addition will have less impact on the adjoining party wall than the current situation.

## CONCLUSION

Given the above considerations and planning balance of issues, it is concluded that planning permission can be granted, subject to conditions.

## 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 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 Roofing Materials (Bespoke Trigger)

No construction of the roof of the development shall commence until a sample of all external roofing materials has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter 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.

#### 4 Plans List (Compliance)

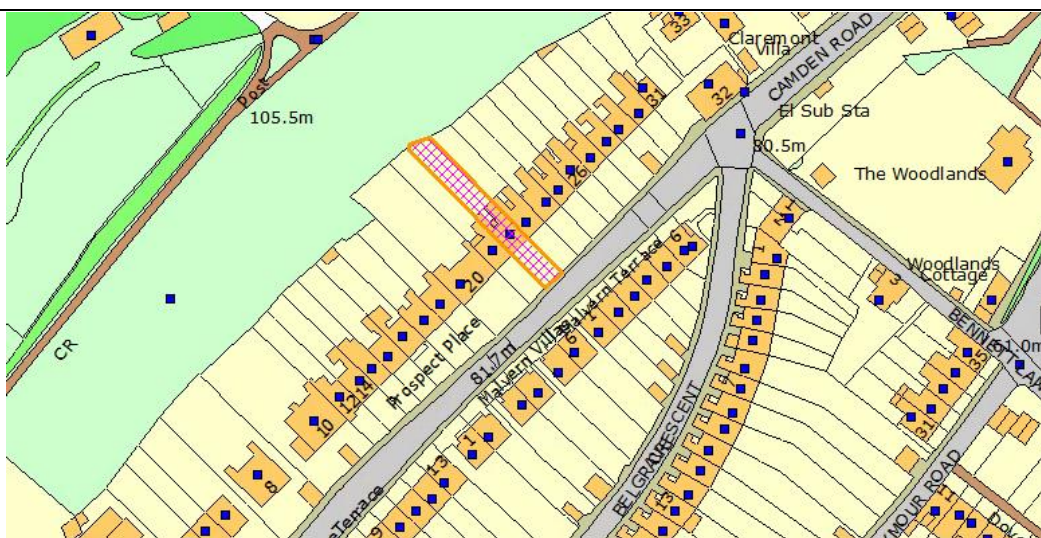
The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

#### PLANS LIST:

Drawing	19 Jul 2016	5783-16-10	PROPOSED BATH STONE FIREPLACE	Public
Drawing	19 Jul 2016	5783-16-11	PROPOSED STAIR SECTION	
Drawing	19 Jul 2016	5783-16-12	PROPOSED STAIR ELEVATION	
Drawing	19 Jul 2016	5783-16-13	PROPOSED DOOR DETAILS	
Drawing	19 Jul 2016	5783-16-2	EXISTING GROUND FLOOR PLAN	
Drawing	19 Jul 2016	5783-16-3	EXISTING FIRST FLOOR PLAN	
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Drawing	19 Jul 2016	5783-16-9	PROPOSED ROOF PLAN & SIDE ELEVATION	
Revised Drawing	30 Aug 2016	5545-16-3A	AMENDED Existing 1st Floor.	
Revised Drawing	30 Aug 2016	5545-16-14.	Cupboard Cornice Details	
OS Extract	19 Jul 2016	5783-16-1	SITE LOCATION PLAN	

<b>Item No:</b>	09
<b>Application No:</b>	16/03660/LBA
<b>Site Location:</b>	22 Prospect Place Walcot Bath Bath And North East Somerset BA1 5JD



<b>Ward:</b> Walcot	<b>Parish:</b> N/A	<b>LB Grade:</b> II
<b>Ward Members:</b>	Councillor Lisa BrettCouncillor Fiona Darey	
<b>Application Type:</b>	Listed Building Consent (Alts/exts)	
<b>Proposal:</b>	Internal and external alterations to include erection of single storey rear extension following demolition of existing single storey rear extension.	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Ms Rosalind Skinner	
<b>Expiry Date:</b>	14th September 2016	
<b>Case Officer:</b>	Caroline Power	

## REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE: The applicant's agent is Cllr Bob Goodman.

22 Prospect Place is a grade II listed building, sited within the Bath Conservation Area and wider World Heritage Site. It is one of a group of terraced artisan cottages built into the side of a steep slope, on the north east terrace located along Camden Road. This group would all have had slate roofs when originally constructed but some including no 22 have been altered since that time to concrete roof coverings.

This is a listed building application for the demolition of a recent infill extension, to reinstate an external courtyard and the formation of a new bathroom and kitchen inside the existing rear extension to this building. Other minor alterations are also proposed to the building's interior in order to upgrade its facilities. There is a parallel planning application ref. 16/03659/FUL

## Relevant History

99/00523/LBA- Internal and External alterations to install new windows in rear elevation.

05/01199/FUL & 05/01215/LBA- Infilling yard to create single storey extension and modification of wall between living room and dining room to create one space. Withdrawn.

05/2688/FUL & 05/02694/LBA - Refurbishment of Existing Extension and modification of opening between living room and dining room. Permitted Feb 2006

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Representations - None received.

## **POLICIES/LEGISLATION**

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

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

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

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

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

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

- CP6 - Environmental quality
- B4 - The World Heritage Site.

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

- BH.2 - Listed buildings and their settings
- BH.6 - Development within or affecting conservation areas.

Historic Environment Good Practice Advice in Planning Notes issued by Historic England - Advice Note 2 - Making Changes to Heritage Assets - Published February 2016.

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



## **OFFICER ASSESSMENT**

The existing building is a traditional 2 storey terraced house with a generous front garden that provides a spacious setting for this group of listed buildings setting them back from the street edge. Whilst to the rear the gardens are formed on two levels, the main area runs down to the 1st floor level, with a small lower courtyard immediately to the side of the ground floor. A large retaining wall separates the two garden areas. Internally, the house retains some of its original features including some of the decorative cornices and its plan form - apart from the forming an opening between the two principle rooms on the ground floor - is relatively unaltered.

No 22 has been subject to a number of alterations in the recent past through the works approved under 05/2688/FUL and 05/02694/LBA which have all been implemented. This includes the addition of a small single storey extension that takes up the entire area of the historic outside courtyard. The extension houses the kitchen to this property with a utility space created within the adjoining vault. Internally, a number of small alterations were also approved under the 2005 applications including reducing the width of an opening between the living and dining rooms to introduce wedding doors.

This application is to undo some of the 2005 scheme. The current applicant wishes to reinstate the outside courtyard and introduce an external staircase from this level to the upper garden level. The reintroduction of the courtyard will require the removal of any tanking/plaster work from the party wall. A smaller modest extension will be built in part of the courtyard on the back of the dining room, as a lobby for the new kitchen, which will be located in the existing ground floor bathroom. The extension will have a pair of French doors exiting out onto the courtyard area.

The house will also undergo a number of improvements including the replacement of the concrete tiles on the roof with Welsh slate and the replacement of a timber fire place surround to the living room fireplace with a stone one to enhance the retained cast iron fireplace and grate.

Internally, within the rear of the new kitchen a new partition will be formed to provide for separation between the kitchen and utility. A smaller shower room will be formed in the current storeroom. Any partitions that will be removed as part of this scheme are modern and of no architectural or historic interest. A blocked window opening in the wall of the new kitchen will be reopened allowing light and views into the reinstated courtyard.

On the first floor, the main changes will be to install low level cupboards within each of the two bedrooms that will match the cornice details of the existing cupboards. These cupboards will not be full height thus allowing the original proportions of the rooms to be expressed. The other alteration is to the back room that is currently sub-divided into two rooms for a study and small shower room. This will now be reversed so that a larger bathroom can be installed. The existing partitions are modern stud work so there will be no harm to this part of the house by inserting a different partition to subdivide in a different configuration.

This work will not impact on the appearance or character of the conservation area. They are considered to assist the preservation of the listed building and consent is

recommended. There is a duty placed on the Council under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess. 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.

## **RECOMMENDATION**

### **CONSENT**

### **CONDITIONS**

#### **1 Time Limit - Listed Building Consent (Compliance)**

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

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

#### **2 Mortar Mix (Bespoke Trigger)**

No re-pointing shall be carried out until details of the specification for the mortar mix and a sample area of pointing demonstrating colour, texture, jointing and finish have been provided in situ for the inspection and approval in writing by the Local Planning Authority and retained for reference until the work has been completed. Once approved the works shall be completed in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

#### **3 Roofing Materials (Bespoke Trigger)**

No construction of the roof of the development shall commence until a sample of all external roofing materials has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter 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.

#### **5 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.

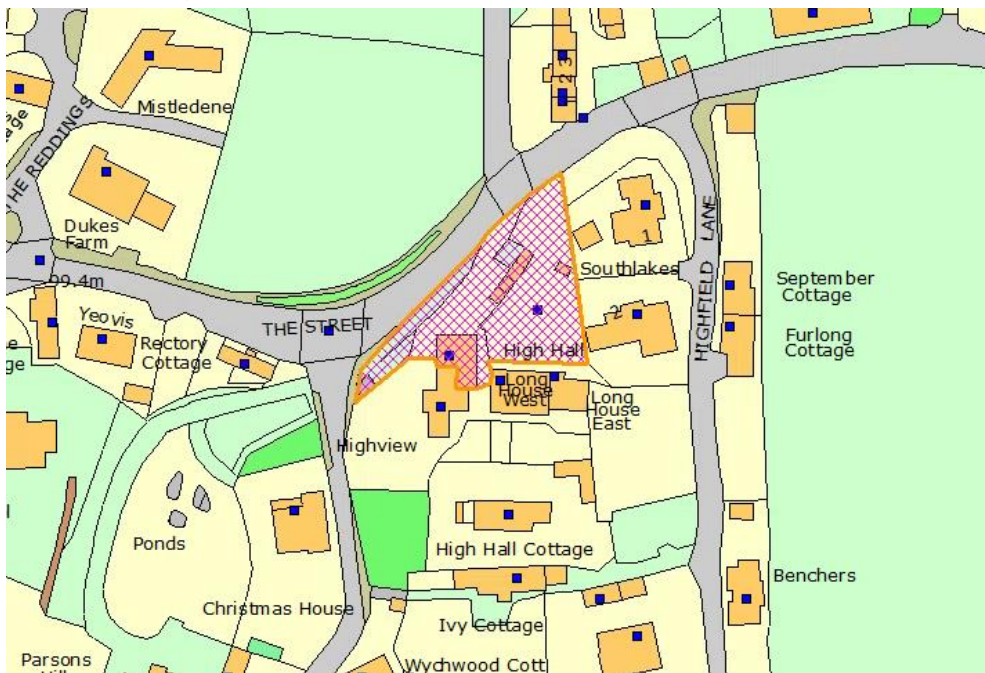
## PLANS LIST:

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Revised Drawing	30 Aug 2016	5545-16-3A	AMENDED Existing 1st Floor.	
Revised Drawing	30 Aug 2016	5545-16-14.	Cupboard Cornice Details	
OS Extract	19 Jul 2016	5783-16-1	SITE LOCATION PLAN	

## DECISION TAKING STATEMENT:

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

**Item No:** 10  
**Application No:** 16/03572/FUL  
**Site Location:** High View The Street Compton Martin Bristol BS40 6JQ



<b>Ward:</b> Chew Valley South	<b>Parish:</b> Compton Martin	<b>LB Grade:</b> N/A
<b>Ward Members:</b>	Councillor Vic Pritchard	
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Installation of 2no south side dormers and erection of double garage	
<b>Constraints:</b>	Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Conservation Area, Housing Development Boundary, SSSI - Impact Risk Zones, Water Source Areas,	
<b>Applicant:</b>	Mr John Shallcross	
<b>Expiry Date:</b>	13th September 2016	
<b>Case Officer:</b>	Jessica Robinson	

## REPORT

The application relates to the provision of two dormer windows to the rear roofs of the existing dwellinghouse and the construction of a detached garage to replace an existing car port.

The property is a modest dwelling situated within the Conservation Area and an Area of Outstanding Natural Beauty.

It should be noted that during the course of this application revised plans were received to slightly reduce the width of one of the dormer windows, to clarify the location of the garage and to clad each elevation of the garage in local random stone.

### Relevant History

96/02212/FUL - REFUSE - 8 August 1996 - Detached chalet bungalow as amended by revised plans received 5th August 1996.

97/02829/FUL - REFUSE - 31 October 1997 - Erection of two bedroom dwelling

07/01124/FUL - REFUSE - 11 June 2008 - Erection of dwelling after demolition of existing

08/03746/FUL - REFUSE - 28 November 2008 - Erection of three bedroom cottage

09/04106/FUL - REFUSE - 13 January 2010 - Erection of two bedroom detached cottage incorporating existing garden room annex to create living accommodation annex to existing house for family use. APPEAL DISMISSED - 8 September 2010.

12/01250/FUL - PERMIT - 14 February 2014 - Erection of a one bedroom family annex cottage (resubmission)

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Compton Martin Parish Council:

Compton Martin Parish Council considers that the proposed development is totally out of keeping with the principles of the Compton Martin Conservation Area, AONB and Chew Valley Neighbourhood Plan. This site has already been subject to considerable

development. The plans are unclear. Compton Martin Parish Council has reviewed the application against the yardstick of Bath and North East Somerset Policies and refer the Planning Department to:

- Policy D.2 - General Design
- Policy D.4 - Appearance and Materials
- Policy BH.6 - Conservation Area
- Policy NE.2 - AONB Landscape and natural beauty

Compton Martin Parish Council also noted the comments received from B&NES Highways Department and the Wales and West Utilities, both of which are on the B&NES website. For the avoidance of doubt, Compton Martin Parish Council strongly OBJECT IN PRINCIPLE to this application.

Highways:

The applicant is seeking permission to install 2 no. south side dormers onto the main dwelling at a property known as High View located on The Street, Compton Martin. The proposal also includes the erection of a new double garage adjacent to the annex accommodation approved under ref. 12/01250/FUL.

There are no proposals in place to alter the accesses to either dwelling (the approved annex is accessed off Highfield Lane while the main dwelling is accessed off the A368). The proposed double garage will also be accessed via Highfield Lane.

While it's unclear as to whether the proposed development will result in additional bedrooms and possibly an increase in demand for parking to serve the main dwelling, there appears to be sufficient space available for parking and turning within the site particularly with the addition of the new double garage.

Highways DC therefore have no objection to this application subject to the following condition:

1. The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the site and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy T.26 of the Bath and North East Somerset Local Plan.

## **POLICIES/LEGISLATION**

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

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

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

CP6                      Environmental Quality

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

BH.6	Development within or affecting Conservation Areas
D.2:	General design and public realm considerations
D.4:	Townscape considerations
NE.2	Areas of Outstanding Natural Beauty Landscape and natural beauty
NE.5	Forest of Avon
NE.13A	Bath Hot Springs

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 Principals
D.2	Local character and distinctiveness
D.3	Urban Fabric
D.5	Building design
D.6	Amenity
HE.1	Safeguarding Heritage Assets
ST.1	Promoting Sustainable Travel
ST.7	Transport access and development management

#### 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.

### **OFFICER ASSESSMENT**

The key issues relate to the impact on the character and appearance of the dwelling and locality, and the amenities of the neighbouring properties; along with the potential impact upon the Conservation Area and AONB.

The alterations will be located to the rear of the existing dwellinghouse and comprise 2 no. dormer windows which sit below the existing ridge height of the south side roof slope at the highest part of the roof and the east side roof slope at a lower height. Both dormer windows sit within their respective roof slopes and are located within a well screened area to the rear of the property. As part of this application a detached garage is also proposed to the rear of the site to replace an existing car port structure.

The initial part of this report assesses the 2 no. dormer windows.

It is considered that the proposed dormer windows are in proportion to the main dwellinghouse and they are considered to respect the character of the property, streetscene and locality. It is therefore considered acceptable in regards to the visual amenity of the area.

The proposed dormer windows will include 2 no. windows each. There is 1 no. window of a neighbouring property which is in close relation to the proposed dormers. It is considered that the overlooking or loss of privacy will not be materially worsened from the current overlooking situation and due to the angle of the window in relationship to the proposed dormers there is not considered to be a detrimental level of overlooking caused.

Due to the type and location of the proposed development it is considered that there will not be a detrimental overbearing affect upon the dwelling to the east. As such, the proposed extension is not considered to appear overbearing or cause a detrimental loss of light to neighbouring dwellings.

This part of the report is in relation to the proposed detached garage.

The proposed garage will be located to the rear of the site and accessed off a shared access drive from Highfield Lane to the east. The garage will be detached and will replace an existing car port type structure. The garage will be a mixture of render and stone with clay tile roof.

The garage is considered to be within an area of the site that is well screened from the public realm and will not significantly alter the character of the site or surrounding streetscene or locality. The propose materials are considered acceptable as it reflects materials used within the main dwellinghouse and surrounding development. As such the proposed garage is considered acceptable in regards to visual amenity.

The proposed garage will be located close to the boundary with no. 2 Southlakes which is a residential dwelling. The proposed garage will have an overall height to ridge of approx. 5 metres and have a duel pitched roof. There will be no windows within the side elevation. As such it is considered that the proposed garage will not cause an increased level of overlooking or loss of privacy to the neighbouring dwellings. Furthermore it is considered that there will not be an overbearing affect upon neighbouring properties as a result of the garage by virtue of its location and duel pitched roof.

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. It is considered that the proposed scheme as s whole would preserve the character and appearance of the Conservation Area and is therefore acceptable development in this location.

Having regard to the location of the property and the relatively minor scale of the development, it is deemed that it will not be detrimental to the significance of the AONB.

## **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 The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the site and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy T.26 of the Bath and North East Somerset Local Plan.

### 3 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:

PLANS LIST:

SITE PLAN

PROPOSED ELEVATIONS

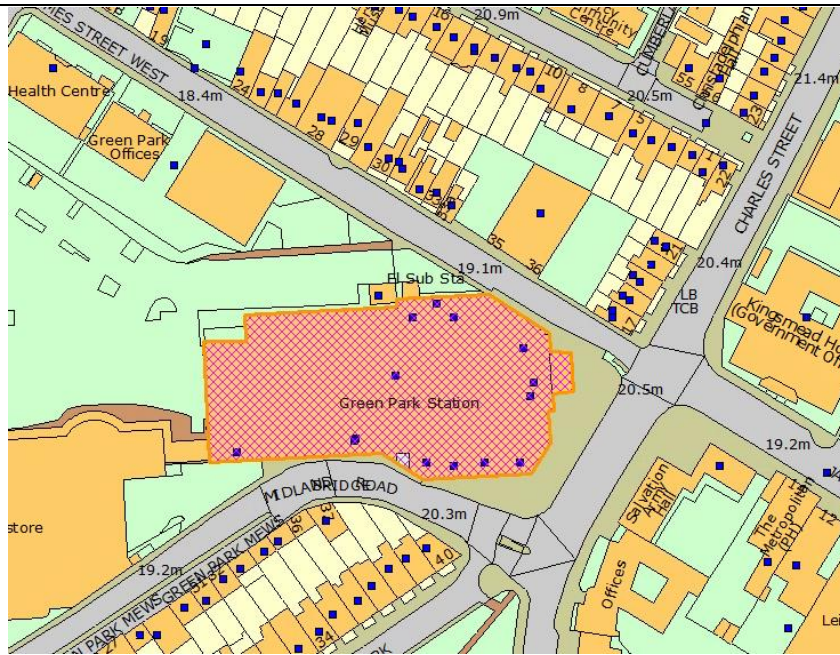
GARAGE PLAN

SITE LOCATION PLAN

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

<b>Item No:</b>	11
<b>Application No:</b>	16/04104/LBA
<b>Site Location:</b>	Green Park Station Green Park Road City Centre Bath Bath And North East Somerset





<b>Ward:</b> Kingsmead	<b>Parish:</b> N/A	<b>LB Grade:</b> II
<b>Ward Members:</b>	Councillor Chris Pearce    Councillor Andrew Furse	
<b>Application Type:</b>	Listed Building Consent (Alts/exts)	
<b>Proposal:</b>	Exterior alterations to attach a metal plaque	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Article 4, Article 4, Bath Enterprise Area, British Waterways Major and EIA, Conservation Area, Contaminated Land, Flood Zone 2, Forest of Avon, Sites with Planning Permission, Hotspring Protection, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, Sustainable Transport, World Heritage Site,	
<b>Applicant:</b>	Councillor Neil Butters	
<b>Expiry Date:</b>	14th October 2016	
<b>Case Officer:</b>	Laura Batham	

## REPORT

### Site Description:

Green Park Station is a Grade II Listed former railway station located within the centre of Bath. The site is within the Conservation Area and World Heritage Site. The building was constructed in 1869 by JH Sanders for the Midland Railway and known originally as Midland station. The railway station was converted in 1983 and is now used for commercial use.

### Proposal:

The application seeks consent for exterior alterations to attach a metal plaque.

### History:

DC - 16/01147/LBA - Consent - 20 April 2016 - Internal alterations to attach metal plate to interior wall

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Bath Preservation Trust:

The Trust objects to this application on the basis that we are concerned about the cumulative effect of numerous wall plaques across Bath. This particular one appears to be awkwardly placed high on the facade and we are also concerned regarding the harm to historic fabric from the fixings. We believe wall plaques clutter and intrude upon the principle elevations of buildings and this is certainly the case with this application. We would suggest at the very least that a better location is sought for this proposed plaque, perhaps placed near the recently permitted internal plaque.

The proposed scheme, by virtue of the proposed position would harm the special historic and architectural interest of the listed building, and would detract from the special character and appearance of the conservation area and therefore the World Heritage site.

Bath Heritage Watchdog: Bath Heritage Watchdog supports this latest application to attach the Red Wheel plaque to the exterior of the station.

## **POLICIES/LEGISLATION**

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

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

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

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

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

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

- CP6 - Environmental quality
- B4 - The World Heritage Site

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

- BH.2 - Listed buildings and their settings

- BH.6 - Development within or affecting conservation areas

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

- HE1 - Historic Environment

### **OFFICER ASSESSMENT**

The application seeks consent for the attachment of a commemorative plate to the exterior wall of Green Park Station. The plate is a Red Wheel plaque promoted by The Transport Trust to encourage the preservation and restoration of Britain's transport heritage. A recent application was granted for the plaque to be attached to the interior of the building.

The plaque is proposed to be located adjacent to the current pedestrian entrance of the former station and would be in a prominent location to enable promotion of the site. The plaque is proposed to measure 495mm in diameter and 10mm thick. The plate would be finished in red with white lettering detailing the history of the site and how to access further details about the history of the site.

The plaque would be attached to the wall with three bolts. It will not be possible to attach these to mortar joints owing to the walling type. However, the works are considered minimal and will not significantly affect the fabric of the listed building.

Generally Green Park station has been converted without the introduction of modern signage. There are a number of banner signs on the railings at the front of the building which cause clutter to the building and are not authorised. Work is currently being undertaken to address this unauthorised signage. In this context it is not considered that the modest size of the proposed plaque will detract from the character of the building and it will highlight the important history of the site.

### **Conclusion:**

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the works to install the plaque will have minimal impact upon the fabric and character of the listed building and the character of the conservation area and world heritage site.

### **RECOMMENDATION**

**CONSENT**

### **CONDITIONS**

#### **1 Time Limit - Listed Building Consent (Compliance)**

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

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

## **2 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:

Site location plan received on 16th August 2016

Draft layout of transport trust plaque scheme received on 16th August 2016

Proposed illustration received on 27th August 2016

Red wheel heritage plaque - a guide for site holders received on 19th August 2016

### **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.

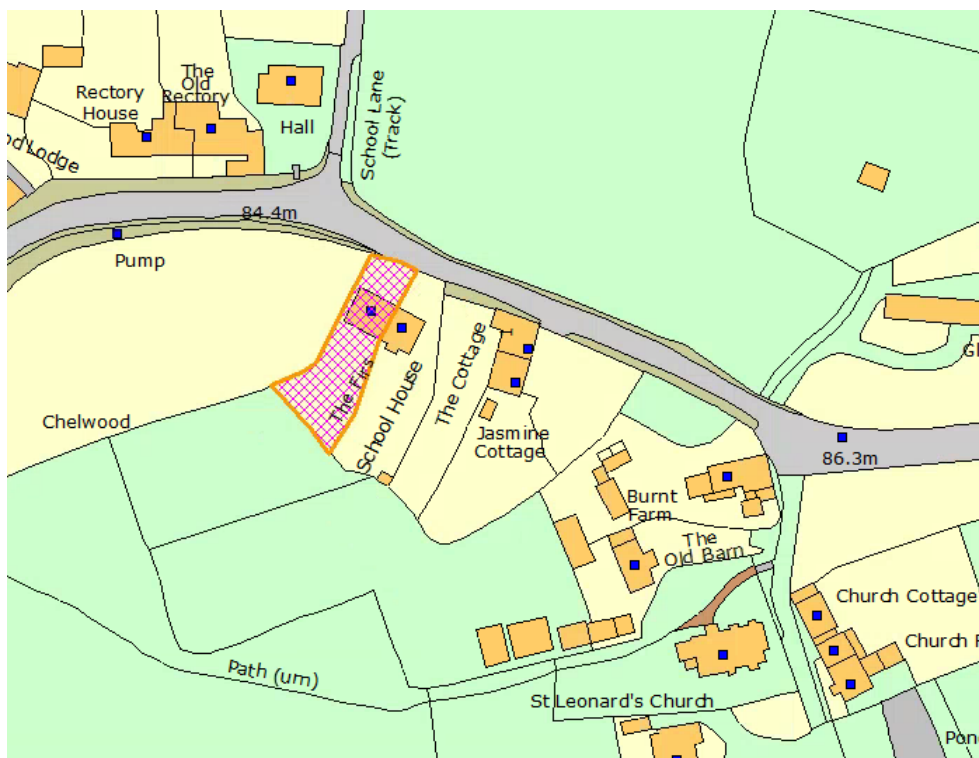
**Bespoke Trigger** - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

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

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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.

**Item No:** 12  
**Application No:** 16/03018/FUL  
**Site Location:** The Firs Main Road Chelwood Bristol Bath And North East Somerset



**Ward:** Clutton                      **Parish:** Chelwood                      **LB Grade:** II  
**Ward Members:** Councillor Karen Warrington  
**Application Type:** Full Application  
**Proposal:** Erection of rear garden room and first floor extension  
**Constraints:** Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Listed Building, SSSI - Impact Risk Zones,  
**Applicant:** Mr & Mrs N Wright  
**Expiry Date:** 9th August 2016  
**Case Officer:** Laura Batham

## REPORT

### Site Description:

The Firs is a semi-detached property which is grade II listed alongside the adjacent property; Old School House. The dwellings are mid 18th Century with earlier elements at the rear of the site. The properties have been altered and extended in the 20th Century. The railings at the front of the property are also grade II listed. The main house has a hipped, slate roof which fronts the roadside and at the rear is a gabled building which is earlier in age. The property is located within the Green Belt.

Proposal:

Internal and external alterations to erect a rear garden room and first floor extension

History:

DC - 02/01374/FUL - RF - 30 August 2002 - Conservatory to rear

DC - 02/01391/LBA - RF - 29 August 2002 - Conservatory to rear.

DC - 97/02455/FUL - REF - 23 December 1997 - Detached garage and detached conservatory as amended by revised plans received 7th November 1997.

DC - 16/03019/LBA - PCO - - Internal and external alterations to erect a rear garden room and first floor extension

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Chelwood Parish Council:

Support the application for the following reason:

Hidden from view so will not cause deterioration to rural character.

Ecologist:

I previously considered the potential need for bat survey of this structure and provided pre-application advice, based on photographs and discussion with the architect, that I do not consider there is sufficient risk of bats being present for the LPA to require a bat survey in this case. However, there is a small risk which cannot be eliminated, eg beneath the fascia board, of crevices concealing wildlife such as bats. This area and any others with similar potential should be carefully inspected before and during works, to avoid the need for a bat survey. My previous advice still applies and I do not consider a bat survey is required in this case. This is provided appropriate precautions and working methods are utilised, which can be secured by condition:

No further representations 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
  
- CP6 - Environmental quality
- CP8 - Green Belt

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

BH.2 - Listed buildings and their settings  
BH.6 - Development within or affecting conservation areas  
D.2: General design and public realm considerations  
D.4: Townscape considerations  
HG.15: Dwelling extensions in the Green Belt

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:

- HE1 - Historic Environment
- D.5: Building Design
- D.6: Amenity
- GB.3: Extensions and alterations to buildings in the Green Belt

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

## **OFFICER ASSESSMENT**

The application seeks consent for a single storey ground floor extension and the addition of a first floor extension to provide an en-suite. The application is accompanied by a listed building application which will assess internal works to the building. Pre-application advice was given indicating that the proposal for a substantial ground floor addition would have a significant impact upon the character of the listed building. The drawings within the pre-application advice were reduced in scale and support was provided towards a much reduced addition. However, the applicants have chosen to submit an application for a larger extension.

### **Design:**

At ground floor level it is proposed to construct a garden room which would be accessed through introducing a new doorway into the kitchen area as there is no doorway through the rear wall of the building. The conservatory would extend 4.1 m from the rear elevation to match the depth of an adjacent extension to the Old School House which neighbours the property. The depth of the extension is considered excessive and creates a lean to extension with a roof shape and pitch at odds with the character of the main house. The extension would span 7.5 m in length and would almost obscure the full length of this part of the property. The extension is light weight in design and uses sensitive materials including a timber framed structure. However, the scale and massing of this addition is considered to dominate the rear elevation of the building and represents a harmful addition to the character of the building. The Old School House adjacent has been extended with a substantial pitched roof extension. However, this extension is not

considered to be a sensitive addition due to its scale and massing. The depth of the extension is substantial and it is not considered to set a precedent for the current proposal as each application is assessed based upon its own merits. The adjacent extension is considered to demonstrate the level of harm caused by a substantial extension.

The alteration and ground floor extension is considered to cause less than substantial harm to the listed building. The NPPF advises that where an application would cause harm, even 'less than substantial harm' should be refused. The onus is on the applicant to demonstrate sufficient material considerations to justify the harm and this should include demonstrating that alternative options have been considered. In this case, an alternative was considered and would provide additional space for the applicant without causing the level of harm now proposed. The NPPF also advises that heritage assets are irreplaceable and great weight should be given to the asset's conservation.

A further first floor extension is proposed which would be located at the rear of the dwelling. The current single storey extension is a later addition and there are no concerns with the proposed alteration to the building. The proposed extension is small in scale and the roof profile would be in keeping with the character of the property with appropriate material finishes.

#### Amenity:

The single storey extension would not result in the loss of amenity for the closest dwelling; The Old School House. There would be no overlooking as a result of the addition. The first floor extension would include the addition of a single window for a bathroom; however, this would not cause overlooking due to the existing relationship between the application site and neighbouring properties.

#### Ecology:

The Ecologist has indicated that the alterations to the roof are acceptable. However, as there remains the possibility of protected species being present and given the evidence of nesting birds on site conditions would be required if the application were granted to ensure any protected species would be unaffected.

#### Dwelling extensions in the Green Belt:

The property is within the Green Belt and the extension is proposed to be within that permitted under policy HG.15 and Supplementary Planning Document: Existing Dwellings in the Green Belt. The extensions would not be over a third increase in size of the existing dwelling and it is not considered to represent a disproportionate addition which would affect the openness of the Green Belt.

#### Conclusion:

The key issues relate to the impact upon the character and setting of the listed building, impact upon amenity and the Green Belt. The extensions would not affect rural character within the Green Belt policy given its size and there is no impact on residential amenity. However, the impact upon the character of the listed building should also be considered. In this case the ground floor extension is considered to be of a scale and massing which is out of keeping with the character of the listed building and the alterations would harm the architectural interest which the building possesses. This harm has not been outweighed by public benefits as required by the NPPF and therefore the application is recommended for refusal.



## RECOMMENDATION

REFUSE

## REASON(S) FOR REFUSAL

1 The proposed single storey rear extension, by reason of the overall excessive size, massing and design, represents an inappropriate addition which would cause less than substantial harm to the character of the listed building. The level of harm has not been outweighed by any public benefits and therefore the proposal is contrary to Policies BH.2 and D4 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted October 2007 and Paragraph 134 of the National Planning Policy Framework.

## PLANS LIST:

This decision relates to the following documents received on 14th June 2016:

Gutter and pipes detail

Location and site plan

16.210/12

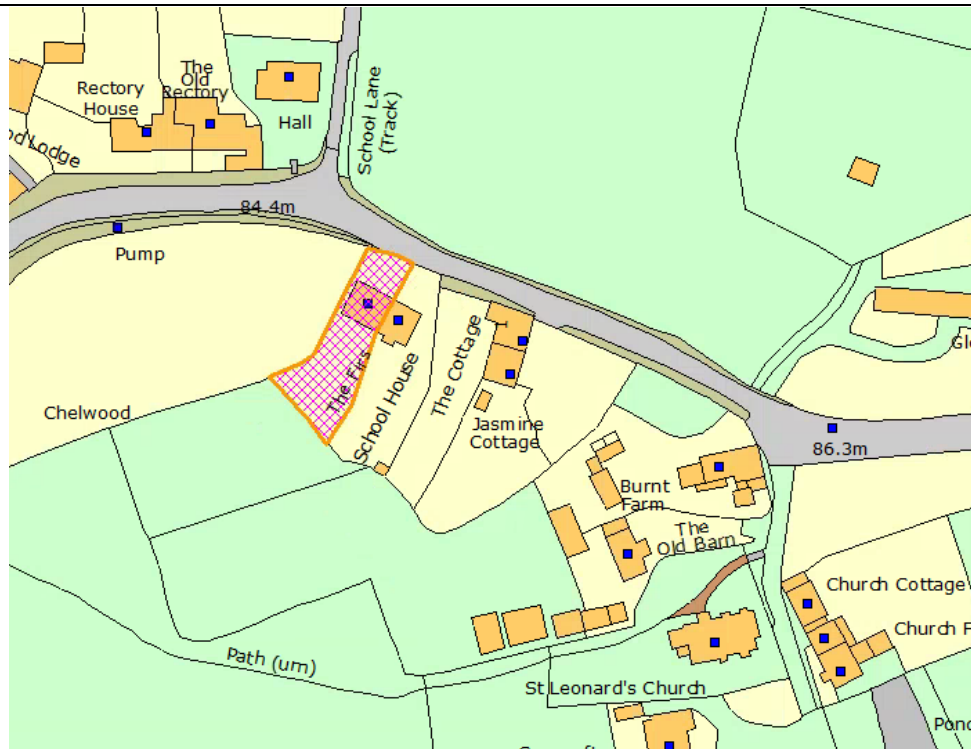
16.210/13

16.210/14

16.210/15

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.

<b>Item No:</b>	13
<b>Application No:</b>	16/03019/LBA
<b>Site Location:</b>	The Firs Main Road Chelwood Bristol Bath And North East Somerset



**Ward:** Clutton

**Parish:** Chelwood

**LB Grade:** II

**Ward Members:** Councillor Karen Warrington

**Application Type:** Listed Building Consent (Alts/exts)

**Proposal:** Internal and external alterations to erect a rear garden room and first floor extension

**Constraints:** Affordable Housing, Airport Safeguarding Zones, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Listed Building, SSSI - Impact Risk Zones,

**Applicant:** Mr & Mrs N Wright

**Expiry Date:** 9th August 2016

**Case Officer:** Laura Batham

## REPORT

### Site Description:

The Firs is a semi-detached property which is grade II listed alongside the adjacent property; Old School House. The dwellings are mid 18th Century with earlier elements at the rear of the site. The properties have been altered and extended in the 20th Century. The railings at the front of the property are also grade II listed. The main house has a hipped, slate roof which fronts the roadside and at the rear is a gabled building which is earlier in age.

### Proposal:

Internal and external alterations to erect a rear garden room and first floor extension

### History:

DC - 02/01374/FUL - RF - 30 August 2002 - Conservatory to rear

DC - 02/01391/LBA - RF - 29 August 2002 - Conservatory to rear.

DC - 97/02455/FUL - REF - 23 December 1997 - Detached garage and detached conservatory as amended by revised plans received 7th November 1997.

DC - 16/03018/FUL - PDE - - Erection of rear garden room and first floor extension

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Chelwood Parish Council:

Does not change the front facade of the house. PC Support

## **POLICIES/LEGISLATION**

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

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

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

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

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

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

- CP6 - Environmental quality

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

- BH.2 - Listed buildings and their settings
- BH.6 - Development within or affecting conservation areas

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

- HE1 - Historic Environment

## **OFFICER ASSESSMENT**

The application seeks consent for a single storey ground floor extension and the addition of a first floor extension to provide an en-suite. Pre-application advice was given indicating that the proposal for a substantial ground floor addition would have a significant impact upon the character of the listed building. The drawings within the pre-application advice were reduced in scale and support was provided towards a much reduced addition. However, the applicants have chosen to submit an application for a larger addition.

At ground floor level it is proposed to construct a garden room which would be accessed through introducing a new doorway into the kitchen area as there is no doorway through the rear wall of the building. The conservatory would extend 4.1m from the rear elevation to match the depth of an adjacent extension to Old School House which neighbours the property. The depth of the extension is considered excessive and creates a lean to extension which is substantial with a roof shape and pitch at odds with the character of the main house. The extension would span 7.5 m in length and would almost fully obscure the full length of this historic property. The extension is light weight in design and uses sensitive materials including a timber framed structure. However, the scale and massing of this addition is considered to dominate the rear elevation of the building and represents a harmful addition to the character of the building. The Old School House adjacent has been extended with a substantial pitched roof extension. However, this extension is not considered to be a sensitive addition due to its scale and massing. The depth of the extension is substantial and it is not considered to set a precedent for the current proposal as each application is assessed based upon its own merits. The adjacent extension is considered to demonstrate the level of harm caused by a similar addition.

To facilitate a connection between the main house and the proposed garden room it is proposed to alter the window to a doorway. There would be a small loss of historic fabric to facilitate this. Given that the scale of the extension is considered unacceptable, justification for the alteration has not been provided.

The alteration and ground floor extension is considered to cause less than substantial harm to the listed building. The NPPF advises that where an application would cause harm, even 'less than substantial harm' should be refused. The onus is on the applicant to demonstrate sufficient material considerations to justify the harm and this should include demonstrating that alternative options have been considered. In this case, an alternative was considered and would provide additional space for the applicant without causing the level of harm now proposed. The NPPF also advises that heritage assets are irreplaceable and great weight should be given to the asset's conservation.

A further first floor extension is proposed which would be located at the rear of the dwelling. The current single storey extension is a later addition and there are no concerns with the proposed alteration to the building. The proposed extension is small in scale and the roof profile would be in keeping with the character of the property with appropriate material finishes. An alteration to alter a window to a door is required to allow a connection between the bedroom and new en-suite. The window is not considered to be of significance to the building and there are no concerns with its loss. The alterations will return the existing bathroom to a bedroom and the alterations would not cause harm to the listed building.

Further works are proposed to move drainage pipes to the interior of the building and strengthen the existing single storey extension to allow the increase in size and enable the

additional weight of the upper floor for the en-suite to be possible. The removal of the drainage pipes would be an improvement; however, this benefit is not outweighed by the harm caused by the addition of the ground floor extension.

**Conclusion:**

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposed first floor extension would not harm the listed building or features of special architectural or historical interest. The ground floor extension is considered to be of a scale and massing which is out of keeping with the character of the listed building and the alterations would harm the architectural interest which the building possesses. This harm has not been outweighed by public benefits as required by the NPPF and therefore the application is not supported.

**RECOMMENDATION**

REFUSE

**REASON(S) FOR REFUSAL**

1 The proposed single storey rear extension, by reason of the overall excessive size, massing and design, represents an inappropriate addition which would cause less than substantial harm to the character of the listed building and this harm is not outweighed by any public benefits. As the level of harm has not been outweighed by any public benefits the proposal is contrary to Policy BH.2 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted October 2007 and Paragraph 134 of the National Planning Policy Framework.

**PLANS LIST:**

This decision relates to the following documents received on 14th June 2016:

Gutter and pipes detail

Location and site plan

16.210/12

16.210/13

16.210/14

16.210/15

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:** 14  
**Application No:** 16/03715/FUL  
**Site Location:** 10 Woodborough Hill Cottages Woodborough Hill Peasedown St. John Bath Bath And North East Somerset



**Ward:** Peasedown St John  
**Grade:** N/A

**Parish:** Peasedown St John

**LB**

**Ward Members:** Councillor Sarah Bevan Councillor Karen Walker

**Application Type:** Full Application

**Proposal:** Erection of two storey extension

**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Forest of Avon, SSSI - Impact Risk Zones,

**Applicant:** Mr Colin Camm

**Expiry Date:** 19th September 2016

**Case Officer:** Chloe Buckingham

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

- The application was called in by Cllr Sarah Bevan and Cllr Karen Walker.
- The application was also supported by Peasedown St John Parish Council.

### DESCRIPTION OF SITE AND APPLICATION:

- The application relates to an end-of-terrace cottage located outside of the settlement boundaries of Peasedown St John and Radstock. The site is within the Radstock Conservation Area.
- The proposal is for a two storey side extension to an end-of-terrace cottage. The dwelling is a two-bed traditional ex-miners cottage with a pitched clay-tiled roof, stone

walls and timber doors and sash windows. The two storey extension to the side incorporates a modern design with dark timber clad and rendered walls, a single ply membrane roof and powder coated aluminium windows and doors. The extension is proposed to create open plan double height living areas as well as an additional bedroom and bathroom.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **CONSULTATIONS AND REPRESENTATIONS:**

Peasedown St John Parish Council:

- Another cottage within the terrace has already been extended and the proposed design, although modern, is sympathetic to the building and wider area.
- Acknowledge that the applicants own the neighbouring fields and have a large garden.
- The proposal is not considered to have a detrimental impact on neighbouring properties and surroundings and therefore, the Parish Council support the proposal.

Landscape Environment:

- Comments from the landscape officer explain that the proposal fails to use the historic palette of materials and fails to keep the building line, height and orientation of the existing walls and roof slopes.
- The proposal fails to preserve or enhance the character and appearance of the Radstock Conservation Area.
- The proposal is considered to have a significant adverse impact on the landscape and visual character and quality of the Conservation Area.
- The proposal does not comply with policies NE1, NE3 and BH6 of the Local Plan (2006) in that it does not conserve or enhance the character and local distinctiveness of the landscape. The proposal would adversely affect the contribution that the hillside makes to the character and landscape setting of Norton-Radstock. The proposal is also not considered to preserve or enhance the character or appearance of the area in terms of size, scale, form, massing, position, design and detailing.

Conservation Officer:

- The cottages should be considered a non-designated heritage asset and so paragraph 135 from the NPPF is engaged, which states that the effect of an application on the significance of a non-designated heritage asset should be taken into account.
- The large footprint of the extension at no.7 demonstrates the harm which can be caused by a large extension. It is considered fortunate that the use of traditional stone and the single storey nature of the extension have gone some way to mitigate the impact of the extension.
- The extension in question is a very large two storey extension of a design and type of materials that does not draw positively on the context created by the existing cottages. Therefore, the scheme is considered to cause harm to the architectural character and significance of the cottages and should be refused.
- The extension will only deliver private benefit to the applicants and there is no justification to outweigh the harm caused by the extension to the significance of the heritage asset.

- Do not currently have a list of locally important buildings (policy BH5). However, the Supplementary Planning Document (SPD) setting out the process for assessing buildings for inclusion on such a list is at an advanced stage of preparation.

## OTHER REPRESENTATIONS / THIRD PARTIES

Eight comments of support received from no.1, 2, 4, 5, 6, 7, 8 and 9 Woodborough Hill Cottages;

- The design is very high quality, sustainable and complements the surroundings.
- There will be no negative residential amenity impacts.

## RELEVANT PLANNING HISTORY:

- There is no relevant planning history for this site.

## 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
- T26 - Parking
- BH5 - Locally Important Buildings
- BH6 - Development within or affecting Conservation Areas
- NE1 - Landscape Character
- NE3 - Important Hillsides

### Relevant Core Strategy Policies:

- CP6 - Environmental Quality
- CP2 - Sustainable Construction
- SV1 - Somer Valley Spatial Strategy

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.

#### 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.

#### NATIONAL PLANNING PRACTICE GUIDANCE

Due consideration has been given to the recently published NPPG

#### Radstock Conservation Area Assessment- March 1999

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

#### OFFICER ASSESSMENT

##### PRINCIPLE OF PROPOSED USE:

There is no objection in principle to extending the existing dwelling. However, the details of the proposal must be considered acceptable and this is addressed below.

##### DESIGN OF THE DEVELOPMENT AND IMPACT ON THE STREET SCENE AND SURROUNDING AREA:

The cottages within the terrace have been constructed from coursed quarry faced white lias stone block work, red brick chimney stacks, window and door surrounds and red clay tiled pitched roofs. No.7 at the North end of the terrace has a single storey extension at a 45 degree angle to the gable end. Similar materials have been used for this extension with the white lias stone blockwork, red brick chimney, window and door surrounds and a red clay tiled, pitched roof. The conservation officer has explained that the large footprint of the extension at no.7 demonstrates the harm which can be caused by a large extension. The conservation officer has gone on to explain that the materials and the single storey nature of the extension have gone some way to mitigate the negative impacts.

The two storey extension to the side of no.10 incorporates a modern design with dark timber clad and rendered walls, a single ply membrane roof and powder coated aluminium windows and doors. The extension is proposed to create open plan living areas as well as an additional bedroom and bathroom.

The south west façade of the extension would be dark vertical timber clad with a single window at ground level on a landscape orientation. A terrace of a surface area similar to the existing building would project beyond the south west façade and would incorporate a pond on its west side and a patio on its east side. The edge of this patio would be terraced/stepped in order to accommodate the difference in height between the proposed

patio and the existing garden. The south east façade would consist of a projected two storey timber post and beam support structure with glazed units on two levels and of various sizes behind. A balcony would be located at the eastern end of this façade at first floor level. The north east façade consists of a light coloured rendered wall from ground level to eaves height projecting at approximately a 30 degree angle from the south east corner of the house and beyond the building line of the existing rear extension. The landscape officer has explained that while the black timber cladding may reference the colour of 'black coal seams' in the mines and the timber post and beam structure may 'sculpturally reference' the timber 'pit props' used in the mines these are not historically features of the landscape nor have they been used historically as materials in the construction of buildings upon it.

The flat roof of the extension would be at the eaves height of the existing terrace such that the gable end wall, chimney and rear roof slope would project above it when viewed from the south. A centrally placed circular metal chimney would project above the flat roof line and the flat roof would also support an array of fifteen photovoltaic panels.

The proposal is considered to be overly large and the walls and roof slope are of different heights and orientations to the existing building. Both the conservation officer and the landscape officer have also explained that the extension is overly large and of a design and type of materials proposed which does not draw positively on the context created by the existing cottages. Therefore, the scheme is considered to cause harm to the architectural character and significance of the cottages.

The landscape officer has explained that the site is approximately two thirds of the way up the south facing slope of the Wellow Brook Valley and is within the Cam and Wellow Brook Valleys Rural Landscape Character Area. Views of the development site from the north are screened by rising ground and intervening buildings and vegetation. However, close oblique views from the upper floors of numbers 1 to 6 to the proposed development site may be possible as may views from the public rights of way immediately to the west and south of these cottages. More distant views to the west, south and east are mostly screened or filtered by intervening vegetation. However to the south this is only affected by a row of mature cherry trees in apparently poor condition. To the south east there is a framed and open view across the valley to Writhlington so limited views of the proposed development site may be possible from houses and public open spaces within this area. From the Public Right of Way on the southern boundary of the garden of Number 10 distant views to and from Radstock are possible and the proposed development site is only screened from these views by a small number of mature trees as noted above. In the future if these trees were to die and/or be removed distant views of the proposed development site may be possible from properties and public open spaces within Radstock.

The Conservation Officer has highlighted that the Council does not currently have a list of locally important buildings (policy BH5). However, the Supplementary Planning Document (SPD) setting out the process for assessing buildings for inclusion on such a list is at an advanced stage of preparation. The Conservation Officer has explained that the cottages are now included in the Historic Environment Record (HER).

Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account. Therefore, a balanced

judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. Whilst the proposal is considered to cause harm to the architectural character and significance of the cottages, the overall scale of the harm to the non-designated heritage asset is considered to be less than significant. However, the proposal is still considered to be harmful to the existing building and wider Conservation Area. It is also considered that the extension will only deliver private benefit to the applicants and there is no justification to outweigh the harm caused by the extension to the significance of the heritage asset. The size, scale and type of materials are not considered to complement or enhance the host dwelling or the other properties within the terrace. The proposal is therefore, considered to cause harm to the architectural character and significance of the cottages and should be refused.

The design of the proposal has received support from eight local residents and Peasedown St John Parish Council and some weight has been given to these comments. However, the size, scale and design of the proposed extension is not considered to respect the modest end-of-terrace property. The extension is considered to be over-development and out-of-character with the design of the host dwelling.

The site lies within the Radstock Conservation Area and specifically area 7 Writhington Collieries (Conservation Area Assessment Radstock- Strategic Policy Bath & North East Somerset Council March 1999). The designation of the conservation area was in part justified on the basis of preserving and enhancing the character and appearance of the mining heritage of the area of which the isolated miners terraces of Woodborough Hill are an intrinsic part. As noted in the Conservation Area Assessment "objectives for this area should seek to preserve/restore the buildings and features associated with the mine and the historical features of the area"

The size, scale, form, massing, position, design and detailing of the extension are not considered to complement the host dwelling or the other terraced properties. The proposal is also not considered to preserve or enhance this part of the conservation area as is required by Section 72 (1) of the 1990 Act. Therefore, the proposal does not accord with policies D4, D2 or BH6 of the Bath and North East Somerset Local Plan (2007) and this represents a clear reason for refusal. Similarly, the proposal is not considered to conserve or enhance the character and local distinctiveness of the landscape and the proposal is considered to adversely affect the contribution that the hillside makes to the character and landscape setting of Norton-Radstock. Therefore the proposal also does not accord with policies NE1 and NE3 of the Bath and North East Somerset Local Plan (2007)

Policy CP2 states that sustainable design and construction will be integral to new development and all applications should include evidence of maximising energy efficiency and integrating the use of renewable and low carbon energy and efficiency in material use, including the type, life cycle and source of materials. It is noted that the proposed extension includes a number of sustainable design elements, such as solar panels to the roof and the use of natural ventilation and daylight to minimise the use of energy. Whilst the methods for energy efficiency are welcomed, they are not considered to overcome the issues with the size and design of the extension.

**IMPACT ON RESIDENTIAL AMENITY:**

Due to the positioning of the extension to the side of the end-of-terrace property and as the other terraced dwellings are situated at a sufficient distance away from the proposed extension, it is not considered that the proposal would cause any significant negative residential amenity impacts for any surrounding occupiers. The proposed extension is large but it is noted that the garden to the side of the dwelling is also substantial and so the amount of private amenity space leftover after the development would be sufficient for the host dwelling.

#### **PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:**

The extension is proposing to change the property from a two-bed to a three-bed and there is sufficient space to the front of the property for two parking spaces, which is in accordance with Policy T26.

#### **CONCLUSION:**

The proposal is not considered to conserve or enhance the character and local distinctiveness of the landscape. The proposal is considered to adversely affect the contribution that the hillside makes to the character and landscape setting of Norton-Radstock. The proposal is also not considered to preserve or enhance the character or appearance of the conservation area in terms of size, scale, form, massing, position, design and detailing. Therefore, the proposal does not accord with policies NE1, NE3, D4, D2 or BH6 of the Bath and North East Somerset Local Plan (2007) and this represents a clear reason for refusal.

Paragraph 135 of the NPPF (2012) states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Whilst the proposal is considered to cause harm to the architectural character and significance of the cottages, the scale of the harm to the non-designated heritage asset is considered to be less than significant. Nevertheless, the proposal is still considered to be harmful to the existing building and wider Conservation Area. It is also considered that the extension will only deliver private benefit to the applicants and there is no justification to outweigh the harm caused by the extension to the significance of the heritage asset.

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. It is considered that the proposal would be detrimental to the character and appearance of the Conservation Area and is therefore unacceptable development in this location.

#### **RECOMMENDATION**

**REFUSE**

#### **REASON(S) FOR REFUSAL**

1 The proposed development would have demonstrable harm to the visual amenity of the locality and to the appearance of this block of terraced dwellings. As a result the proposal would detract from the character and appearance of this part of the Conservation Area

and is contrary to saved Policies D2, D4 and BH6 of the Bath and North East Somerset Council Local Plan (2007).

2 The proposal does not conserve or enhance the character and local distinctiveness of the landscape and will adversely affect the contribution that the hillside makes to the character and landscape setting of Norton-Radstock. Therefore, the proposal is also contrary to Policies NE1 and NE3 of the Bath and North East Somerset Local Plan (2007) and the provisions of the National Planning Policy Framework (2012).

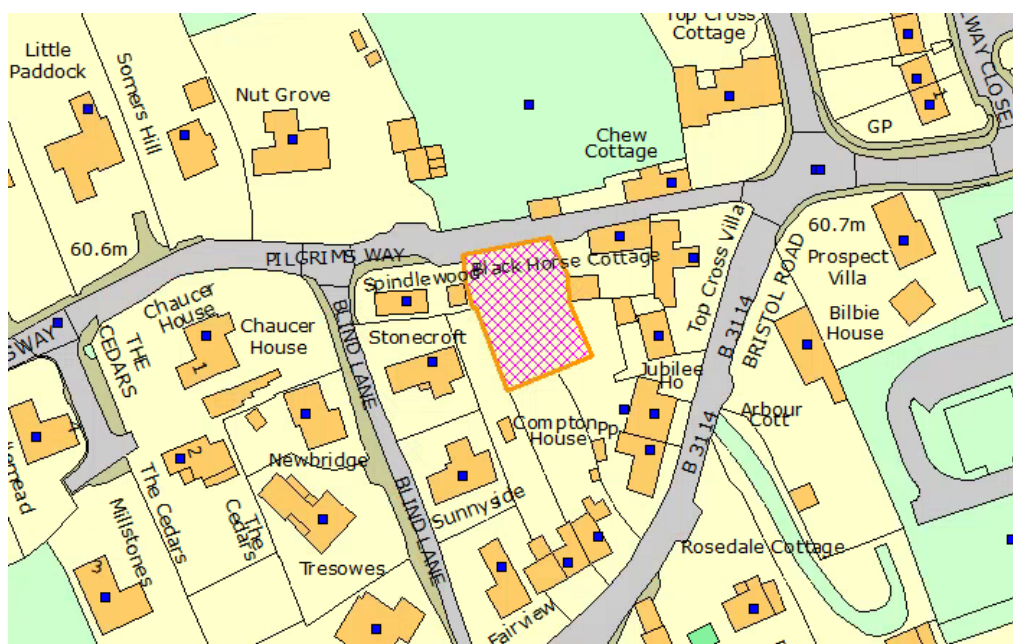
## PLANS LIST:

This decision relates to the Existing Site Plan (2311-S001), Existing Plans and Elevations (2311-S002), Location Plan (2311-S003), Block Plan (2311-S004), Proposed Site Plan (2311-P001), Proposed Ground Floor Plans (2311-P002), Proposed First Floor Plan (2311-P003), Proposed Elevations (2311-P004 and 2311-P005), Proposed Roof Plan (2311-P006), Pit Prop House Extension (2311-P007) received by the Council on 25th July 2016.

## DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The applicant was advised that the application was to be recommended for refusal. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

**Item No:** 15  
**Application No:** 16/03446/FUL  
**Site Location:** Blackhorse Cottage Pilgrims Way Chew Stoke Bristol Bath And North East Somerset



<b>Ward:</b> Chew Valley North	<b>Parish:</b> Chew Stoke	<b>LB Grade:</b> N/A
<b>Ward Members:</b>	Councillor Liz Richardson	
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of single dwelling adjacent to existing property	
<b>Constraints:</b>	Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Conservation Area, Forest of Avon, Greenbelt, Housing Development Boundary, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr & Mrs T Jackson	
<b>Expiry Date:</b>	20th October 2016	
<b>Case Officer:</b>	Kate Whitfield	

## REPORT

The application site lies within the village of Chew Stoke and currently forms part of the garden area of a residential property, 'Blackhorse Cottage'. The site lies within the designated Conservation Area for Chew Stoke. Chew Stoke is also a village within the Bristol & Bath Green Belt.

Planning permission is sought for the erection of a detached, three bedroom residential dwelling on the site.

### Reason for Committee Referral :

Chew Stoke Parish Council has raised objections to the proposal based on material planning grounds. This view is contrary to the Officers recommendation of approval. The application was therefore referred to the Chair of the Development Management Committee, who agreed that the application should be determined by the Committee.

### Relevant Planning History:

DC - 98/03037/FUL - REF - 26 November 1998 - Two bedroom cottage.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

### Consultation Responses :

#### Chew Stoke Parish Council :

The Parish Council supports the development of a dwelling on this site, however, it has concerns with the size of the proposed dwelling.

Whilst the frontage and height of the proposed development is proportionate to the location and surrounding properties, the size of the house is deceptively large. It is almost square in shape, (with a single storey side extension) presenting a large mass of flank wall to its sides. With the modest width of the plot in relation to the width of the house, the Parish Council considers that this presents an overbearing mass to the 2 properties to the west of the plot especially as the lie of the land falls away in this direction.

The Parish Council is aware that 2 of the neighbouring properties have objected on these grounds together with a neighbour at the rear of the proposed development plot. The neighbouring property, Stonecroft, is mis-represented on the site plan, (the south part of the house protrudes further from the main part of the house) and the planning group notes

there will be overlooking from the south facing elevation of the proposed development onto Stonecroft's dining room window and bedroom window.

#### **Further comments received 4th September 2016**

Chew Stoke Parish Council would like to add further comments to this application in follow up to the applicant's agent's response to submitted comments made on 11 August.

Please note ;

- the Parish Council does not support this application (although the PC did state that it supports the PRINCIPLE of development on this plot)

- the Parish Council raised concerns about the size of the development and the perceived over-bearing effect of the flank wall of the proposed development on adjoining properties.

- since the Parish Council submitted its original comments, it has also become aware of 2 further objections made by neighbouring properties regarding over-looking issues.

- the Parish Council raised an issue concerning over-looking occurring to 2 habitable rooms in the Stonecroft property that was not obvious in the submitted plans due to the mis-representation of Stonecroft in the submitted plans. The applicant's agent says he does not understand the Parish Council's comments about the issue raised about the incorrect representation of the Stonecroft property on the submitted plans as the submitted plans were based on an Ordnance Survey plan. A visual inspection of the Stonecroft property from the applicant site can easily show that the Stonecroft property is mis-represented on the submitted plans (and OS plans). It is suggested that a revised plan is submitted correctly mapping the location of Stonecroft.

- the parish notes that similar issues relating to proximity to neighbouring properties and overbearing/overlooking issues apply to this application and the BANES refusal recently made on the Burnside planning application in Chew Stoke. This application appears to be more relevant than the examples used by the applicants' agent which were both for development of multiple houses.

#### **Bath and North East Somerset Council Transportation and Highways Team :**

The site will be accessed via a new entrance off Pilgrims Way through an opening in an existing stone boundary wall. It is noted that this has been relocated from the east side of the site which was initially proposed at pre-planning stage (ref. 15/05560/PREAPP).

Although visibility from the access maybe obstructed by the stone wall fronting the site, Highways DC acknowledge that this is a lightly trafficked one-way street (where vehicles approach from the west only) and vehicles are unlikely to travel at excessive speeds (a 20 mph speed limit applies). Given the geometry of the local highway, it is considered that the arrangements, including visibility splays, will be appropriate for the development proposed. This is highlighted in page 89 of Manual for Streets which suggests that carriageway width and forward visibility are the two 'stand out' factors that influence driving speed.

While there maybe concerns regarding the increase in vehicle movements on Pilgrims Way and at the site access, this increase is likely to be negligible and will not have any material or noticeable impact on the safety or operation of the local highway network.

The provision of 2 no. car parking spaces within the site is acknowledged as this complies with the maximum parking standards specified under policy T.26 of the Local Plan. The provision of adequate space for turning to allow vehicles depart the site in a forward gear is also acknowledged.

The sites sustainable location within the housing development boundary of Chew Stoke is acknowledged. There is good access to local services and amenities in the village as well as access to public transport. It is possible to access bus services on the B3114 which provide frequent connections to larger settlements.

In light of the comments above, no highway objection is raised subject to conditions being attached to any permission granted relating to retention of the parking areas and turning space and the construction of the access.

### **Representations Received :**

3 public representations have been received. All object to the proposal. In summary the following concerns are raised :

- The proposed development does not represent the street pattern and scale and proportions of surrounding buildings. The properties are typically characterised by large plots with large spacing between them.
- The proposed development has a predominantly square footprint, which is not in keeping with the surrounding buildings all of which are predominantly rectangular. This would lead to the main bulk of building extending far further from the road than the two existing adjacent properties Spindlewood and Blackhorse Cottage.
- The development would have an overbearing visual impact upon neighbouring properties.
- The development would reduce the amount of direct sunlight received by neighbouring properties.
- The development would result in severe overlooking onto neighbouring properties and loss of views and is contrary to the Human Rights Act.
- The development will decrease the value of surrounding properties.
- The height and dimensions of the proposed dwelling are questioned.
- The solar panels on the rear elevation are unsightly.

### **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

#### 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.6 : Residential Development in R3 Settlements

BH.6: Development within or affecting Conservation Areas.

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. The Plan has limited weight in the determination of planning applications, however, the following policies would be relevant :

D1 : General Urban Design Principles

D2 : Local Character and Distinctiveness

D6 : Amenity

H1 : Historic Environment

GB1 : Visual Amenities of the Green Belt

GB2 : Development in Green Belt Villages

ST1 : Promoting Sustainable Travel

ST7 : Transport Requirements For Managing Development

The Chew Valley Neighbourhood Plan is at draft stage and is also out for consultation until 20 September 2016. At this stage this also has limited weight in the determination of planning applications.

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

In addition, 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.

## **OFFICER ASSESSMENT**

The main issues to consider are :

- (i) The principle of new housing development on the site
- (ii) The appearance and design of the proposed development
- (iii) The impact on the residential amenity of surrounding properties
- (iv) Other Matters - Highways Issues, Landscaping.

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

The site is located within the village of Chew Stoke, which lies within the Bristol & Bath Green Belt. Under national planning policy set out in the NPPF there is a general presumption against development within Green Belt land and the construction of any new buildings is deemed to be inappropriate development, which, by definition, is harmful to the Green Belt. However, the NPPF lists a variety of circumstances which are considered to be exceptions to this, one of which is the limited infilling of new residential development within villages.

Chew Stoke is defined as an 'R3' settlement under the Bath and North East Somerset Local Plan. Saved Local Plan policy HG.6 states that new residential development will only be permitted within these settlements if the site is within the defined housing development boundary and if the site represents infilling, the sub-division or replacement of an existing dwelling or the conversion of a non-residential dwelling.

The proposed site lies within the housing development boundary for the village. In relation to 'infilling' the Local Plan provides a definition which states it is "the filling of small gaps within existing development e.g. the building of one or two houses on a small vacant plot in an otherwise extensively built up frontage. The plot will generally be surrounded on at least three sides by developed sites or roads." It is considered that the proposed application site meets this criterion and would be classed as an infill plot as envisaged under the policy.

It is therefore considered that the development of the application site for open market housing accords with both national and local planning policy and in principle can be supported.

### **(ii) The appearance and design of the proposed development**

The proposed dwelling will be built on land which is currently a garden area on the western side of the existing dwelling, Blackhorse Cottage. The land is predominantly laid either to lawn or used for the growing of vegetables. The plot itself is around 20 metres wide and 30 metres deep. The proposed dwelling will be located at the front of the plot with a rear garden behind the property which is around 14 metres long. At the front a new access will be established off Pilgrim's Way, leading onto two parking spaces.

The size of the plot is considered to be commensurate with the plot sizes of other dwellings in the locality. The distances retained to neighbouring properties will be in keeping with the general pattern of development around Pilgrim's Way and the plot is deemed to be large enough to support a dwelling of the proposed scale without appearing overly cramped. The front of the dwelling will be broadly in line with the neighbouring property 'Spindlewood' to the east. It is acknowledged that the dwelling has a 'squarer' footprint than the more rectangular layout of neighbouring properties, however, given the size of the plot and the relationship to neighbouring dwellings (which is discussed further below), it is considered that the scale of the dwelling is appropriate.

A fairly small garden area will be retained for the existing property, 'Blackhorse Cottage' but is deemed to be adequate. This property will also retain a garage and two off road parking places.

The proposed dwelling itself is two storeys with three 'eyelid' dormers on the front and rear elevations. It is noted that this design has enabled the height of the dwelling to be kept to a level just below the height of Black Horse Cottage, which is appropriate and should allow the dwelling to blend comfortably and unobtrusively into the street scene. The dwelling will also have a central, front porch and a flat roof side extension providing a utility. An existing greenhouse attached to the side wall of the garage is to be transferred onto the rear wall of this utility. It is proposed to predominantly render the dwelling, with only the front porch being constructed in stone. A condition requiring final approval of materials will be attached to the permission to ensure that the appropriate quality of finish is achieved.

There are a wide variety of house designs and a mixture of materials within the immediate locality. Overall the proposed design and materials for the dwelling are considered acceptable and it is not considered that the proposal will result in any detrimental impact on the character and appearance of the Chew Stoke Conservation Area. The proposal is therefore deemed to accord with saved Local Plan policies D.2, D.4 and BH.6 and it is considered that the LPA has complied with its duties 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.

### (iii) The impact on the residential amenity of surrounding 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 rear and side boundaries of the application site share boundaries with existing residential development and some of the owners of these neighbouring properties have raised concerns that the proposed dwelling will be harmful to their amenity, on grounds that the new dwelling would have an overbearing impact and result in a loss of light, outlook and privacy. These concerns are also echoed in the response from the Parish Council.

These concerns are acknowledged, however, it is considered that there will be adequate separation distances between the new dwelling and all neighbouring properties to prevent the development from resulting in significant harm to residential amenity. An updated site

plan has been received following the Parish Council's representation that the neighbouring property 'Stonecroft' was inaccurately represented on the plans initially submitted. The new site plan indicates that the rear building line of the new dwelling will lie roughly level with the northern (rear) elevation of the property 'Stonecroft'. This will prevent any direct overlooking between the properties.

'Stonecroft' has two windows in its eastern side elevation, looking towards the application site, a ground floor window in the side elevation and a first floor side dormer window. There are concerns that the new dwelling would have views into these windows, infringing the privacy of the occupants. However, it is not considered that this can be sustained as an objection as any views to these windows will be at an extremely oblique angle and separated by an appropriate distance which includes the long rear garden of 'The Myrtles', a property which lies to the south. In relation to the upper side dormer window on 'Stonecroft' any views of this should be negligible, due to the relative positions of the properties. In addition this window will lie around 20 metres from the closest window of the proposed dwelling.

The plans indicate a number of windows in both side elevations at first floor level, which will potentially overlook neighbouring properties to an unreasonable extent. However, all these windows are either bathroom or secondary windows. Therefore a condition is proposed to state that these should be obscure glazed. The boundary fencing around the site should screen views from the ground floor windows.

It is understood that there is likely to be a perception of enclosure in respect of the property 'Stonecroft' as there is currently no built development directly on the eastern side of this property's garden. This rear garden is also likely to be extremely shaded already due to the north facing aspect and the existence of the property 'Spindlewood' lying directly north. However it is taken into consideration that the rear garden of 'The Myrtles' will lie in between the two respective properties. This garden is around 8 metres wide and considered to provide the necessary gap to mitigate the impact of the proposed dwelling to an acceptable extent.

The dwellings backing onto the rear boundary of the site lie at a lower ground level but at least 25 metres from the proposed dwelling. Whilst concerns have been raised from the owners of some of these properties it is considered that there is adequate distance between the properties to prevent any significant impact on their amenity. Issues such as a perceived loss of view or house value are not material planning considerations which can be taken into account.

The proposed scheme is therefore considered to accord with the aims of policy D.2 and is deemed acceptable in terms of the impact on residential amenity.

#### (iv) Other Matters - Highways Issues, Landscaping

##### - Highways Issues

Saved Local Plan Policy T.24 states that development should only be permitted if it provides a high standard of highways safety and adequate vehicular access having regard to environmental considerations.

A new access is to be established for the dwelling off Pilgrim's Way. This will lead onto a driveway with two parking spaces and a turning area. A new stone boundary wall is to be built to separate this driveway from the existing driveway which will continue to serve Blackhorse Cottage.

The Highways Officer has raised no objections to these arrangements. Two parking spaces and a turning area will also be provided within the site. The proposal is therefore deemed to be in accordance with saved Local Plan policies T.24 and T.26 and the associated parking standards.

- Landscaping

The application advises that 15 new trees have recently been planted around the site, although these are not in positions which would conflict with the new development. The side and rear boundaries will be marked by close boarded fencing and the stone boundary wall will be retained along the road frontage, except for the section removed for the new access. A new section of stone wall will also separate the driveways of the new dwelling and Blackhorse Cottage. The plans indicate that the new driveway and parking areas will be gravelled, however, this is not likely to be acceptable from a highways perspective as it could result in loose gravel being distributed on the highway. Therefore further details on the proposed surfacing are requested for prior approval as part of the materials condition.

No specific additional landscaping is considered necessary in relation to this application.

**Conclusion :**

It is considered that the principal of new housing development on this site is acceptable under current planning policy. The proposed scheme is deemed to be acceptable in terms of scale and design and will not be detrimental to the character and appearance of the Chew Stoke Conservation Area. In addition it is not considered that the proposal will result in significant harm to the amenity of neighbouring properties to the site. The application is therefore recommended for approval.

**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 Flood Risk and Drainage - Infiltration Testing (Pre-commencement)**

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and

approved in writing by the Local Planning Authority and 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. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage 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, has been submitted to and approved in writing by the Local Planning Authority. This schedule should include details of the materials for the new section of stone boundary wall at the front of the site and the surfacing materials for the driveway and parking area. 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 Conservation Area in accordance with Policies D.2, D.4 and BH.6 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

### **4 Highways - Bound/Compacted Vehicle Access (Pre-occupation)**

No occupation of the development shall commence until the vehicular access and the parking and turning area, shown on drawing number 2137-18/A has 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 Highways - Parking Areas (Compliance)**

The areas allocated for parking and turning on the approved plan reference 2137-18/A 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 and turning areas 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.

### **6 Obscure Glazing and Non-opening Window(s) (Compliance)**

The proposed first floor windows on the eastern and western side elevations shall be obscurely 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: To safeguard the residential amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D.2 of the Bath and North East Somerset Local Plan

## **7 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 plans dated as received

Location Plan, drawing number 2137-17, dated 8 July 2016

Floor Plans, drawing number 2137-20, dated 8 July 2016

East and North Elevations, drawing number 2137-21, dated 8 July 2016

South and West Elevations, drawing number 2137-22, dated 8 July 2016

Site Plan and Roof Plan, drawing number 2137-18/A, dated 19 September 2016

### **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.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a Licence under Section 184 of the Highways Act 1980 for the construction of the extension to the vehicular crossing. The details of the access shall be approved and constructed in accordance with the current Specification.

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.



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

### APPEALS LODGED

**Case Ref:** 16/00276/UNAUTH  
**Location:** Parcel 0660, Upton Lane, Chew Magna, Bristol.  
**Breach:** Without planning permission use of land for airport car parking.  
**Notice Issued:** 29<sup>th</sup> April  
**Appeal Lodged:** 8 September 2016

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**App. Ref:** 16/01363/FUL  
**Location:** 41 The Brow, Twerton, Bath, BA2 1EA.  
**Proposal:** Erection of a two storey side extension and conversion of the existing roof space including the provision of 1no. rear dormer following demolition of existing detached garage.  
**Decision:** REFUSE  
**Decision Date:** 23 May 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 8 September 2016

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**App. Ref:** 16/01001/AGRA  
**Location:** The Nursery, Folly Lane, Stowey, Bristol, BS39 4DW.  
**Proposal:** Erection of agricultural building (following application 16/00086/AGRN)  
**Decision:** REFUSE  
**Decision Date:** 3 March 2016  
**Decision Level:** Delegated

**Appeal Lodged:** 12 September 2016

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**App. Ref:** 15/05125/FUL  
**Location:** Englishcombe House, Residential Home, 33 Englishcombe Lane, Southdown, Bath, BA2 2EE.  
**Proposal:** Change of use from C2 to Sui-Generis (Large HMO).  
**Decision:** REFUSE  
**Decision Date:** 19 January 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 19 September 2016

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**App. Ref:** 16/01226/FUL  
**Location:** Tonedale 1, Meadow View, Radstock, BA3 3QT  
**Proposal:** Erection of 1no. two storey detached dwelling  
**Decision:** REFUSE  
**Decision Date:** 6 June 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 22 September 2016

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**App. Ref:** 16/01219/FUL  
**Location:** The Cottage, Pipehouse Lane, Freshford, Bath.  
**Proposal:** Erection of 1no. detached dwelling with access and associated works.  
**Decision:** REFUSE  
**Decision Date:** 30 June 2016  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 28 September 2016

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**App. Ref:** 16/02699/FUL  
**Location:** Burnside Walley, Court Road, Chew Stoke, Bristol, BS40 8XN.  
**Proposal:** Erection of 2no two storey detached dwellings with attached garages and extension to existing garage following demolition of existing workshop building (Re-submission)  
**Decision:** REFUSE  
**Decision Date:** 18 August 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 28 September 2016

## APPEALS DECIDED

**App. Ref:** 15/01469/FUL  
**Location:** 62 High Street, Twerton, Bath, BA2 1DD.  
**Proposal:** Change of use of land rear of 62 High Street to 1 No. Romany Gypsy pitch including 1 No. mobile home.  
**Decision:** REFUSE  
**Decision Date:** 4 August 2015  
**Decision Level:** Delegated  
**Appeal Lodged:** 29 February 2016

**Appeal Decision:** Dismissed on 08.09.2016

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

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**App. Ref:** 15/03801/FUL  
**Location:** Land At Rear Of Unit 3, Lymore Gardens, Claude Vale, Twerton Bath.  
**Proposal:** Erection of 8no. flats  
**Decision:** REFUSE  
**Decision Date:** 17 December 2015  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 28 June 2016

**Appeal Decision:** Dismissed on 05.09.2016

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

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**App. Ref:** 13/04975/OUT  
**Location:** Parcel 3567, Stitchings Shord Lane, Bishop Sutton, Bristol.  
**Proposal:** Outline planning application for a residential development of up to 32 dwellings and associated infrastructure.  
**Decision:** REFUSE  
**Decision Date:** 14 March 2014  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 20 May 2014

**Appeal Decision: Dismissed on 12.09.2016**

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

The application for costs was also dismissed - click [here](#) and [here](#) to view the Full & Partial Costs Decisions.

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**App. Ref:** 15/02120/FUL  
**Location:** Land To Rear Of 49-53, Church Road, Peasedown St. John, Bath.  
**Proposal:** Erection of a new single-storey eco-dwelling, garage and associated landscape works.  
**Decision:** REFUSE  
**Decision Date:** 26 February 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 19 July 2016

**Appeal Decision: Dismissed on 27.09.2016**

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

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**App. Ref:** 16/01919/FUL  
**Location:** 13 Rotcombe Vale, High Littleton, Bristol, BS39 6JZ.  
**Proposal:** Erection of 1no three bed dwelling. (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 27 June 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 19 July 2016

**Appeal Decision: Dismissed on 28.09.2016**

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

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