

Democratic Services

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Date: 8 November 2016

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To: All Members of the Development Management Committee

Councillors:- Sally Davis, 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, 16th November, 2016

You are invited to attend a meeting of the **Development Management Committee**, to be held on **Wednesday, 16th November, 2016** at **2.00 pm** in the **Brunswick Room - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 15 November 2016 in the Meeting Room, Lewis House, Bath.

The rooms will be available for the meetings of political groups.

The agenda is set out overleaf.

Yours sincerely



Marie Todd
for Chief Executive

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

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

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

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

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Marie Todd as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

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

4. Recording at Meetings:-

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

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

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

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

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

7. **Emergency Evacuation Procedure**

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

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

Development Management Committee - Wednesday, 16th November, 2016

at 2.00 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 - 54)

To confirm the minutes of the meeting held on 19 October 2016.

9. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 55 - 76)

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 77 - 162)

11. ENFORCEMENT REPORTS (PAGES 163 - 186)

12. QUARTERLY PERFORMANCE REPORT - JULY TO SEPTEMBER 2016 (PAGES 187 - 202)

The Committee is asked to note the report.

13. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 203 - 206)

The Committee is asked 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>

Member and Officer Conduct/Roles Protocol*

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 19th July 2012 to which full reference should be made as appropriate).

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

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

2. Local Planning Code of Conduct

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

3. Site Visits

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

4. Voting & Chair's Casting Vote

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

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

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

5. **Protocol for Decision-Making**

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

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

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

6. **Officer Advice**

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

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

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

8. **Officer Contact/Advice**

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

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

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

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

Site Visit Procedure

- (1) Any Member of the Development 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, 19th October, 2016, 12.00 pm

Councillors: Sally Davis (Chair), Rob Appleyard, Jasper Becker, Paul Crossley, Matthew Davies, Eleanor Jackson, Les Kew, Bryan Organ, Caroline Roberts and Karen Warrington (Reserve) (in place of David Veale)

56 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

57 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

58 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor David Veale and Karen Warrington attended in his place as a substitute.

59 DECLARATIONS OF INTEREST

There were no declarations of interest.

60 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

61 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.

62 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

63 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 21 September 2016 were confirmed and signed as a correct record.

64 **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 one planning application.

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. 16/02441/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.

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

In response to a query the Case Officer explained that the timber framed structure would be fixed to the masonry of the building.

Councillor Crossley stated that he believed any harm to the building would be outweighed by the benefit the facility would bring to worshippers at the church who may be frail or elderly. He moved that planning permission be granted subject to the conditions outlined in the report. This was seconded by Councillor Jackson.

Councillor Kew felt that the materials were inappropriate for the listed building and that stone should be used rather than timber. The structure would also be detrimental to the stained glass window.

Councillor Organ was also opposed to the application as it would be situated at the main entrance to the church and would spoil the façade and view of the stained glass window.

The motion was put to the vote and there were 3 votes for, 6 votes against and 1 abstention. The motion was therefore **LOST**.

Councillor Kew then moved that the application be refused due to inappropriate materials, location and design. This was seconded by Councillor Organ.

The motion was put to the vote and it was **RESOLVED** by 6 votes for, 3 votes against and 1 abstention to **REFUSE** the application for reasons of inappropriate materials, location and design which would be harmful to the listed Church.

65 **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, 3, 5, 6, 7, 8 and 11 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. 16/02055/FUL

Site Location: Land East of The Mead, Queen Charlton Lane, Whitchurch – Erection of 100 1, 2, 3 and 4 bedroom dwellings including public open space, attenuation and associated works. New vehicular access from Queen Charlton Lane

The Case Officer reported on the application and the recommendation to delegate to permit the application. The officer explained that Condition 5 relating to flood risk and drainage would be amended and that there were a number of unresolved issues which would be resolved by the Case Officer if the Committee agreed to delegate to permit planning permission.

The registered speakers spoke for and against the application

A statement from the local ward member, Councillor Paul May, was read out stating that he now found the application acceptable although still had some concerns around road safety.

In response to a question the Case Officer stated that there were no significant concerns regarding the issue raised by the Urban Designer. He confirmed that the vast majority of the hedgerow would be retained. The translocation of grassland was one of the issues to be delegated to officers to resolve but it was likely that turf would be lifted and relocated.

The Case Officer confirmed that when the Bellway Homes scheme was completed there would be a safe alternative walking route to school through that development. It was also noted that there was not a requirement for a 4 bed dwelling to have 4 parking spaces.

Councillor Kew queried whether bringing this application to committee was premature given the amount of outstanding issues. Officers explained that the outstanding issues were matters of detail and not significant. Councillor Jackson pointed out that it would be preferable for an officer to negotiate on the outstanding matters rather than having to vary conditions in the future.

Councillor Jackson moved that the Committee agree to delegate to permit planning permission subject to conditions. This was seconded by Councillor Organ.

The motion was then put to the vote and it was **RESOLVED** unanimously to delegate to **PERMIT** planning permission subject to conditions.

Item No. 2

Application No: 16/02658/REM

Site Location: Rockery Tea Gardens, Vacant Premises, North Road, Combe Down, Bath – Removal of condition 11 on application 13/01733/FUL, allowed on appeal 15 May 2015 (Erection of a detached single storey dwelling (revised proposal))

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

The registered speaker spoke against the application.

Local ward members Councillors Cherry Beath and Bob Goodman spoke against the application.

Councillor Appleyard stated that he believe the Committee should refuse the application. The development was allowed on appeal and the Planning Inspector had recognised the need for Smart Glass to be used. It was important to protect the bats in this location and cost of providing this glass was not a planning consideration. He then moved that planning permission be refused. This was seconded by Councillor Crossley.

Councillor Jackson queried whether the Committee could amend a Planning Inspector's decision.

The Team Manager, Development Management, confirmed that whilst in some circumstances costs are capable of being a material consideration no viability issues had been raised by the applicant in this case. What was key was the reason that the condition was originally required was in the interests of protection of ecology and there were no reasons why alternatives could not be proposed that addressed this matter. She pointed out that the alternative proposal was regarded to be satisfactory and that no objections had been received from either the ecologist or Natural England.

Councillor Crossley queried how the alternative lighting solution would be enforced. This was a prominent site and the original condition should stand.

Councillor Kew agreed that the original condition should remain because Smart Glass offered the most effective solution and means of controlling the light.

Councillor Jackson in addition added that the proposal would be harmful to the Council's dark skies policies.

On being put to the vote it was **RESOLVED** unanimously to **REFUSE** planning permission as the proposal would be harmful to ecology, was less effective than Smart Glass and would be contrary to the Council's Dark Skies Policy.

Item No. 3

Application No: 16/03069/FUL

Site Location: Workshop, 239A London Road East, Batheaston, Bath – Conversion and extension of existing industrial building to create a Live Work Unit

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

The registered speakers spoke for and against the application.

Local ward member, Councillor Alison Miller, spoke against the application.

Councillor Crossley pointed out that this was an unconventional building located between two listed buildings. He then moved that planning permission be refused due to loss of amenity for the neighbouring properties, poor design, the adverse effect on the setting and being out of character for the area. This was seconded by Councillor Appleyard who also felt that the height of the proposed extension was an issue.

Councillor Jackson stated that the extension would conserve and enhance the conservation area and was an improvement on the existing building.

Councillor Kew was not familiar with the area and felt that it would be helpful to view it first. He pointed out that the site was within the housing development boundary.

Councillor Roberts stated that just because a building was not currently very attractive did not mean that it should be replaced with just anything.

The motion was put to the vote and there were 4 votes for, 5 votes against and 1 abstention. The motion was therefore **LOST**.

Councillor Kew then moved that consideration of the application be deferred for a site visit. This was seconded by Councillor Warrington.

The motion was then put to the vote and it was **RESOLVED**, by 9 votes for and 1 against to **DEFER** consideration of the application pending a site visit.

Item No. 4

Application No. 16/03043/FUL

Site Location: 18 Eden Park Drive, Batheaston, Bath BA1 7JJ – Erection of 2 detached dwellings with associated works

The Case Officer reported on the application and her recommendation to grant planning permission. She informed the Committee that one further objection had been received and this was noted.

The registered speakers spoke for and against the application.

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

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

Item No. 5

Application No. 16/1465/FUL

Site Location: Land Adjacent to White Hill Cottages, White Hill, Shoscombe – Erection of attached garage and refurbishment of domestic store/workshop following demolition of existing garage (Resubmission)

The Case Officer reported on the application and her recommendation to permit the application. She explained that she now wished to add an additional condition to ensure that fencing is constructed to prevent parking on the grass verge. She also explained that although the site was in the greenbelt it was only a marginal extension to an existing building.

The registered speaker spoke against the application.

Councillor Organ moved that planning permission be granted subject to the conditions outlined in the report and an additional condition regarding fencing as mentioned by the Case Officer. This was seconded by Councillor Kew.

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

Item No. 6

Application No. 16/03724/FUL

Site Location: Lea Meadow House, Wells Road, Hallatrow – Erection of 4 detached dwellings (Resubmission of 15/04514/FUL)

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

The registered speakers spoke in favour of the application.

Councillor Kew spoke as local ward member in favour of the application. He pointed out that the location was a brownfield site and that new developments were taking place at the local school. This meant that spare places would soon become available. There were currently 156 pupils on roll with a planned admission number of 175 meaning that there were 19 places available in the school. Farrington Gurney School which was equidistant to the proposed development also had 16 places available. Councillor Kew felt that the development would enhance the site and the village. There had been no objections to the planning application. For these reasons he moved that planning permission be granted subject to appropriate conditions. This was seconded by Councillor Organ.

On being put to the vote it was **RESOLVED** by 8 votes for and 2 votes against to delegate to **PERMIT** the application subject to conditions.

Item No. 7

Application No. 16/03724/FUL

Site Location: 8 Warminster Road, Bathampton, Bath, BA2 6SH – Erection of two-storey rear extension with first floor rear balcony

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

The registered speakers spoke for and against the application.

Councillor Appleyard stated that, having heard the speakers, he wished to more fully understand the layout and impact of this proposal. He therefore moved that consideration of the application be deferred pending a site visit. This was seconded by Councillor Kew.

The motion was put to the vote and it was **RESOLVED** by 9 votes for and 1 abstention to **DEFER** consideration of the application pending a site visit.

Items No 8 and 9

Application No's: 16/03659/FUL and 16/03660/LBA

Site Location: 22 Prospect Place, Walcot, Bath, BA1 5JD – Erection of single storey rear extension and internal and external alterations following demolition of existing single storey rear extension

The Case Officer reported on the application and her recommendation to permit and to grant consent for the applications.

Councillor Crossley moved that planning permission and listed building consent be granted. This was seconded by Councillor Kew.

The motion was put to the vote and it was **RESOLVED** unanimously to **PERMIT** planning permission and to **GRANT** listed building consent subject to the conditions set out in the report.

Item No. 10

Application No. 16/03572/FUL

Site Location: High View, The Street, Compton Martin, BS40 6JQ – Installation of 2 south side dormers and erection of double garage

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

The registered speaker spoke in favour of the application.

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

The motion was then put to the vote and it was **RESOLVED** unanimously to **PERMIT** the application subject to the conditions set out in the report.

Item No. 11

Application No. 16/03572/FUL

Site Location: Green Park Station, Green Park Road, Bath – Exterior alterations to attach a metal plaque

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

The registered speaker spoke in favour of the application.

In response to a query the Case Officer confirmed that the plaque was 500mm in diameter and would be positioned at a height of 2.5m from the ground.

Councillor Jackson raised concern about locating the plaque behind railings and the health and safety implications of this.

Councillor Crossley moved that consent be granted subject to the conditions set out in the report. This was seconded by Councillor Organ.

The motion was put to the vote and it was **RESOLVED** by 9 votes for and 1 against to **GRANT** listed building consent subject to the conditions set out in the report.

Items No. 12 and 13

Application No's: 16/03018/FUL and 16/03019/LBA

Site Location: The Firs, Main Road, Chelwood – Internal and external alterations to erect a rear garden room and first floor extension

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

The registered speaker spoke in favour of the application.

The local ward member, Councillor Karen Warrington, spoke in favour of the application. She felt that the extension would not be detrimental to the greenbelt location and that it was not intrusive being at the rear of the property. The volume area was within the greenbelt requirement and the building next door already has an extension. She moved that planning permission be granted subject to conditions. This was seconded by Councillor Kew.

Councillor Crossley stated that the building was listed and felt that the whole of the building was important. He noted that the next door extension was permitted in the 1980s and felt that this decision should have no bearing on the consideration of this application.

Councillor Kew stated that the extension would improve living conditions and did not affect the street scene.

Councillor Jackson felt that the extension would be detrimental to the symmetry of the building.

The motion was then put to the vote and there were 5 votes for and 5 votes against. The Chairman used her casting vote against the motion which was therefore **LOST**.

Councillor Appleyard then moved that the application be refused for the reasons set out in the report. This was seconded by Councillor Jackson. The motion was put to the vote and there were 5 votes for and 5 votes against. The Chairman used her casting vote in favour of the motion. It was therefore **RESOLVED** to **REFUSE** planning permission for the reasons set out in the report.

Item No. 14

Application No. 16/03715/FUL

Site Location: 10 Woodborough Hill Cottages, Woodborough Hill, Peasedown St John – Erection of two storey extension

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

The registered speaker spoke in favour of the application.

The local ward member, Councillor Karen Walker, also spoke in favour of the application.

Councillor Jackson did not feel that timber cladding was a suitable material for the extension. She did not feel that the extension was of an appropriate design for a traditional terrace and believed that it would be contrary to policy D4. She stated that it was out of keeping with the area and moved that permission be refused for the reasons set out in the report. This was seconded by Councillor Organ.

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 for the reasons set out in the report.

Item No. 15

Application No. 16/03446/FUL

Site Location: Blackhorse Cottage, Pilgrims Way, Chew Stoke – Erection of single dwelling adjacent to existing property

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

The registered speaker spoke in favour of the application.

In response to a question from Councillor Jackson as to the sustainability of the development in this location due to lack of public transport, the Team Manager, Development Management, advised that sustainable development had wider considerations beyond the sole issue of transport and confirmed that it was sustainable to allow for small scale incremental growth in villages as it supports economy and community.

Councillor Kew stated that he felt this was a good design and moved that planning permission be granted subject to the conditions set out in the report. This was seconded by Councillor Appleyard.

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

application subject to the conditions set out in the report.

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

The Committee considered the appeals report and noted that there was a 100% success rate.

RESOLVED to **NOTE** the report.

The meeting ended at 3.40 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date 19th October 2016

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

ITEMS FOR PLANNING PERMISSION

ITEM

Item No.	Application No.	Address
01	16/02055	Land to the East of the Mead, Queen Charlton Lane, Whitchurch

A letter of objection has been received from Savills on behalf of the adjacent land owner (Horse World) and developer (Bellway Homes). The letter raises a number of points which are summarised as follows:

- There is no formal agreement in place between the applicant and Horse World/Bellway; there can therefore be no certainty as to the deliverability of the early years provision or allotments. The committee report fails to explain how the proportionate cost of land purchase and delivery will be secured;
- It is unclear whether the proposed level of Green Infrastructure has been assessed relative to the number of dwellings proposed and therefore it is not possible to properly assess whether there are deficiencies which need to be met off-site;
- The LEAP (Local Equipped Area of Play) straddles the Barratt/Bellway site boundary. Each developer will provide sufficient space to meet the needs of their particular development but there is no agreement in place to secure this;
- There are several elements of the Barratt development which do not accord with the agreed masterplan, these are as follows:
 1. Pedestrian and vehicular access to the allotments should be from the Barratt development but this link is not shown;
 2. The estate road, where it crosses the boundary between the developments, should be narrowed to slow vehicle speeds and discourage rat-running. This is not shown;

3. The masterplan shows a north-south pedestrian route running along the western side of the central hedgerow. The Barratt proposal shows a pedestrian route on the eastern side of this hedgerow south of the access road. The proposed Bellway route running parallel to the Barratt route therefore serves no purpose.

Officer Comments

As explained in the main report a Master Plan for the whole site allocation was submitted pursuant to policy CP5 of the Core Strategy and presented to members of the committee. It is a material consideration however the weight that the master plan should carry is ultimately a matter for the decision-taker. The master plan provides guidance as to the manner in which the allocated site as a whole could be developed; the schemes that come forward therefore should be informed by it. It is not considered necessary however for the master plan to be very strictly adhered to and it is recognised that minor deviations may be necessary as the detail of the schemes develop. In particular it is of note that the Master Plan was endorsed in principle by members but its detail was not fully agreed.

It is not necessary for a formal agreement to be in place between the two developers prior to committee as this will come later in the form of a Section 106 agreement. It is relevant that there is considered to be a reasonable prospect of delivering the outstanding matters for inclusion within that agreement. The S.106 Agreement will secure the requisite contributions towards off-site infrastructure, such as early years provision, and negotiations regarding its precise content will continue post-committee should the committee make a positive resolution. The application will not be permitted until such time that a satisfactory S.106 Agreement has been completed and in the event that matters delegated to officers cannot be resolved the application would potentially need re-presentation to committee

As noted in the committee report the level of Green Infrastructure (public open space etc.) proposed on the site is satisfactory. It is considered to meet the needs of the development's future occupants in full; there are no deficiencies needing to be met off-site. The master plan illustrates the allotments as being provided on the adjacent Bellway site. The provision of two sets of allotments, one on each site, would be highly undesirable.

It is noted in the committee report the proposed LEAP straddles the site boundary and each developer will provide that part of the LEAP within their site. It is not necessary for a formal agreement to be in place between the developers in advance of the committee considering the application. The committee report is clear that the recommendation to 'delegate to permit' is subject to, amongst other things, a S.106 Agreement securing the LEAP and its ongoing maintenance. The report also confirms that the proposed LEAP within the Barratt scheme is adequate to meet the needs of the development and can be delivered in isolation of the Bellway scheme should the Bellway scheme not come forward or be delayed.

The master plan does indeed show a pedestrian link to the allotments from the Barratt site but this is not shown on the submitted Barratt layout plan. The master plan is ambiguous in respect of a vehicular access. It is agreed that a pedestrian link is necessary and as such it is recommended that resolution of this matter is delegated to officers in addition to those matters listed in the report. A vehicular link and associated car park is undesirable as it is expected that users of the allotments will be within easy walking distance.

The master plan shows a traffic calming measure in the form of a narrowing of the road on the boundary of the two sites. This is not shown on the submitted layout plan and as such it is also recommended that resolution of this matter is delegated to officers as above. Finally, it is recognised that one of the pedestrian routes proposed by Barratt would render a proposed Bellway route on the other side of the hedge superfluous. Bellway could therefore consider removing the route from their scheme; this issue has no direct implications for the current application.

Other Updates

Members will note that one of the matters listed in the report as being delegated to officers is details relating to the turning of refuse vehicles and the location of bin collection points. A package of information has been submitted and the further comments of the waste team are awaited.

Revised Recommendation

Delegate to PERMIT 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;
- Provision of a pedestrian link to the allotments (to the site boundary)
- Resolution of issues raised in relation to the narrowing of the road on the site boundary

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 those matters which are set out in the committee report.

And subject to the conditions set out in the committee report.

**02 16/02658/REM Rockery Tea Gardens, North Road Combe
Down, Bath**

Description of Development:

Members should note that within the second from last paragraph it is stated that Condition 11 was discharged on 17 November 2016. This should read 17 November 2016.

There is no change to the recommendation.

03 16/03069/FUL 239A London Road East, Batheaston

Members are advised that there is a typo within the case officers report in the section regarding amenity. Number 241 has been referred to as number 240. The paragraph is corrected to state the following;

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 241. Whilst it will be visible to number 241 and increase in height of 1.9 -1.3 m is not considered to appear overbearing to the occupiers of the property.

Representations

Two further representations have been received making additional comments detailed below.

The proposed changes do not change the overall impact of the building. They do not overcome the original reasons for objecting.

Whilst the existing property is an eyesore it does not cause a loss of light to neighbouring properties.

The amount of glass frontage has been reduced but it is still more in keeping with the ugly boxes on Bannerdown Road rather than the neighbouring properties.

The ground floor will be below ground level which will affect the structural integrity of neighbouring properties.

The committee should visit the site before making a decision

Recommendation

As in the main report

**05 16/01465/FUL Land adjacent to White Hill Cottages White
Hill Shoscombe**

Additional condition in respect of details of the proposed render- condition 7 to read

7 {b 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.

**06 16/03724/FUL Lea Meadow House Wells Road Hallatrow
Bristol BS39 6EN**

Members are advised that comments have been received from the Councils Conservation Officer and Ecologist. The comments are as follows.

The application site surrounds Lea Meadow House which is Grade II listed and consideration must be given to preserving the setting of this listed building.

The proposal is to build four large houses adjacent to and to the rear of the listed building.

The applicants have not provided a full elevations demonstrating how all of the houses will be viewed in context of the listed building. Without this elevation a full analysis of the scheme cannot be completed.

Plots 3 and 4 are set away from the main house; however, the elevation from the road side has several architectural features which do not relate to the context of local design. The windows have decorated surrounds and a gable end which is considered out of keeping. The design could be simplified to limit the impact of these properties on the setting of the listed building.

Plots 1 and 2 are considered exceptionally large and the design is not considered to relate to that seen in Hallatrow or the surrounding vernacular. Whilst there is one arts and crafts house nearby; I do not consider this a justification for the scale and design shown. The design includes substantial roofscapes which are out of keeping. The roof designs of the garages are also not considered acceptable. The houses include features such as external chimney stacks and window/door surrounds which are at odds. The scale of these houses could be substantially reduced to limit the harm to the listed building. All elevations showing the listed building in context fail to show all four houses in one drawing. As such the overall impact could cause significant harm.

The NPPF advises that where an application would cause harm to a designated heritage asset the proposal 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. The NPPF also advises that heritage assets are irreplaceable and great weight should be given to the asset's conservation. In this application it has not been demonstrated that the development would not cause harm to the setting of the listed building and the application should be refused.

In summary within this application it has not been demonstrated that the development would not cause harm to the setting of the listed building and the application should be refused.

These comments are reflected in the committee report.

ECOLOGY

The councils ecologist refers to previous comments made in respect of application 15.04514/FUL.

These previous comments are referenced in the officer assessment.

**07 16/00792/FUL 8 Warminster Road, Bathampton, Bath,
Bath and North East Somerset, BA2 6SH**

Members are advised that further comments have been received from Bathampton Parish Council:

Bathampton Parish Council ask that you give consideration to paying a site visit to No. 8 Warminster Road prior to the decision being made in Committee. Only then will the Committee be able to appreciate the effect that this development will have on the neighbouring properties of No. 7 & No. 9.

There is no change to the recommendation.

08 16/03659/FUL 22, Prospect Place, Walcot, Bath

Members are advised that there is a missing section from the 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 Framework.

**11 16/04104/LBA Green Park Station, Green Park Road,
Bath, BA1 1JB**

Members are advised that further comments have been received from Bath Preservation Trust:

The Trust wishes to clarify that our objection was informed by the information held in the current planning application which did not detail that the plaque was to replace the recently permitted internal plaque. We were not privy to the discussions and negotiations regarding location of the plaque prior to the submission of this application and neither were these summarised in the

planning application. (Whilst background information was given in the Bath Heritage Watchdog support comment, this was uploaded to the planning portal after the Trust comment had been finalised).

The Trust has an 'in-principle objection' to wall plaques as, as we have detailed in our objection, we are concerned by their cumulative harm in adding clutter to building elevations, usually important Georgian facades. In this case we are happy to concede that our position was misinformed by the lack of detail in the planning application and the lack of prior consultation and that There is no change to the recommendation.

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BATH AND NORTH EAST SOMERSET COUNCIL

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES MAKING A STATEMENT
AT THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE ON
WEDNESDAY 19 OCTOBER 2016**

A. MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	Land East of The Mead, Queen Charlton Lane, Whitchurch	Councillor Christopher Willows (Compton Dando Parish Council)	N/A
		Mary Walsh (Whitchurch Action Group)	Against
		Daniel Weaver (Agent)	For
2	Rockery Tea Gardens, Combe Down, Bath	Kathryn Harris	Against
		Councillor Cherry Beath Councillor Bob Goodman	N/A
3	Workshop, 239A London Road East, Batheaston	Paul Bowden (speaking on behalf of neighbour)	Against
		Suzie Fitzgerald	Against
		Christopher Dance (Agent)	For
		Councillor Alison Miller	N/A
4	18 Eden Park Drive, Batheaston	Tim Davies	Against
		Colin Pemble (Agent)	For
5	Land Adj to White Hill Cottages, Shoscombe	Cllr Andrew Wilding (Shoscombe Parish Council)	N/A
6	Lea Meadow House, Hallatrow	Chris Beaver (Agent)	For
		Steven Tynan	For

7	8 Warminster Road, Bath	Cllr George Ardrey (Bathampton Parish Council)	N/A
		Phillip and Sarah Tovey	Against
		Tony Phillips	For
 			
10	High View, Compton Martin	Lisa Nelson	For
 			
11	Green Park Station, Bath	Patrick Hutton (Bath Heritage Watchdog)	For
 			
12	The Firs, Main Road, Chelwood	Neville Wright (Applicant)	For
 			
13	The Firs, Main Road, Chelwood	Neville Wright (Applicant)	For
 			
14	10 Woodborough Hill Cottages, Peasedown St John	Colin Camm and George Battrum (Architects)	For
		Cllr Karen Walker	N/A
 			
15	Blackhorse Cottage, Chew Stoke	Dr Colin Bloch (Agent)	For

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

19th October 2016

SITE VISIT DECISIONS

Item No:	001	
Application No:	16/02441/FUL	
Site Location:	St Nicholas Church, Church Road, Whitchurch, Bristol	
Ward: Publow And Whitchurch	Parish: Whitchurch	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of disabled WC to front elevation.	
Constraints:	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,	
Applicant:	PCC of St Nicholas Church Care of Mrs A Sealy	
Expiry Date:	14th July 2016	
Case Officer:	Adrian Neilson	

DECISION REFUSE

1 The proposed alterations to the protected building involving the construction of a single storey timber WC to be located on the north and primary elevation are regarded as harmful and fail to preserve its architectural interest and character. Therefore it is inconsistent and in contravention of the aims and requirements of Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework and local policy: BH.2 - Listed buildings and their settings and BH.6 - Development within or affecting conservation areas.

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 the proposals as submitted for alterations to the protected building were not regarded as acceptable and therefore the planning application was refused.

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BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

19th October 2016

DECISIONS

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
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	

Delegate to permit subject to further negotiations on a number of issues as per the update report and with additional matters relating to allotments and then subject to the entering of a Section 106 and conditions.

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
Application Type:	Removal of conditions	
Proposal:	Removal of condition 11 on application 13/01733/FUL, allowed on appeal 15th May 2015,(Erection of a detached single storey dwelling (revised proposal).	
Constraints:	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,	
Applicant:	Freemantle Capital (Gainsborough) Ltd	
Expiry Date:	24th October 2016	
Case Officer:	Rachel Tadman	

DECISION REFUSE

1 The proposed lighting strategy and fencing will result in increased lightspill to the surrounding dark site and would be less effective than the permitted smart glass and does not therefore provide a suitable alternative. The proposed development will consequently result in harm to the surrounding bat population and result in light pollution to the surrounding area. The development is therefore contrary to policies NE10, NE.11 and ES.9 of the saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007

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 Policy Planning Framework. The proposal was considered unacceptable by the councils development management committee and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

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 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.

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	
Ward: Bathavon North	Parish: Batheaston	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Conversion and extension of existing industrial building to create a Live Work Unit.	
Constraints:	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,	
Applicant:	Mr Robert Marcuson	
Expiry Date:	23rd September 2016	
Case Officer:	Alice Barnes	

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

Item No:	04
Application No:	16/03043/FUL
Site Location:	18 Eden Park Drive, Batheaston, Bath, Bath And North East Somerset
Ward:	Bathavon North
Parish:	Batheaston
LB Grade:	N/A
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

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 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	
Ward: Bathavon South	Parish: Shoscombe	LB Grade: N/A
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 Eittle & Anne Rogers	
Expiry Date:	21st October 2016	
Case Officer:	Christine Moorfield	

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 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 additional buildings, structures or erection of any kind (including walls, fences, and drainage works) shall be constructed adjacent or within 3m of the boundary of the site adjacent to Whites Hill. This restriction is not to apply to the new fence required in compliance with condition 7.

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.

7 Erection of boundary fence/rail (Bespoke Trigger)

Prior to the garage hereby permitted first being brought into use details of a post and rail fence or a knee rail in the location as shown on the approved plans to the south west of the new development located perpendicular to the front of the garage building adjacent to the access shall be submitted to and approved by the local planning authority. Thereafter the fence shall be constructed and retained in accordance with the approved details.

Reason In the interests of visual and residential amenity ensuring that the adjacent land is not used for the parking of vehicles

PLANS LIST:

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 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.

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:	06	
Application No:	16/03724/FUL	
Site Location:	Lea Meadow House, Wells Road, Hallatrow, Bristol	
Ward: High Littleton	Parish: High Littleton	LB Grade: II
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	

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 Drainage details (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.

4 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.

5 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.

6 Tree protection (Pre commencement)

No development shall take place until an annotated tree protection plan identifying measures (fencing and/or ground protection measures) to protect the tree to be retained has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The plan should include the design of fencing proposed also take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

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

7 Domestic use of garages (Compliance)

The garages hereby approved shall be retained for the garaging of private motor vehicles associated with the dwellings 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.

8 Retention of parking turning areas (Compliance)

The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking 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.

9 Access and turning surface (Compliance)

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

Reason: 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.

10 Provision of footpath and carriageway (Bespoke Trigger)

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.

11 Welcome Pack (Bespoke Trigger)

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

PLANS LIST:

PS E05,
PH 2E 01, 02, 03,
PS 2 SL 01,
PH2 LS 01,
PH2 P01, 02, 03,
PH2 SL 02,
PH2 SS 02,
PH2 SS 03,

PH2 SS 101,
PS2 E04

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:	07	
Application No:	16/00792/FUL	
Site Location:	8 Warminster Road, Bathampton, Bath, Bath And North East Somerset	
Ward: Bathavon North	Parish: Bathampton	LB Grade: N/A
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	

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

Item No:	08	
Application No:	16/03659/FUL	
Site Location:	22 Prospect Place, Walcot, Bath, Bath And North East Somerset	
Ward: Walcot	Parish: N/A	LB Grade: II
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	

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 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	
Drawing	19 Jul 2016	5783-16-4	EXISTING FRONT & REAR ELEVATION	
Drawing	19 Jul 2016	5783-16-5	EXISTING ROOF PLAN & SIDE ELEVATION	
Drawing	19 Jul 2016	5783-16-6	PROPOSED GROUND FLOOR PLAN	
Drawing	19 Jul 2016	5783-16-7	PROPOSED FIRST FLOOR PLAN	
Drawing	19 Jul 2016	5783-16-8	PROPOSED FRONT & REAR ELEVATION	

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

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 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.

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:	09	
Application No:	16/03660/LBA	
Site Location:	22 Prospect Place, Walcot, Bath, Bath And North East Somerset	
Ward: Walcot	Parish: N/A	LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)	
Proposal:	Internal and external alterations to include erection of single storey rear extension 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:	14th September 2016
Case Officer:	Caroline Power

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 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.

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
Drawing	19 Jul 2016	5783-16-4	EXISTING FRONT & REAR ELEVATION
Drawing	19 Jul 2016	5783-16-5	EXISTING ROOF PLAN & SIDE ELEVATION
Drawing	19 Jul 2016	5783-16-6	PROPOSED GROUND FLOOR PLAN
Drawing	19 Jul 2016	5783-16-7	PROPOSED FIRST FLOOR PLAN
Drawing	19 Jul 2016	5783-16-8	PROPOSED FRONT & REAR ELEVATION
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

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 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.

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:	10
Application No:	16/03572/FUL
Site Location:	High View, The Street, Compton Martin, Bristol
Ward: Chew Valley South	Parish: Compton Martin LB Grade: N/A
Application Type:	Full Application
Proposal:	Installation of 2no south side dormers and erection of double garage
Constraints:	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,
Applicant:	Mr John Shallcross
Expiry Date:	13th September 2016
Case Officer:	Jessica Robinson

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 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:

This decision relates to the Site Plan, Proposed Elevations, Garage Plan and 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.

Item No:	11
Application No:	16/04104/LBA
Site Location:	Green Park Station, Green Park Road, City Centre, Bath
Ward: Kingsmead	Parish: N/A LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	Exterior alterations to attach a metal plaque
Constraints:	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,
Applicant:	Councillor Neil Butters
Expiry Date:	14th October 2016
Case Officer:	Laura Batham

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:

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 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.

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	
Ward: Clutton	Parish: Chelwood	LB Grade: II
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	

DECISION REFUSE

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.

Item No:	13	
Application No:	16/03019/LBA	
Site Location:	The Firs, Main Road, Chelwood, Bristol	
Ward: Clutton	Parish: Chelwood	LB Grade: II
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	

DECISION REFUSE

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	
Ward: Peasedown St John	Parish: Peasedown St John	LB
Grade: N/A		
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	

DECISION REFUSE

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	
Ward: Chew Valley North	Parish: Chew Stoke	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of single dwelling adjacent to existing property	
Constraints:	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,	
Applicant:	Mr & Mrs T Jackson	
Expiry Date:	20th October 2016	
Case Officer:	Kate Whitfield	

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 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 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.

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.

Bath & North East Somerset Council	
MEETING:	Development Management Committee
MEETING DATE:	16th November 2016
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

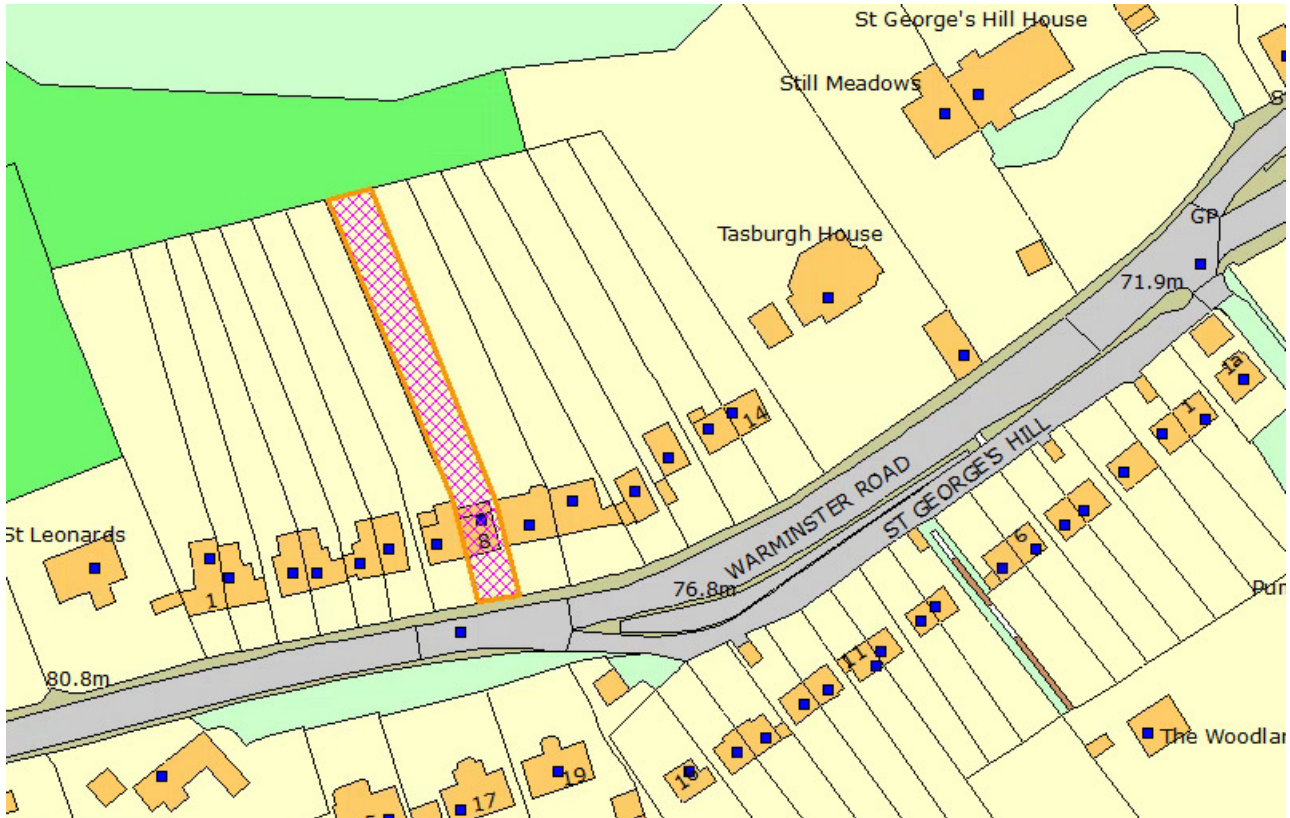
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	16/00792/FUL 18 November 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
002	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

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

Item No: 001
Application No: 16/00792/FUL
Site Location: 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: 18th November 2016

Case Officer: Nikki Honan

REPORT

This application was brought to the Development Management Committee on 19th October 2016 and deferred for reconsideration at the next Committee 16th November 2016 so Members could visit the site.

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 undercroft 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

FURTHER COMMENTS RECEIVED FOLLOWING CLOSE OF CONSULTATION:

Bathampton Parish Council:
Request Member site visit prior to determination of application

1 no. neighbour submitted further comments:

- Interpretation of the officer committee report
- Request a Member site visit prior to determination of application
- Query whether the Green Belt volume calculations include excavated lower ground floor space.

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 493.92m³ and the proposed extension is 151.84m³. 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 agent has confirmed the volume calculations include the excavated lower ground floor area.

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:

1 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

2 Decision Making Statement

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

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

3 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 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.

4 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: 002
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
Application Type: Full Application
Proposal: Conversion and extension of existing industrial building to create a Live Work Unit.
Constraints: 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,
Applicant: Mr Robert Marcuson
Expiry Date: 23rd September 2016
Case Officer: Alice Barnes

REPORT

Reason for reporting application to committee

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

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

At the meeting of the 19th October the members voted to defer the application until the meeting of the 16th November in order to conduct a site visit.

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 aerial 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 un restricted 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:

1 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.

2 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 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	
MEETING:	Development Management Committee
MEETING DATE:	16th November 2016
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

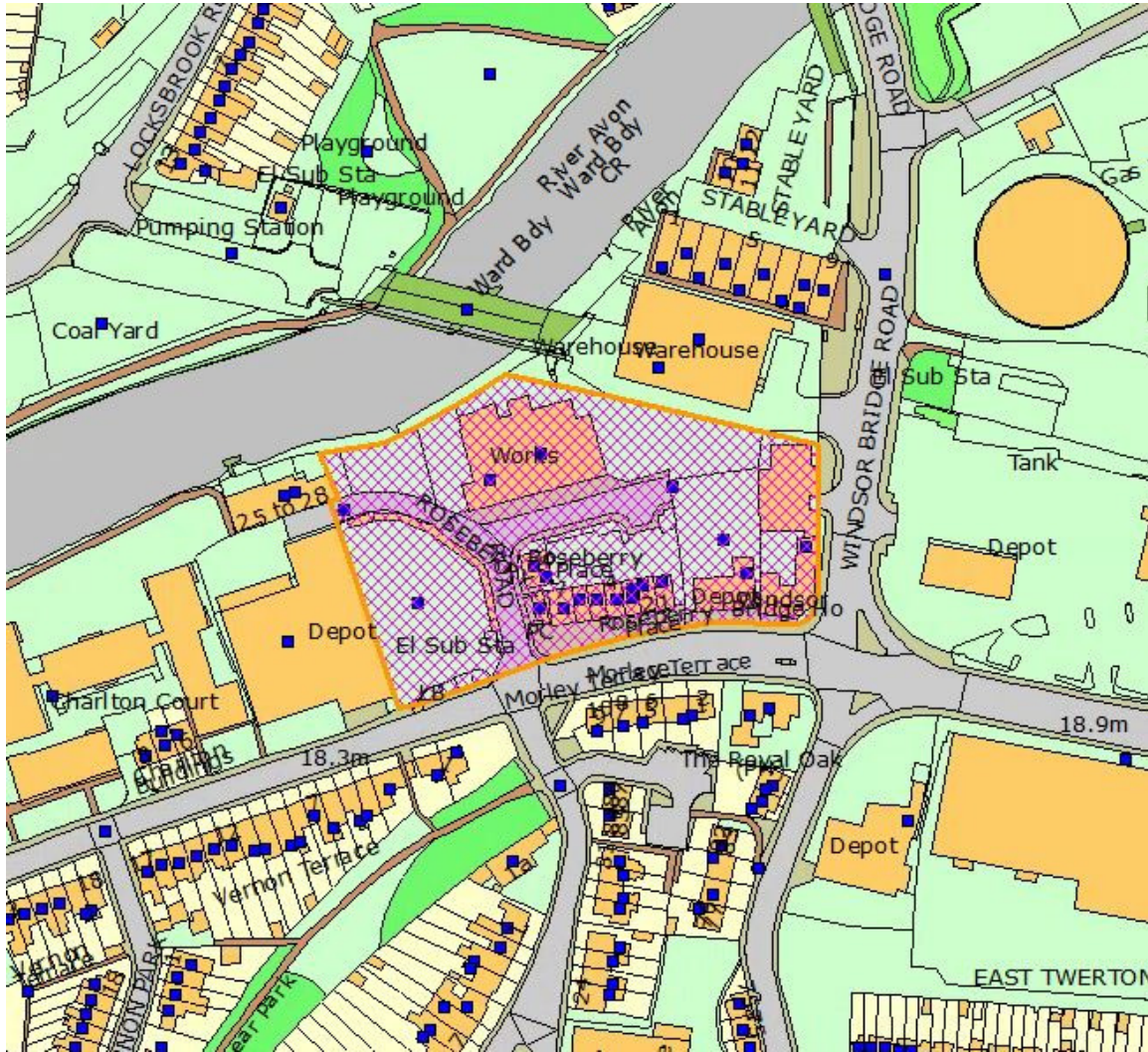
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	16/03114/ERES 30 November 2016	Deeley Freed (Penhalt) Limited Proposed Development Site, Roseberry Road, Twerton, Bath, Approval of Reserved Matters in relation to outline application 15/01932/EOUT (Phase 1 of the development comprising 171 flats, local needs shopping unit, and associated development)	Westmoreland	Tessa Hampden	APPROVE
02	16/01435/FUL 31 May 2016	J R Properties Ltd Parking Area Rear Of 4A, York Place, London Road, Walcot, Bath Erection of a building comprising 4no. residential apartments.	Walcot	Tessa Hampden	PERMIT
03	16/01436/LBA 19 May 2016	J R Properties Ltd Parking Area Rear Of 4A, York Place, London Road, Walcot, Bath External alterations to include the erection of a building comprising 4no. residential apartments.	Walcot	Tessa Hampden	CONSENT
04	15/04085/FUL 18 November 2016	Mr Vernon Stokes Holly Farm, The Green, Farmborough, Bath, Bath And North East Somerset Erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to create 2 no. dwellings with associated works. (Resubmission)	Farmborough	Sasha Berezina	PERMIT
05	15/04179/LBA 18 November 2016	Mr Vernon Stokes Holly Farm, The Green, Farmborough, Bath, Bath And North East Somerset Internal and external alterations to include erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to 2 no. dwellings with associated works.	Farmborough	Sasha Berezina	CONSENT

06	16/04284/FUL 28 October 2016	Farmborough Community Shop Management Committee Farmborough Memorial Hall, Little Lane, Farmborough, Bath, Bath And North East Somerset Erection of community shop	Farmboroug h	Alice Barnes	PERMIT
07	16/03652/FUL 26 October 2016	Mrs R Dymond-Hall Applegate Stables , Shockerwick Lane, Bathford, Bath, BA1 7LQ Erection of additional livery stables and a rural workers accommodation unit	Bathavon North	Nicola Little	REFUSE
08	16/04282/FUL 28 October 2016	Ms Lynette Porter 101 Wellsway, Keynsham, Bristol, Bath And North East Somerset, BS31 1HZ Erection of an extension to form 2no 1 bedroom flats.	Keynsham East	Nicola Little	PERMIT

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

Item No: 01
Application No: 16/03114/ERES
Site Location: Proposed Development Site Roseberry Road Twerton Bath



Ward: Westmoreland **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Colin Blackburn Councillor June Player
Application Type: Reserved Matters App with an EIA
Proposal: Approval of Reserved Matters in relation to outline application 15/01932/EOUT (Phase 1 of the development comprising 171 flats, local needs shopping unit, and associated development)
Constraints: Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Bath Enterprise Area, British Waterways Major and EIA, British Waterways Minor and Householders, Contaminated Land, Flood Zone 2, Flood Zone 3, Forest of Avon, Sites with Planning Permission, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, Railway, River Avon and Kennet & Avon

	Canal, Site Of Special Scientific Interest (SI), SSSI - Impact Risk Zones, World Heritage Site,
Applicant:	Deeley Freed (Penhalt) Limited
Expiry Date:	30th November 2016
Case Officer:	Tessa Hampden

REPORT

Reason for referring this to committee

This application has been referred at the request of the Group Manager, due to the fact that the outline was considered by planning committee, and due to the overall size of the application site.

Site description and proposal

The application relates to a site located on Roseberry Road in Bath, which forms the corner of Windsor Bridge Road and the Lower Bristol Road. The northern boundary is formed mainly by the River Avon which is designated as a Site of Nature Conservation Interest (SNCI). The Environment Agency flood maps indicate that parts of the application site lie in Flood Zone 2 and parts in Flood Zone 3a. The site currently comprises a number of buildings many of which are vacant but a number are occupied by industrial/commercial uses.

The site is outside, but close to the Conservation Area, and within the wider World Heritage Site. To the west of the site is the three storey grade II listed Charlton Buildings. The topography of the site is generally flat with a slight fall from the south to the north, towards the river. The site is within the City's Enterprise Area.

The application seeks the approval of Reserved Matters in relation to outline application 15/01932/EOUT. This is relation to Phase 1 of the development comprising 171 flats, local needs shopping unit, and associated development. Phase 2 relates to the office part of the development which does not form part of this application. The application seeks approval in relation to scale, layout, appearance, and landscaping. The access to the site was approved at outline stage.

Revised plans have been submitted during the course of this planning application to address a number of concerns raised by officers and third parties.

Relevant planning history

15/01932/EOUT - Approved - 10 August 2016 - Mixed-use regeneration comprising the erection of six buildings to accommodate up to 175 flats, flexible business employment floorspace (Use Class B1) (up to 4,500 sq m gross), local needs shopping (up to 1,350 sq m gross) together with all associated development including demolition of existing buildings, site remediation, construction of new access roads and riverside walkway/cycle path, landscaping and tree planting.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Arboricultural Officer - no objections

Landscape Officer - supports the scheme

Ecological Officer - no objection subject to additional condition

Archaeology - no objection - covered by condition on outline planning application

Urban Design - Raises some concerns with the overall scheme but recognises the revisions made. However, the scale of eastern elements along Windsor Bridge Road is still considered to be too large.

Highway Development Officer - following additional information no objection

Conservation Officer

Concern has previously been expressed regarding the height and bulk of the proposed development in this transition 'zone' between the larger scale of BWR to the west and the primarily domestic scale of built form elsewhere adjoining the site. It is considered to have a poor visual relationship in views from the river and harm the setting of the conservation area and the World Heritage Site roof-scape views, particularly from the valley slopes to the south. The objection to the design of the scheme is therefore sustained, including the detailed design now submitted for Phase 1 which is considered to harm the setting of the heritage assets and conflict with the OUV's of the World Heritage Site. Any identified benefits derived from the scheme are not considered to outweigh the harm caused.

Drainage -no objection

Environment Agency - no objection

Historic England - In summary

The height, bulk and design of this application could be improved to provide a better transition between the taller building lines along Lower Bristol Road and the residential character beyond. The impact on the World Heritage Site Outstanding Universal Value is likely to be limited. While the site has some potential to impact on the way in which Bath's urban 18th century landscape interacts and draws in the surrounding countryside and wider suburbs, this is minimised by the existing built form. Views out towards the green surrounding countryside from within the city core create a distinctive garden city, but in this direction the Twerton residential development erodes this quality. Any potential impact is therefore likely to be in specific views back from within the estate towards the central Georgian core of the WHS. In particular views from Kelston View are of interest.

Canals and Rivers Trust - no objection

Wessex Water - no objection

Crimes Advisor -no objection

National Planning Casework unit - no comments

Bath Preservation Trust - In summary whilst the Trust welcomes the principle of mixed use development in this location, the Trust has objected to the outline application for this site and the subsequent amended scheme. Whilst the Trust acknowledge that work has been done in the design development of this scheme, they continue to object to elements of this proposal, specifically: the height of the Windsor Bridge nodal building, the predominance of set-back roofs and thus overall, the development will have an adverse impact on the views to this area within the World Heritage Site, intrude on the visual homogeneity of the domestic urban grain in this area and set an unwelcome precedent for very large buildings in this sensitive location. The committee consider that the 7-8 actual storey height of the nodal building as being inappropriate for this site. In design terms, the sawtooth roofs provide welcome roof articulation the note the active frontages to the Windsor Bridge streetscape. Generally supportive of Building C; which is appropriate in this setting, and the tall 5 storeys also sits comfortably in its location close to the river and visually divorced from the context the Lower Bristol Road.

Building A South and Building B - concerned about the overall impact of these bulky, boxy buildings in this sensitive riverside location with the World Heritage city. Do not support the flat step back roof form as it does not respond to or reference the local townscape vernacular and fails to respect local distinctiveness. Concerned about some of the proposed materials, in particular the use of 'coursed block work cladding'. Material details should not be left to condition. There appears to be an excessive amount of render proposed and we would suggest that this should be reduced,

The proposed scheme, by virtue of height, bulk, design and appearance of Building A (South and North) and Building B, harms the setting and views of multiple designated heritage assets. This development would neither preserve nor enhance the character and appearance of the conservation area, and would fail to enhance the distinctiveness of the local townscape. We believe that the special qualities of the World Heritage Site would be compromised by such development.

Bath Heritage Watchdog - object can be summarised as follows

Of particular concern is what is the nodal building' on the junction of Windsor Bridge Road. No justification for a structure of this height, scale and mass in this location. It is overbearing and inappropriate for this relatively low rise location and fails to conform to the Councils own Building Heights Strategy. The architectural treatment lacks character and local distinctiveness. When taken with the other structures proposed for this location and the western continuation of the Bath Western Riverside scheme there is likely to be a severe negative effect on views across and in and out of the World Heritage Site, a detrimental impact on the setting/views of numerous heritage assets, the Conservation Area and on residential amenity.

Building A exhibits a mix of flat roof and a number of pitched elements which will, from certain angles, looks a jumbled mess. It is not cohesive of the Bath pattern. There is still a lack of horizontal detail and the mix of windows sizes is out of character for the location.

Building A South and Building B-boxy, slab-like repetitive units out of character for the location. Not supportive of the green wall at all.

Building C - question the appropriate for the location.

Concerns with material used and level of detail. Materials should not be left to condition but fully detailed beforehand.

By virtue of height, scale, mass, generally poor design, in particular Buildings A North and South and Building B. The proposals will have a detrimental impact on numerous heritage assets, local distinctiveness and character, erode the Conservation Area and harm the qualities of the World Heritage Site. It thus is contrary to Policies B1, B4 and CP6 of the core strategy and saved Policies BH1, BH2 and BH6, D2 and D4 of the saved local plan, as well as relevant policies in the National Planning Policy Framework (NPPF). In its current form it should be refused.

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: The Core Strategy and Saved Policies in the B&NES Local Plan (2007)

Core Strategy Policies which apply are

- CP2: Sustainable construction
- CP3 Renewable energy
- CP5 District heating
- CP6 Environmental Quality
- CP7 Green Infrastructure
- CP9 Affordable housing
- CP10 Housing Mix
- CP13 Infrastructure Provision
- DW1 District-wide spatial Strategy
- B1 Bath Spatial strategy
- B3 Twerton and Newbridge Riverside Strategic Policy
- B4 World Heritage Site and its setting

The saved policies of the Bath and North East Somerset Local Plan which apply are

- IMP.1 Planning obligations
- GDS1 Site Allocations and development requirements
- BH1 World Heritage Site
- BH2 Listed Buildings and their settings
- BH3 Demolition of a listed building
- BH5 Locally important buildings
- BH6 Conservation area
- BH7 Demolition in Conservation Areas
- BH12 Archaeological remains
- BH13 Archaeological remains in Bath
- BH22 External lighting
- ET1 Employment land overview
- SC.1 Settlement classification
- D2 General Design and public realm considerations
- D4 Townscape considerations

T1 Over arching access policy
 T3 Promotion of walking and use of public transport
 T17 Land safeguarded for major road improvement schemes
 T24 General development control and access policy
 T26 On-site parking and servicing provision
 ES.2 Energy conservation
 ES3 Gas and Electric Services
 ES.4 Water supply
 ES.5 Foul and surface water drainage
 ES.9 Pollution and nuisance
 ES12 Noise and vibration
 ES15 Contaminated land
 NE10 Nationally important species and habitat
 NE11 Locally important species
 NE12 Landscape features
 NE14 Flood Risk
 HG.1 Meeting the District Housing requirement
 S4 Retail development proposals outside of identified shopping centres

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 SCR1 - On-site renewable energy requirement
- Policy SCR5 - Water Efficiency
- Policy SU1 - Sustainable Drainage Policy
- Policy D1 - General Urban Design Principles
- Policy D2 - Local Character and Distinctiveness
- Policy D3 - Urban Fabric
- Policy D4 - Streets and Spaces
- Policy D5 - Building Design
- Policy D6 - Amenity
- Policy D10 - Public Realm
- Policy NE2 - Conserving and Enhancing the Landscape and Landscape Character
- Policy NE2A - Landscape Setting of Settlements
- Policy NE3: Sites, Species and Habitats
- Policy NE5: Ecological Networks
- Policy CP7 - Green Infrastructure
- Policy NE1 - Development and Green Infrastructure
- Policy PCS2 - Noise and Vibration
- Policy LCR7B - Broadband
- Policy ST1 - Promoting Sustainable Travel
- Policy ST7 - Transport Requirements for Managing Development
- Policy CP13 - Infrastructure Provision
- Policy SB10 - Roseberry Place

- Policy B3 - Twerton and Newbridge Riverside

Other Material Policy includes

City of Bath World Heritage Site Setting SPD (2013)
Bath Building Heights Strategy (2010)
Planning Obligations (2015)

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (published March 2012) is material and the National Planning Practice Guidance is taken into account.

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.

OFFICER ASSESSMENT

Principle of development

The principle of development was established under planning reference 15/01932/EOUT. The residential and retail use put forward within Phase 1 were considered to be in line with adopted and emerging policy and this proposal, in land use terms can therefore be considered to be compliant with the Development Plan.

It was previously concluded that the development site could accommodate up to 175 flats, and up to 1,350 sq m gross local needs shopping within this phase of the development.

Character and appearance

The reserved matters application follows the design approach put forward as indicative at outline stage. The design has however been developed and refined since this time. Further revisions have been put forward during the application process in response to officer and third party comments. Detailed discussions have also taken place with regards to materials and the plans have been updated to reflect this.

The site currently comprises a number of small scale industrial and commercial buildings, a number of which are vacant and have fallen into a poor state of repair. The buildings are generally of little architectural merit and there is no objection to their loss. The poor state of the site and the lack of quality built form means that the site generally detracts from the visual amenities of the immediate area, but due to the small scale of the buildings that make up the site, the site overall has a limited impact upon the wider area. However, the Lower Bristol Road is one of the key routes into the city centre and the site presently does not contribute positively to the public realm. There is the scope to enhance this route

and this is recognised as a key objective within the relevant policies of the Core Strategy and the emerging Placemaking Plan.

Although the outline application did not seek permission for scale, layout, landscaping or the appearance of the proposals, the indicative design at that stage did provide a level of detail which allowed officers to test the appropriateness of the height of the buildings, which needed to be made to conclude whether the site was of a suitable size to accommodate the quantum of development proposed. Whilst the scale put forward was considered to be on balance acceptable, the impact of the development needed to be fully considered in relation to the detailed design proposal. The articulation of the buildings and materials for example were considered to be key factors in reducing the perceived bulk on a number of the buildings and to ensure that their impact upon the immediate and wider area were considered to be acceptable. The assessment of the overall height and scale of the buildings will therefore be repeated in this report and will take account of the refinements and clarification of materials.

The character of this area is varied, and has been subject to substantial change and alteration in recent years and as such differs in character from that of the Georgian city. There is nonetheless, for part, an established low rise character of the surrounding townscape with a proportion of established domestic scale residential buildings. The recent development in this area including the Unite student scheme has respected and referenced the existing historic built form.

Bath Building Height Strategy is a key tool in determining the appropriateness of the heights of new buildings within Bath. The application site falls within the area defined as the 'valley floor'. For this area it explains that building shoulder height should be four storeys and one additional setback storey within the roofscape is likely to be acceptable.

It goes on to state that one additional storey may be acceptable along Lower Bristol Road except where it is in close proximity to existing two to three storey residential areas. One additional storey may also be appropriate fronting public space and marking key locations such as corners or gateways and mixed use centres. However the strategy explains that it may be necessary for the height to be less than four storeys in response to heritage assets, residential amenity and to prevent intrusion in views. The application has been assessed in the context of this document as well as all other material considerations.

The proposal puts forward a mixture of roof forms, including pitched, flat and saw tooth roofs. This variation in the roofscape aids in integrating the development with the surrounding area, and this lack of homogeneity along the roof form aids in breaking up the buildings and reducing their dominance particularly when viewed from key areas such as the valley slopes to the South.

The heights of the building along Lower Bristol Road frontage are considered to be acceptable and are considered to broadly accord with the Building Heights Strategy. The set back above the four storey shoulder height helps to ensure that the buildings do not appear overly dominant in the immediate context or from wider views. Although there are domestic scaled buildings near the site, they are considered to be sited as such to ensure that the overall character of the area is not harmed by the development proposed. The character of the area at this point of Lower Bristol Road is partly defined by the relatively recently developed student complex and the protected listed buildings. The heights of the

building proposed are considered to be acceptable in this context and are not considered to harm the setting of the listed building.

Building A South, on the Lower Bristol Road frontage incorporates a number of design features which are included to visually break up the massing of the building. Breaks on the parapet line in strategic locations ensure the buildings read more vertically, adds interest, and further reduces the perceived bulk. The materials are also used purposefully to break up the massing of these buildings with vertical strips running down the length of the building from the roof. The panels of metal cladding create visual interest and break down façades into smaller groups and create interest. Bath stone fronts the majority of the public realm in this location with render more so to the rear. Additional natural stone has replaced render initially proposed at street level. Building A South also proposes a green living wall which will soften the development as you turn into the site. This will provide a visual reference to the green corridor which links through the site. This is considered to be an appropriate pallet of materials in this context.

Building A North, which faces the Lower Bristol Road and Windsor Bridge Road proposes a 4 storey building increasing to 6 storeys on the Windsor Bridge. Council Officers, Historic England and third parties have raised concerns with regards to the height of this building. This relates to concerns with the prominence of this from the immediate and wider views.

Building A North is clearly a significant form, particularly at the northern end. Whilst this is 6 storeys, it should be noted that the floor to ceiling height is greater at ground floor due to the proposed commercial use at ground floor level. The submission explains that this modifier is to accentuate the location of the planned major pedestrian/cycle crossing point adjoining it. This is given some weight but there is a degree of concern regarding the height of this element of building A North. Further visuals and a model have been supplied to assist in the assessment of this part of this scheme.

It is noted that this building faces Windsor Bridge Road where the Western Riverside Development comprises buildings of a greater scale. The Bath Western Riverside (BWR) Supplementary Planning Document notes that buildings along Windsor Bridge Road could vary between three to eight storeys. Although the development is outside of the BWR area, the application can be judged partly in the context of the adjacent BWR. As with the above buildings, design mechanism have been included to reduce the perceived massing of this building, including an appropriate material palette. Additional natural stone has replaced render initially proposed on the north elevation of this building and a street level on the east elevation. This building includes a saw tooth design which also aids in breaking up this building, reducing the impact of the development when viewed from more distance views. This building will be observed in the context of the overall Roseberry Place development which will change the identity of the site and provide a much improved active relationship with the public realm. Building A North needs to viewed in this context rather than solely in isolation.

At the Lower Bristol Road, Building A North set back features have been designed into the scheme which breaks up the building line and the visual bulk of the building. A green roof has been included on the single storey projection of the retail unit to improve its relationship with the public realm and for the future occupiers when looking out over the scheme from inside the building. Although there is some concern with regards to the

height of the northern section of this Building A North, given the context in which it sits in relation to BWR and with regards to the overall regeneration benefits brought about by this development as a whole, a balanced view has been taken and this part is considered to be acceptable.

Adopted and emerging policy recognises the need to provide a defined and active edge to Lower Bristol Road and Windsor Bridge Road to enhance this key entrance into the city. The development is considered to successfully define the Lower Bristol Road and Windsor Bridge Road by proposing a strong building form. Building A South, and A North have been designed to ensure that an active frontage is presented to Windsor Bridge Road and Lower Bristol Road. The buildings comprise an appropriate level of front doors and clear glass to these main streets to achieve this active frontage and have a successful relationship with the public realm. The outline application included a planning condition which restricted the percentage of window space on the retail unit allowed for advertisements. This will ensure that this active frontage is retained in perpetuity.

Building C is also of an increased height but as a central focal building within the site, this need not be harmful. This is set within the site away from the main Lower Bristol Road frontage and the river edge and the submission explains that it has been designed to reflect the area's industrial past. The building links to the landscaped deck which allows the scheme to benefit from more discrete parking. The overall scale and form of this building is considered to be acceptable within this location.

Detailed discussions have been held with regards to the materials for this building. The submission explains that to retain texture and to give this building presence over the other buildings, coursed block cladding has been proposed with simple detailing. The agent has submitted quartzite samples for this part of the development and these are considered to be an appropriate material for this focal building. To bring further continuity the concept of strips of metal that break up the elevation is emphasized on this building.

Building B located to the rear of the site, away from the Lower Bristol Road is considered to be of an acceptable scale when viewed in the context with the surrounding development. It provides an appropriate frontage to the pedestrian cycle path. The render proposed to the rear of the site is considered to be acceptable. This again links to the landscape deck area which has been modified during this application process to include more soft landscaping/planters. The landscaped deck also includes a gym pod and outdoor gym equipment which is available for all occupiers of the development. This will provide an active and interesting space within the heart of the development.

The legibility of pedestrian routes through the scheme is considered to be a positive attribute to this scheme. The key pedestrian routes and public spaces are well defined and car parking appears as a subservient feature within the development. The proposals, through the siting of the buildings and the landscaping scheme open up views and perceptions of the river corridor by connecting green space inside and outside of the site. The drawings demonstrate that the development connects to the riverside enhancing the walking and cycling route. The green link providing legibility from Linear Park to the pedestrian and cycle link in the site and the river corridor beyond is welcomed.

A detailed landscaping scheme has been submitted and updated during the application process in response to officer's comments. Full details of the planting has been submitted

and these are considered to be acceptable. Full details of the hard landscape surface areas have also been submitted and agreed which will aid in a high quality finish to the development. A programme of implementation will be required to ensure that the soft landscaping ties in appropriately with the ecological management plan.

Policy B1 of the Core Strategy in relation to previously developed land, promotes the need with the Enterprise Area to create new areas of attractive and productive townscape and much improved relationship between the city and its river. The recommendations in the building heights strategy clearly need to be balanced against all other material considerations that may influence building height. Although there are some concerns with heights of part of the scheme, the overall improvement in the townscape and the visual benefits brought about by the regeneration of the scheme are considered to outweigh these concerns. The improvement with the relationship to the river adds further weight to this argument. The development is considered to transform the identity of this site

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 for the reasons considered above it is considered that the setting of the listed building is preserved.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that for the reasons outlined above, the setting of the adjacent Conservation Area is preserved.

Further, it is considered that the development will not result in harm to the setting of the wider World Heritage Site. The comments of all third parties, internal and statutory consultees have been given full consideration as part of this assessment.

Highway safety

The access junction details in relation to this scheme were approved at outline stage and are covered by the relevant conditions on that application. Details of the car parking provision are also separately covered by a condition.

The existing length of Roseberry Road and a secondary spur cul-de-sac to the rear of Roseberry Place is all existing adopted highway. Part of this existing public highway underlies the proposed area for the landscape deck to the front of Buildings B and C. As such, none of these works including the underlying car park could be commenced until such time as the affected public highway is formally stopped up and the Order to this effect confirmed. The agents have confirmed that the required Stopping-Up Order has been submitted to the Secretary of State and is in the process of being determined.

The submission demonstrates that as well as alterations to existing adopted highway, the scheme proposes other areas offered for highway adoption. A separate 'S278 Works - Highway Adoption Plan has been submitted to the Highway Development Team. This shows that the whole of the paved works extending north from the A36 junction to the

Phase 2 land is being offered for adoption, including the pedestrian/cycle linkage and the paved area on the west side of Building C. The road running eastwards to serve the car park and the service yard on the Phase 1 land is not proposed for adoption, or the pedestrian/cycle route to the north of Building B with its eastern connection to Windsor Bridge Road. The detailed treatment and paving mix within the internal area for adoption, which includes a part of the existing Roseberry Road is a matter for separate highway technical approval linked to the Section 278 Agreement/works.

In relation to car parking the levels for the overall site and each use were approved at outline stage and a condition attached to the permission to secure this. The submitted proposed block plan shows access to an underground car park under the landscape deck. The basement area shows two blocks of 36 and 40 spaces respectively with internal division. The internal division is intended to separate the retail parking zone from the residential parking zone. Further temporary residential parking will be provided on part of the Phase 2 land adjacent. Permanent parking will be provided on phase 2 land when this comes forward for development.

The application demonstrates that the full residential parking allocation for the 171 flats is provided at Phase 1, noting the previously agreed rate of 0.49 space/dwelling so effectively 85 spaces. Drawing 15123/L403/E shows the extent of the Phase 1 residential parking that is retained on site during the execution of the Phase 2 works.

Conditions 34 of the outline application specifically states that

"Prior to each phase of the development hereby approved being occupied an allocation plan for the associated car parking spaces (including disabled spaces, car club and electric car charge points) shall be submitted to and approved in writing by the Planning Authority. The car parking spaces shall be provided in accordance with the plan during that phase. A total of at least 172 parking spaces shall be provided within the curtilage of the site to serve the completed development, unless otherwise agreed in writing by the Local Planning Authority having regard to reserved matters details".

There is thus the opportunity to review and comment on this in more detail when the applicant provides more information to discharge this condition. However additional information has been submitted during this application process to provide further clarification.

The agent has explained that during the construction of phase 2 (approximately 14-month duration) the temporary car park on the phase 2 land will reduce from 50-34 spaces. The loss of 16 spaces will be compensated by off-site provision. On completion of the Phase 2 development, the 50 space car park will be re-instated and laid out on a permanent basis.

Off-site provision of 16 of the 50 spaces lost in the temporary car park is accepted provided the alternative location is close and convenient to residents. A site up to a mile away as initially sited by the applicant will not be convenient and is unlikely to be used given the potential availability of closer on-street parking in nearby residential streets.

The agent has explained that the legally-binding Development Agreement between the applicant and purchaser of the Phase 1 development requires the total residential parking

provision to be maintained at all times, including during the build-out of Phase 2. This is in line with the planning condition outlined above.

In view of the fact that this reserved matters application relates to only Phase 1, and that the above matter concerning the protection of the allocated residential parking for the flats constructed in this phase can be dealt with separately (Phase 2 Reserved Matters and CMP) officers are content that a final solution does not need to be agreed now in considering 16/03114/ERES.

All highway matters and points of clarification relating to Phase 1 have been resolved and no objection is raised to this reserved matters application on highway grounds.

Landscaping/Arboricultural

The tree protection measures for the existing riverbank trees have been secured under condition 13 of the outline planning application. The details have been submitted in relation to this and are considered to be appropriate. In terms of the replacement planting on site, this is considered to be acceptable.

The Green Infrastructure (GI) improvements are considered to be a positive element to this scheme exceeding the requirements of the policy. This will ensure that the GI links are strengthened from Linear Park, through the site, along the riverside edge.

Ecological Issues

The proposals submitted in relation to landscaping strategy and provisions of bat mitigation are in accordance with the previously approved ecological commitments and landscaping requirements. Satisfactory details have also been submitted in relation to proposed bat mitigation conditions attached to the outline planning application.

Detailed landscaping and planting proposals have been submitted, which are considered to be ecologically acceptable. With regards to bat mitigation requirements and any necessary light spill screening, some phases of planting will need to be in place prior to occupation. A programme of implementation for the landscaping works has not been submitted and careful consideration must be given to ensure that the riverside planting and planting around the bat house are in place prior to occupation. There is a requirement of conditions attached to the outline planning application which will secure the programme of planting and this can therefore secure the timing of the planting to ensure that the development is ecologically acceptable.

Details required for condition 17 which relates to the Ecological and Landscape Plan are yet to be submitted and will need to be approved for respective phases prior to commencement of development.

With regard to lighting design, a lux plan and "Illumination Impact Profile" document has been submitted, as required by the outline permission requiring details of lighting design to be submitted with each phase of reserved matters application. Data for existing light levels on site and in the surrounding area is provided, and lux level modelling is provided along the river adjacent to the proposed development, at heights of up to 3m. The model is based on maximum light usage and predicts very low light spill (zero to 0.25 lux) along

the majority of modelled area, meeting the requirements of the relevant condition in this respect.

The exceptions to predicted light levels below 0.25 lux are:

1. a light spot on the nearside bank at the eastern edge of the site (adjacent to the bridge). This predicts that at a height of 1.74m above the water, lux levels exceed 0.5 lux and predicted at 1 to 2 lux on the near side bank and edge of the water, above a height of 2m above the ground / water.
2. predicted light levels onto the river at the middle point of the development (nearest to the river) are 0.25-0.5lux at 1-3m height above the water. This is compliant with the requirements of the condition but if it could be reduced further for example through planting then this will improve the conditions for bats.
3. The majority of the bat house flight route linking it to the river is modelled at predicted light spill levels of 0.25 - 0.5 lux from ground level up to a height of 3m. Again although compliant with the requirements of the condition, this area would benefit from being as dark as possible. Further reductions in predicted light levels through additional planting would be expected.

At outline application stage, the applicant committed to use of specialist or coated glazing if required to further reduce light spill. This option is therefore presumably still available if considered necessary.

The proposed planting should provide the necessary further levels of darkness and should be capable of further reducing light spill at the eastern edge of the site, where it exceeds 1 lux. This is also given that the light level modelling is based on maximum lights usage and the screening effects of planting were not factored in. On balance it is considered that the submitted lighting details are acceptable.

An additional condition is proposed to be attached to the consent for reserved matters, requiring details of a proposed scheme of post-occupation light level checks. This should provide details of proposals to measure light levels and assess light spill once the site is occupied, especially around the bat house and onto the river and river banks - to enable comparison with predicted light levels and to propose and implement remedial measures if required.

Subject to the above, and the condition below, there is no objection to the reserved matters application and this is considered to be ecologically acceptable.

Flood Risk

No further matters have arisen during this reserved matters application. The Environment Agency has raised no objection to the development subject to the compliance with the planning conditions attached to the outline application.

Residential amenity

The proposed development sits opposite a number of residential units but is separated by the Lower Bristol Road. This degree of separation ensures that amenity of these occupiers is safeguarded.

The proposed residential development will be affected by noise from road traffic. The impact of this noise has been identified and assessed by the noise consultant in the Environmental Noise Report. Any future development should therefore demonstrate that sound attenuation measures are included to safeguard against external noise. This was secured through the inclusion of a condition.

There will be plant associated with the local needs food store and office buildings which will create potential for noise disturbance. The Environmental Noise Report has identified appropriate plant noise criteria which will afford a reasonable degree of protection from noise to nearby residents. A condition was also included on the outline permission to ensure that this is adhered to.

The general operation of the local needs food store, in particular the deliveries which will take place in the service yard area, will have the potential to cause noise disturbance. In order to mitigate this potential disturbance, the timing of deliveries and the opening hours of the shop, have been controlled a planning condition.

The overall design and layout of the units will ensure that the future occupiers of the development will benefit from a satisfactory level of privacy and overall the scheme is considered to result in appropriate living conditions for future occupiers.

Overall therefore, the proposed development is not considered to result in any undue harm to the residential amenity of the neighbouring occupiers and will result in satisfactory living conditions for the future occupiers of the development.

Affordable Housing Statement

This has been submitted with the application submission. This will need to be agreed prior to the commencement of development. However, there are no objections to the principles of this which provide a policy compliant scheme. This is a unique model for Bath in that it will provide 30% of affordable units at a discount market rent. The principles were agreed at the outline stage and were detailed in the S106 agreement. The units will be pepperpotted throughout the site and will be tenure blind.

Environmental Impact Assessment (EIA)

The original outline application was the subject of an EIA. The reserved matters relating to phase 1 of this development has been assessed in the context of the original EIA and it is concluded that they do not give rise to new or materially different significant effects on the environment from those assessed under the original application. Accordingly no further assessment of effects or mitigation is required.

Planning balance

The development will transform the identity of this site, providing much needed housing as well as economic benefits delivered through the complementary small scale shop. The

development will meet a key aim of the Core Strategy regenerating a large brownfield site within the city. Whilst concerns have been raised in the assessment with regards to the height of a small element of the scheme, the benefits brought about by the regeneration of this derelict site ensure that overall the visual amenities of the area are preserved.

Third party comments and consultee responses have been fully considered but for the reasons as stated above, the application is recommended for approval.

RECOMMENDATION

APPROVE

CONDITIONS

1 Post occupation light spill assessment (Bespoke trigger)

Within 12 months of first occupation, details of a proposed Scheme of Operational Light Spill Levels Assessment levels shall be submitted to the Local Planning Authority and approved in writing. The scheme shall provide details of proposals to measure light levels and assess light spill once the site is occupied, with particular reference to areas around the bat house, and connecting the river and the bat house, and onto the river and river banks, producing data that enables comparison with predicted light levels in the approved "Illumination Impact Profile" dated June 2016 by Deeley Freed. The scheme shall also include proposals for any necessary remedial measures which shall be implemented and operated accordingly thereafter.

Reason: to demonstrate operational compliance with the approved lighting design and predicted light spill, to protect the ecological value of the River Avon and to provide dark corridors for bats

2 Green walls/roof management (Pre occupation)

The development hereby approved shall not be occupied until a programme for the installation of the planting and maintenance scheme for the green wall and roof have been submitted to and approved in writing by the Local Planning Authority. This part of the development must be maintained as approved, unless otherwise approved by the Local Planning Authority.

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

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:

1 Plans list

26 Oct 2016 L421_E BUILDING B ELEVATIONS SOUTH AND EAST
 25 Oct 2016 L300 REV G PROPOSED BLOCK PLAN FLOOR 00
 25 Oct 2016 L307 REV E PROPOSED SITE ROOF PLAN
 25 Oct 2016 L400 REV E BUILDING A NORTH - SOUTH ELEVATION
 25 Oct 2016 L401 REV E NORTH EAST ELEVATION
 25 Oct 2016 L402 REV E NORTH NORTH ELEVATION
 25 Oct 2016 L403 REV E NORTH WEST ELEVATION
 25 Oct 2016 L410 REV E A SOUTH_ELEVATIONS SE AND SW
 25 Oct 2016 L411 REV E A SOUTH_NORTH WEST ELEVATION
 25 Oct 2016 L420 REV E BUILDING B ELEVATIONS NORTH AND WEST
 25 Oct 2016 L430 REV E BUILDING C ELEVATIONS SOUTH AND WEST
 25 Oct 2016 L431 REV E BUILDING C ELEVATIONS NORTH AND EAST
 25 Oct 2016 L500 ERV C PROPOSED SECTIONS_BUILDING A AA BB
 07 Oct 2016 D1701/001 ENABLING WORKS SITE PLAN & TRAFIC MA
 07 Oct 2016 L378 E PHASING PLAN - PHASE 2 WORKS CAR PARKING.
 06 Oct 2016 PLAN 9 ARTICULATED HGV ACCESSING FOOD STORE
 20 Sep 2016 037-002 K RIVERSIDE PLANTING PROPOSALS
 20 Sep 2016 037-201 F PLANTING PLAN GROUND LEVEL
 20 Sep 2016 037-202 E PLANTING PLAN LANDSCAPE DECK
 20 Sep 2016 037-210 D SOIL PROFILE PLAN GROUND LEVEL
 20 Jun 2016 15123_L301_E PROPOSED SITE PLAN FLOOR 01
 20 Jun 2016 15123_L302_E PROPOSED SITE PLAN FLOOR 02
 20 Jun 2016 15123_L303_E PROPOSED SITE PLAN FLOOR 03
 20 Jun 2016 15123_L304_E PROPOSED SITE PLAN FLOOR 04
 20 Jun 2016 15123_L305_E PROPOSED SITE PLAN FLOOR 05
 20 Jun 2016 15123_L306_E PROPOSED SITE PLAN FLOOR 06
 20 Jun 2016 15123_L350_C GYM FLOOR PLAN
 20 Jun 2016 15123_L351_C GYM ELEVATIONS AND SECTIONS
 20 Sep 2016 037-302 C HARD LANDSCAPE PLAN GROUND LEVEL
 20 Sep 2016 037-304 C SURFACE FINISHES LANDSCAPE DECK
 20 Sep 2016 L300 F PROPOSED BLOCK PLAN FLOOR 00
 19 Sep 2016 037-405_B WILLOW REVETMENTS
 19 Sep 2016 037-412_A TIMBER BENCH - STANDARD
 19 Sep 2016 037-412_A TIMBER BENCH - STANDARD
 19 Sep 2016 037-413_A TIMBER BENCH - SMALL CUBE
 19 Sep 2016 037-415_A CYCLE STAND
 19 Sep 2016 037-430_B LOW STONE WALL & STEPS
 19 Sep 2016 037-441_D FENCING TO SERVICE YARD
 20 Jun 2016 15123_L501_B PROPOSED SECTIONS BUILDING A CC DD
 20 Jun 2016 15123_L502_B PROPOSED SECTIONS BUILDING B EE FF
 20 Jun 2016 15123_L503_B PROPOSED SECTIONS BUILDING C GG HH
 20 Jun 2016 E-0001 REV 02 LIGHTING LAYOUT
 20 Jun 2016 15123_L001_B SITE LOCATION PLAN

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

3 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

4 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.

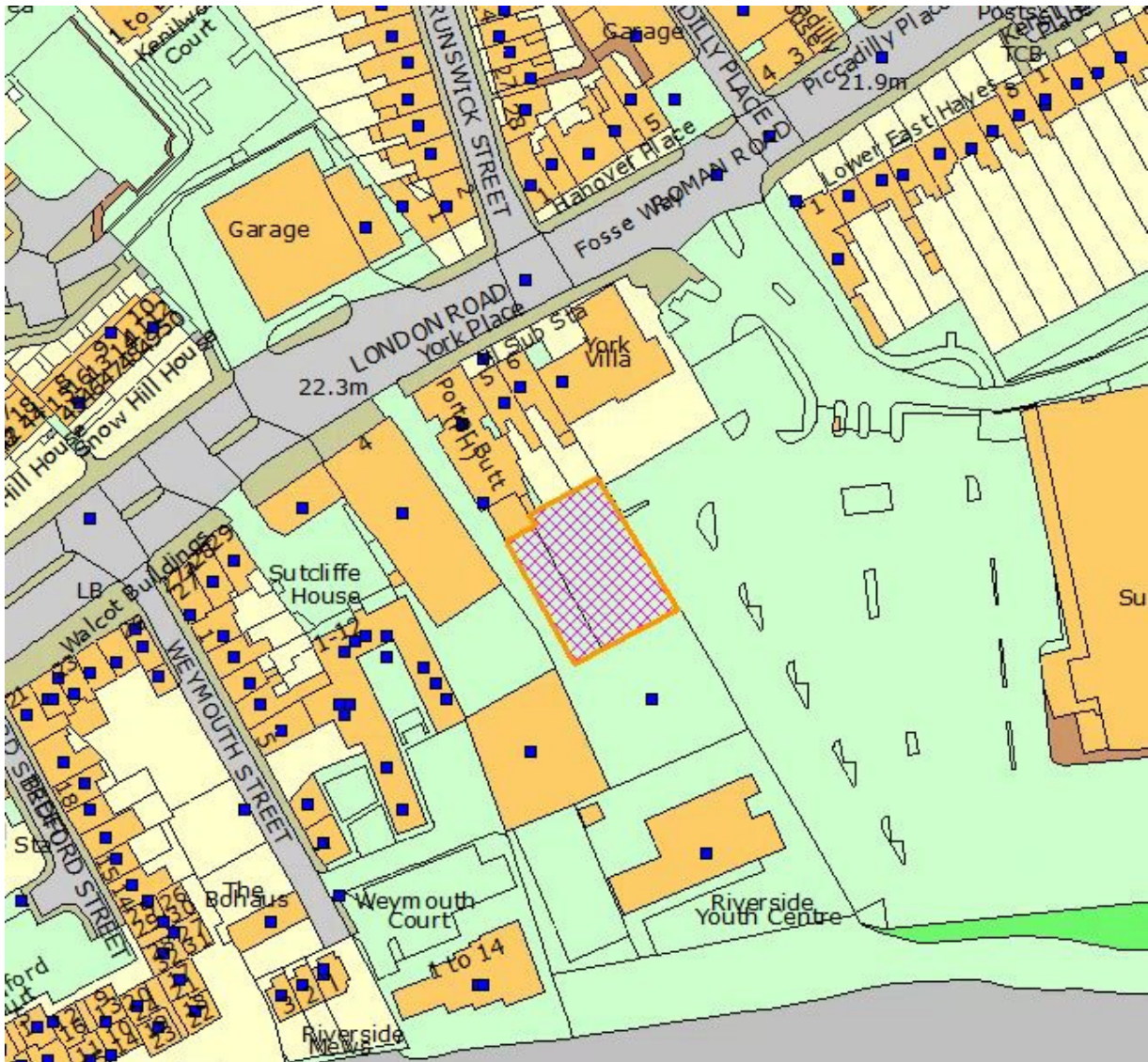
Please note all conditions should be read fully as these headings are intended as a guide only.

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 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.

5 No work should be undertaken as part of Phase 1 to remove any part of the existing public highway affected by the submitted Stopping-Up Order until this is formally confirmed. A copy of the request and plan sent to DfT should be provided, whilst the formal response from DfT accepting and confirming the stopping-up (or otherwise) will need to be submitted

Phase 1 works to existing public highway within the site to be retained will be subject to separate detailed Technical Approval under a Section 278 Agreement Any new highway to be offered for adoption will need to meet the Council's specification, so will also be subject to Technical Approval as part of a separate Section 38 Agreement

Item No: 02
Application No: 16/01435/FUL
Site Location: Parking Area Rear Of 4A York Place London Road Walcot Bath



Ward: Walcot **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Lisa Brett Councillor Fiona Darey
Application Type: Full Application
Proposal: Erection of a building comprising 4no. residential apartments.
Constraints: Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Tree Preservation Order, World Heritage Site,
Applicant: J R Properties Ltd
Expiry Date: 31st May 2016

Case Officer: Tessa Hampden

REPORT

Reason for referring this application to committee

The application has been referred to planning committee at the request of Local Ward Cllr Lisa Brett who objects to the application on the grounds of overdevelopment, public safety and highways grounds. Cllr Davis has determined that this should be heard at committee due to the highway safety concerns.

Site description and proposal

The site is within the curtilage of the listed property on London Road (Richer Sounds) at 4a York Place. This was formerly the Porter Butt Public House and the grounds formed part of its beer garden. They remain in the same ownership as the listed building and as the proposals partially attach to a wall which itself is attached to a listed building, the development also requires listed building consent. A parallel listed building application is being considered. The site is also within the City of Bath Conservation Area and the wider World Heritage Site. Further, the site lies within Flood Zones 2 and 3 and the area to the east of the development site contains trees subject to Tree Preservation Orders.

The application site has been the subject of previous applications with the latest being refused and dismissed at appeal. The appeal was dismissed as the Inspector considered that the development as proposed would fail to preserve the character and appearance of the conservation area or the setting of the listed buildings. The application has been resubmitted in an attempt to address these concerns.

Relevant planning history

DC - 16/01436/LBA - Pending (also being considered at planning committee) - - External alterations to include the erection of a building comprising 4no. residential apartments.

DC - 13/00701/FUL - Refused - 15 April 2013 - Erection of 3no new dwellings on land to the rear of York Place (resubmission). - Appeal dismissed

DC - 12/04363/FUL - Withdrawn - 21 December 2012 - Erection of 3no new dwellings on land to the rear of York Place

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Arboricultural Officer - no objection

Conservation Officer - no objection subject to conditions

Environment Agency - no objection subject to conditions

Drainage - no objection subject to conditions

Cllr Lisa Brett - objects on the grounds of overdevelopment, public safety and highways grounds. There already exist significant problems with HGVs delivering to Richer Sound, Multi York and TR Hayes manoeuvring in the access road blocking access to the

Riverside Youth & Community Centre. This often results in drivers having to dangerously reverse out onto the busy London Road. The proposed properties and their forecourt are at the narrowest part of the access road to Riverside. There will be no room for vehicles, particularly HGVs, to do U turns so as to exit safely.

1 general comment and 3 objections have been received. These can be summarised as follows:

- highway safety issues including conflict with HGVs
- impact upon local businesses
- inadequate parking
- noise and disruption to future residential occupiers
- disruption during construction
- impact upon listed buildings and conservation area
- loss of privacy
- overbearing impact
- overdevelopment of the site
- flooding 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:

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

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:

- 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
- CP10 - Housing mix

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
BH.2 - Listed Buildings and their Setting
BH.6 - Conservation Areas
HG.4: Residential development within the urban areas and R.1 settlements
NE.4: Trees and woodland conservation
NE.14: Flood risk
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:

SU1 Sustainable Drainage
D1 General Urban Design Principles
D2 Local Character & Distinctiveness
D3 Urban Fabric
D4 Streets and Spaces
D5 Building Design
D6 Amenity
D7 Infill and Backland Development
D8 Lighting
H1 Historic Environment
NE2 Conserving and Enhancing the Landscape and Landscape Character
NE3 Sites, Species and habitats
NE6 Trees and woodland conservation
PCS2 Noise and vibration
PCS5 Contamination
LCR1 Safeguarding local community facilities
ST1 Promoting Sustainable Travel
ST7 Transport requirements for managing development
National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

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.

OFFICER ASSESSMENT

Principle of development

The development is within the built up area of Bath where new residential development can be considered to be acceptable in principle subject to compliance with the relevant policies of the Development Plan.

Character and appearance

Revised plans have been submitted during the application process to overcome concerns raised by officers and subsequently to ensure that the requirements of the Environment Agency are met.

The scheme previously dismissed at appeal put forward a series of three dwellings which ran in a terrace parallel to the London Road. There were concerns that this resulted in a scheme that would appear physically disjointed from the surrounding historic environment context and visually isolated. This application has responded to those concerns by siting the semi detached pair perpendicular to the listed buildings of London Road, sited close to the existing residential units. This more closely follows the pattern of the traditional historic development in this local area which is of distinct groupings of buildings addressing the road frontage with linked structures which decrease in height and scale away from the road frontage. The bulk of the building has been reduced and the scale proposed is now considered to be appropriate. This is considered to present a form that appears subservient to the listed buildings.

The architecture closely reflects the more artisan Georgian architecture characteristics of the City with use of Bath ashlar and rubble stone, vertically proportioned window openings and the shallow double-hip roof form. The sloping roof elements of the side wings are less characteristic, but in street scene views will not cause harm. Use of powder coated aluminium for the windows is considered acceptable in this peripheral location in the Conservation Area, where there are a mix of architectural styles and materials that create the more utilitarian nature of many of the buildings in the lane.

The drawings propose external staircases but these have been revised to propose a more lightweight structure. The metal railings are considered to be appropriate and do not detract from the overall character and appearance of the proposed building.

The close views in the lane, and this part of the City of the Bath Conservation Area will not be harmed by the new development which will continue the tight knit built frontage character further towards the river and the Youth Centre. Due to its height and siting the development will respect the setting of the wider World Heritage site.

There is a duty placed on the Council under Section 66 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 setting of the listed buildings will be preserved.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that the overall character and appearance of this part of the City of Bath Conservation Area is preserved.

Further, there is not considered to be any undue harm to the setting of the wider World Heritage Site.

Flooding/drainage

The site falls within flood zone 2 and 3a and a site specific flood risk assessment (FRA) has therefore been submitted. The Environment Agency have assessed this and are satisfied that the FRA demonstrates that the development will not increase flood risk and the development will be safe through its lifetime.

The proposed residential use falls within the 'more vulnerable' flood vulnerability classification set out within the National Planning Practice Guidance (NPPG). Accordingly, the NPPG advises that development is only appropriate if the sequential and exceptions tests are met. The aim of the sequential test is to steer development to areas which are at a lesser risk of flooding. Although the previous application was refused on lack evidence to pass these tests, the Inspector dealing with the previous appeal did not fully consider the flooding issues, commenting that the only issue was character and appearance. Notwithstanding this, the developer has complied with the requirements of national policy, and alongside the FRA submitted information to demonstrate that the sequential and exception tests can be passed.

Based upon national planning guidance the area of search applicable for the consideration of alternative sites has been defined based upon local circumstances and the nature of the proposal. Officers are satisfied with the search parameters and the approach taken. The methods and outcomes of the sequential test have been considered by the officers and it is considered to be suitable for the development proposed. The sequential test can therefore be considered to be passed.

The Exception Test forms two parts both of which must be passed for the proposal to be considered acceptable. These are as follows:

- a) the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- b) a site-specific flood risk assessment has demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible; will reduce flood risk overall.

In terms of the wider sustainability benefits, the economic, social and environmental benefits should be considered. The agent explains that this scheme will deliver four residential units within a sustainable location. This will deliver houses which will contribute to the districts 5 year land supply. The site is in close proximity to local services, such as shops and public houses and will contribute to supporting these services. The site is also within walking distance to the city centre, which provides the opportunity to build new dwellings where the occupiers would not be reliant on private transport. Further, the proposals utilise previously developed land to deliver the above benefits. The proposals are also considered to make a more efficient use of the land.

In light of the above, it is considered that the proposals will provide economic, social and environmental benefits to the wider community which are sufficient to outweigh the flood risk.

In terms of the second strand to the test, as stated above, the Environment Agency have reviewed the FRA and have provided no objection subject to the inclusion of conditions. It is considered necessary for a Flood Warning and Evacuation Plan to be submitted and approved prior to the occupation of the development, and this can be secured through condition.

In light of the advice received, it is considered that the proposed development will be safe for its lifetime and will not increase flood risk elsewhere. The Council's Drainage and Flood Risk Team have also reviewed the development and raised no objection subject to conditions. The proposal is therefore considered to meet both parts of the exception test and is acceptable in flood risk terms.

Highway safety

A number of third parties have raised concerns with regards to highway safety. Revised plans have been submitted during the application to address concerns raised by the Highway Development Officer. The area now included within the layout includes the whole of the car park area to the south of the application site and bounded by the curtilage to the Riverside Youth Centre on its south side.

The revised plan shows one dedicated parking space for each residential apartment, and a further two spaces indicated as private parking for the apartments but serving as shared visitor provision. As such, the overall residential parking provided is 6 spaces, which is below the maximum standard in the Schedule to Policy T.26 in the Local Plan requiring 8 spaces, or two per unit. The same layout shows 8 spaces provided for staff/ customer parking for Richer Sounds, which effectively replicates the parking provision available now. The maximum demand and utility of the residential parking spaces is likely to occur in the evening and overnight, when the adjacent spaces allocated for Richer Sounds will be empty. As such, it is accepted that residents/visitors could and would make use of these then if all the 6 spaces allocated for residential use were occupied. Given this, and the sustainable location of the site, the level of parking is considered to be acceptable. The revised parking layout and residential/retail allocation split as shown is thus accepted

There is also a waiting area provided to cater for delivery vehicles to the retail premises, whilst the access created from York Place to the car parking area will provide the manoeuvring space necessary to turn any large vehicle to allow egress to the A4 London Road in forward gear. The posts and a chain link to this car park would need to be removed to allow unimpeded vehicle access for residents and retail customers, and also turning access for a refuse vehicle collecting from the refuse storage areas proposed. The availability of this turning space can be secured through condition.

Subject to the inclusion of conditions, the proposed development is not considered to result in any undue harm to highway safety.

Residential amenity

Whilst the buildings will be set to the rear of the dwellings on London Road, the development is sited a sufficient distance from these neighbouring properties to ensure that the development will not have a significant overbearing impact or result in a significant loss of light for these occupiers. Further due to the distance and the appropriate siting of windows and openings, the development is not considered to result in any undue overlooking or loss of privacy. Screening will be provided on the stair areas which will ensure that the privacy is safeguarded.

Arboricultural Officer

No trees of arboricultural merit exist within the site and there is no objection to the proposed tree removals indicated. In comparison to the previously refused scheme, the building has been reoriented and placed it away from the eastern boundary and away from the protected Silver Birch growing in the adjacent supermarket carpark. These trees will be provided with physical protection during construction activities by virtue of the existing boundary wall.

Conclusion

For the reason set out above, the proposals are considered to be acceptable and the application is therefore recommended for approval. The development is considered to preserve the setting of the listed buildings, this part of the Conservation Area and the wider World Heritage Site. Further, the development is not considered to result in harm to highway safety or residential amenity and is considered to be acceptable on flood risk grounds.

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 Floor levels (Compliance)

The development hereby permitted shall be constructed with Finished Floor Levels set at a minimum 22.81mAOD.

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

3 Flood resilience measures (Pre-commencement)

No development approved by this planning permission shall take place until such time as a scheme detailing flood resilience measures to be incorporated in the construction of the

development has been submitted to, and approved in writing by, the local planning authority in consultation with the Environment Agency.

The scheme shall be fully implemented prior to occupation and subsequently maintained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

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

4 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.

5 Drainage strategy (Pre-commencement)

No development shall commence, except ground investigations and remediation, until a complete surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority.

Details of what to include in the drainage strategy can be found on page 37 onwards of the West of England Sustainable Drainage Developer Guide. This Guide also specifies the required surface water flood risk standards.

http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/LDFGeneral/bd6457_woe_developer_guide_complete_72dpi.pdf

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 establish a viable method of surface water drainage prior to any initial construction works which may prejudice the surface water drainage strategy

6 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.

7 Hard and Soft Landscaping (Pre-occupation)

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

8 Hard and Soft Landscaping (Compliance)

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

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

9 Highways - Parking (Compliance)

The areas allocated for parking and turning on the submitted plan for the residential and retail unit 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.

10 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.

11 Refuse storage (Bespoke trigger)

No development of the external refuse storage shall commence until details 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 and shall be carried out prior to the occupation of the development hereby approved.

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.

12 Screening (Pre occupation)

The development hereby approved shall not be occupied until the details of the external screening on the proposed raised surfaces have been submitted to and approved in writing. The development shall thereafter be undertaken in accordance with the approved details and shall be carried out prior to the occupation of the development hereby approved. The screening shall be retained though the life of the development.

Reason: In the interests of the appearance of the development and the surrounding area, and the residential amenity of the neighbouring occupiers 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.

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:

0 27 Jul 2016	14-040-20	PROPOSED ELEVATIONS
27 Jul 2016	14-040-10	PROPOSED PLANS
27 Jul 2016	14-040-11	SITE SECTION AND PLANS
24 Mar 2016		EXISTING SITE & SITE LOCATION 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.

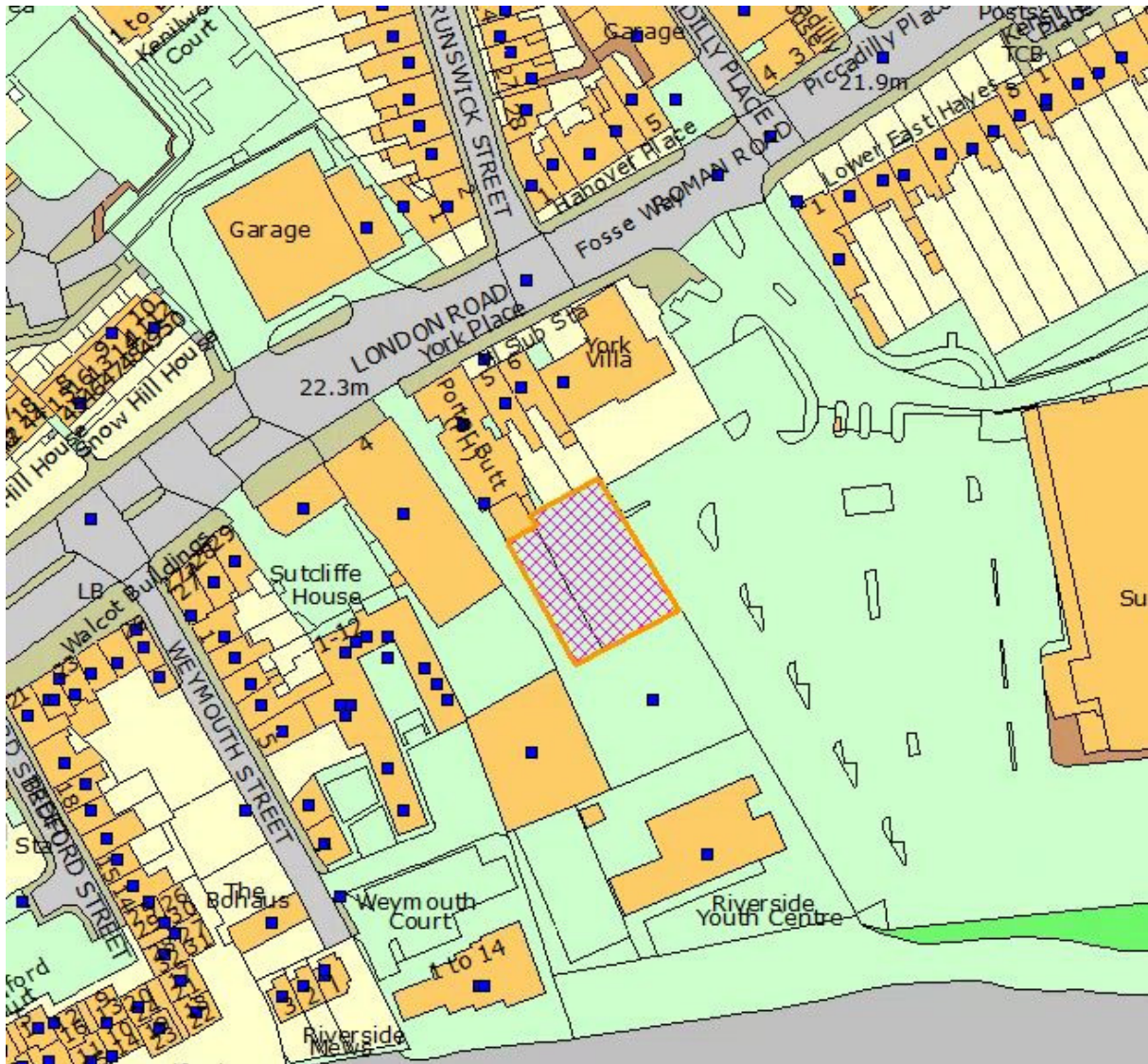
Please note all conditions should be read fully as these headings are intended as a guide only.

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 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.

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

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

Item No: 03
Application No: 16/01436/LBA
Site Location: Parking Area Rear Of 4A York Place London Road Walcot Bath



Ward: Walcot **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Lisa Brett Councillor Fiona Darey
Application Type: Listed Building Consent (Alts/exts)
Proposal: External alterations to include the erection of a building comprising 4no. residential apartments.
Constraints: Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Tree Preservation Order, World Heritage Site,
Applicant: J R Properties Ltd
Expiry Date: 19th May 2016
Case Officer: Tessa Hampden

REPORT

Reason for referring this application to committee

The application has been referred to planning committee at the request of Local Ward Cllr Lisa Brett who objects to the application on the grounds of overdevelopment, public safety and highways grounds. Cllr Davis has determined that this should be heard at committee due to the highway safety concerns.

Site description and proposal

The site is within the curtilage of the listed property on London Road (Richer Sounds) at 4a York Place. This was formerly the Porter Butt Public House and the grounds formed part of its beer garden. They remain in the same ownership as the listed building and as the proposals partially attach to a wall that is attached to a listed building, the development also requires listed building consent. A parallel planning application is being considered. The site is also within the City of Bath Conservation Area and the wider World Heritage Site.

The application site has been the subject of previous applications with the latest being refused and dismissed at appeal. The appeal was dismissed as the Inspector considered that the development as proposed would fail to preserve the character and appearance of the conservation area or the setting of the listed buildings. The application has been resubmitted in an attempt to address these concerns.

Relevant planning history

DC - 16/01435/FUL - Pending consideration (also referred to committee) Erection of a building comprising 4no. residential apartments.

DC - 13/00701/FUL - Refused - 15 April 2013 - Erection of 3no new dwellings on land to the rear of York Place (resubmission). - Appeal dismissed

DC - 12/04363/FUL - Withdrawn - 21 December 2012 - Erection of 3no new dwellings on land to the rear of York Place

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Arboricultural Officer - no objection

Conservation Officer - no objection subject to conditions

Environment Agency - no objection subject to conditions

Drainage - no objection subject to conditions

Cllr Lisa Brett - objects on the grounds of overdevelopment, public safety and highways grounds. There already exist significant problems with HGVs delivering to Richer Sound, Multi York and TR Hayes manoeuvring in the access road blocking access to the Riverside Youth & Community Centre. This often results in drivers having to dangerously reverse out onto the busy London Road. The proposed properties and their forecourt are

at the narrowest part of the access road to Riverside. There will be no room for vehicles, particularly HGVs, to do U turns so as to exit safely.

1 general comment and 3 objections have been received. These can be summarised as follows:

- highway safety issues including conflict with HGVs
- impact upon local businesses
- inadequate parking
- noise and disruption to future residential occupiers
- disruption during construction
- impact upon listed buildings and conservation area
- loss of privacy
- overbearing impact
- overdevelopment of the site
- flooding issues

POLICIES/LEGISLATION

Obligatory Considerations

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.

Relevant Considerations to what listed building works will or will not be acceptable under the Obligatory Considerations

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)
- Stowey Sutton Neighbourhood Plan

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 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

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

- D1 General Urban Design Principles
- D2 Local Character & Distinctiveness
- D3 Urban Fabric
- D4 Streets and Spaces
- D5 Building Design
- D6 Amenity
- H1 Historic Environment

OFFICER ASSESSMENT

Character and appearance

Revised plans have been submitted during the application process to overcome concerns raised by officers and subsequently to ensure that the requirements of the Environment Agency are met.

The scheme previously dismissed at appeal put forward a series of three dwellings which ran in a terrace parallel to the London Road. There were concerns that this resulted in a scheme that would appear physically disjointed from the surrounding historic environment context and visually isolated. This application has responded to those concerns by siting the semi detached pair perpendicular to the listed buildings of London Road, sited close to the existing residential units. The scheme will be attached to a wall that is attached to the listed building but this is not considered to harm the historic fabric of the listed structure. This more closely follows the pattern of the traditional historic development in this local area which is of distinct groupings of buildings addressing the road frontage with linked structures which decrease in height and scale away from the road frontage. The bulk of the building has been reduced and the scale proposed is now considered to be appropriate. This is considered to present a form that appears subservient to the listed buildings.

The architecture closely reflects the more artisan Georgian architecture characteristics of the City with use of Bath ashlar and rubble stone, vertically proportioned window openings and the shallow double-hip roof form. The sloping roof elements of the side wings are less characteristic, but in street scene views will not cause harm. Use of powder coated aluminium for the windows is considered acceptable in this peripheral location in the Conservation Area, where there are a mix of architectural styles and materials that create the more utilitarian nature of many of the buildings in the lane.

The drawings propose external staircases but these have been revised to propose a more lightweight structure. The metal railings are considered to be appropriate and do not detract from the overall character and appearance of the proposed building.

The close views in the lane, and this part of the City of the Bath Conservation Area will not be harmed by the new development which will continue the tight knit built frontage character further towards the river and the Youth Centre. Due to its height and siting the development will respect the setting of the wider World Heritage site.

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. The development as proposed is considered to achieve this aim.

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 development as proposed is considered to achieve this aim.

The application is recommended for approval.

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:

27 Jul 2016	14-040-20	PROPOSED ELEVATIONS
27 Jul 2016	14-040-10	PROPOSED PLANS
27 Jul 2016	14-040-11	SITE SECTION AND PLANS
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Condition Categories

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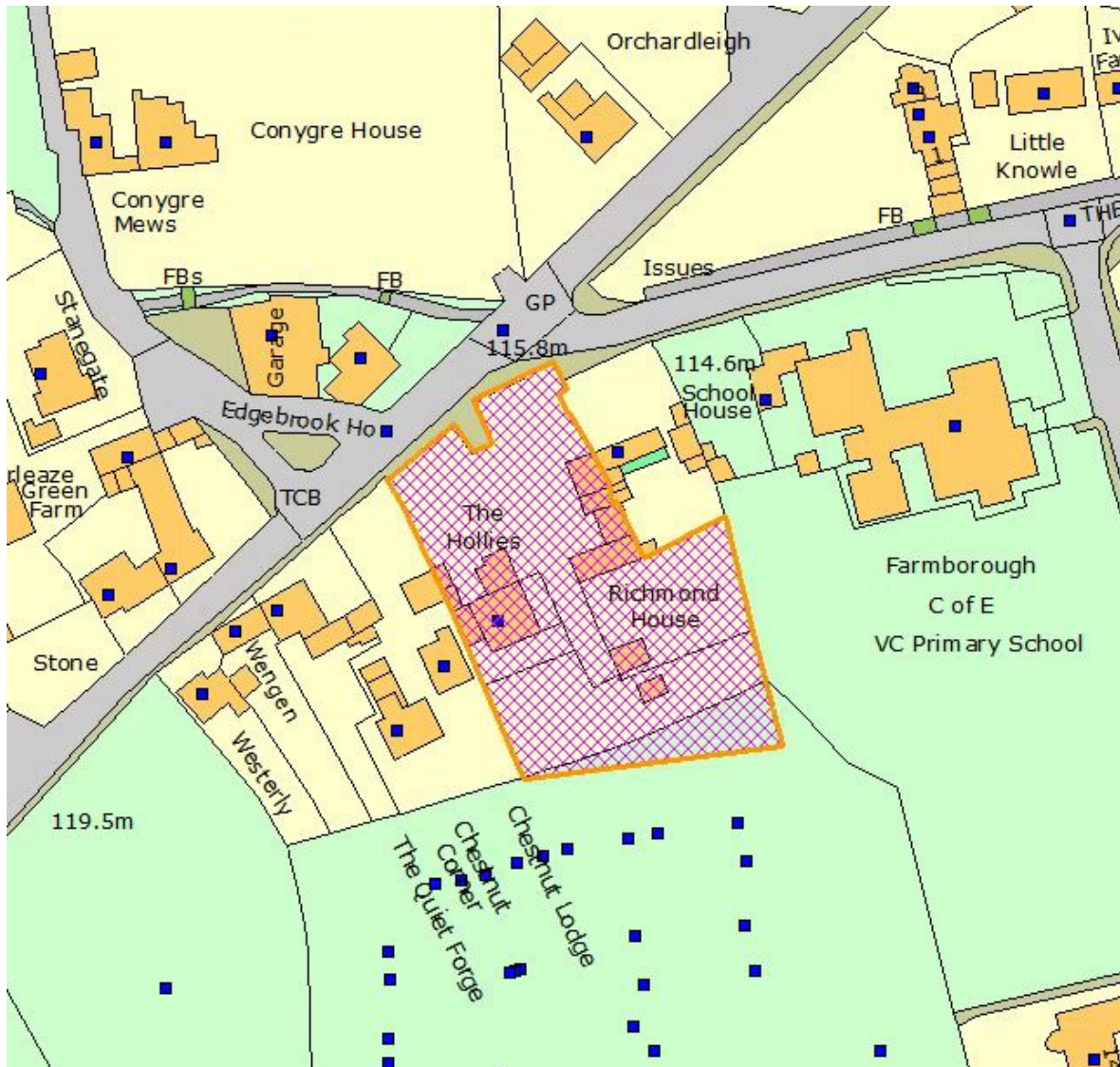
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In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework.

Item No: 04
Application No: 15/04085/FUL
Site Location: Holly Farm The Green Farmborough Bath Bath And North East Somerset



Ward: Farmborough **Parish:** Farmborough **LB Grade:** N/A

Ward Members: Councillor S Davis

Application Type: Full Application

Proposal: Erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to create 2 no. dwellings with associated works. (Resubmission)

Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenfield site, Housing Development Boundary, Listed Building, SSSI - Impact Risk Zones,

Applicant: Mr Vernon Stokes

Expiry Date: 18th November 2016

Case Officer: Sasha Berezina

REPORT

REASON FOR REFERRING TO COMMITTEE

Farnborough Parish Council - Objected in principle and the officers are minded to approve. The Chair's decision was that it should be determined by the committee.

DETAILS OF LOCATION AND PROPOSAL

The application site comprises Grade II listed Holly Farmhouse, a Grade II listed Barn and attached dairy, a number of modern ancillary outbuildings and an open grassed paddock to the rear, which currently contains a wooden stable.

The existing access to the site is located immediately south west of the junction of The Street with the A39, and is currently of single vehicle width.

To the west lies a detached dwelling Chestnut Lodge, and to the east the site shares its boundary with Grade II listed Richmond House (set to the rear of the dairy building in the north-east corner) and the playing fields/recreation space at the rear of Farnborough Primary School. Permission was recently granted for the erection of 38 new houses at the field to the south of the development site, and their construction is nearing completion.

The site contains numerous mature trees which positively contribute to the setting of listed buildings and are prominent in public views. It also falls within a Special Scientific Interest Zone that has potential for presence of protected species.

Permission is sought for erection of 2no new dwellings with associated garaging to the rear of the farm house/barns and conversion of the existing dairy building and a stone barn to form further 2no dwellings.

PLANNING HISTORY

DC - 14/04729/FUL - WD - 11 December 2014 - Erection of a storm porch on the east elevation

DC - 14/04730/LBA - WD - 11 December 2014 - External alterations to include the erection of a storm porch on the east elevation

DC - 14/05822/FUL - WD - 6 May 2015 - Erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to create 2 no. dwellings with associated works.

DC - 15/00016/LBA - WD - 6 May 2015 - Internal and external alterations to include erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to 2 no. dwellings with associated works.

DC - 15/04085/FUL - Pending - - Erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to create 2 no. dwellings with associated works. (Resubmission)

DC - 15/04179/LBA - Pending - - Internal and external alterations to include erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to 2 no. dwellings with associated works.

DC - 16/00172/FUL - PERMIT - 11 March 2016 - Erection of a storm porch on the east elevation.

DC - 16/00173/LBA - CON - 11 March 2016 - External works for the erection of a storm porch on the east elevation.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Arboriculture - The outline arboricultural method statement will need to be modified and developed into a detailed arboricultural method statement incorporating the no-dig construction activities. Suggested conditions.

Landscape - no objections subject to appropriate landscape conditions

Environmental Health - no objection. Suggested noise and dust control informative.

Drainage Team - no objection, subject to condition. Application should be conditioned to state that a drainage strategy for the site detailing how the surface water will be managed needs to be seen and approved by the local planning authority. This needs to ensure that no flow of water from the development can flow out on to the highway or neighbouring land. This is to prevent an increase in flood risk away from the development.

Any connection of surface water into the Wessex Water sewer network needs to be agreed with Wessex Water. The inclusion of Sustainable Drainage methods would be beneficial for controlling water flows and improving water quality.

Ecology - following receipt of completed bat survey and report, no objection subject to conditions.

Highways - no objections subject to condition for retention of off-street parking. Requested payment towards speed reducing measures on this section of the A39 Bath Road.

Listed Buildings - supported the proposed courtyard approach to layout. Requested further detailed information in relation to treatment of ceilings, floors and walls considered as part of the listed building application

Farnborough Parish Council - Object in principle.

- The construction of two new dwellings and garage buildings to the rear of Grade II listed building is considered overdevelopment of the site that would adversely affect the visual and historic setting of the listed building, as well as its grounds and the neighbouring Grade II listed building.

- Adverse effect on the outlook from the listed building

- Highways safety concerns in relation to additional traffic

- Privacy issues with Richmond House

- Concerns over the impact on visually important trees at the front of the property.

Third party Comments - 5 letters of objections. Key planning-related concerns expressed:

- Highways safety implications at the point of access/entry onto the main A39 from the planned site;
- Overdevelopment of site;
- Recent 38 dwellings development at Lavender Grove is already intrusive, there is no need for more housing in Farmborough;
- visual impact of modern property would be detrimental to the existing listed buildings and out of character with the immediate surroundings

POLICIES/LEGISLATION

The Council's Development Plan now comprises:

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

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

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

DW1 - District Wide Spatial Strategy

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

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:

SC.1 Settlement Classification

HG.12: Conversion, change of use to residential

BH.2: Listed buildings are their settings

BH.4: Change of use of listed buildings

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

ES.5: Foul and surface water drainage

NE.4: Trees and woodland conservation

NE.10: Nationally important species and habitats

NE.11 Locally Important Species and their habitats

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
NE3: Sites, species and habitats
NE6: Trees and woodland conservation
ST7: Transport requirements for managing development

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 PRINCIPLE OF DEVELOPMENT

For the purposes of development plan, Farmborough is currently classified as an RA2 village and the application site is located within its housing development boundary. Core Strategy policy RA2 provides that proposals for some limited residential development and employment will be acceptable in such location, if it is of scale, character and appearance appropriate to the village. The emerging Place Making Plan also envisages that windfall sites within the housing development boundary will come forward to contribute to the delivery of housing in rural locations across the district.

Policy HG.12 allows conversion of buildings for residential purposes provided that it is compatible with the character and amenities of adjacent established uses, taking into account the development itself together with any recent or proposed similar development; ensures that no significant harm is caused to residential amenity of current and/or future occupiers; and does not result in the loss of existing accommodation and preserves the mix of size, type and affordability of the accommodation in locality.

The saved Local Policy BH.4 (proposals for change of use of listed buildings) allows conversions of listed buildings when there is no realistic prospect or demonstrable need for continuation or reinstatement of the use for which the building was originally designed, and there is no adverse impact resulting from the proposed use on its character and setting.

LISTED BUILDINGS AND THEIR SETTING

The proposal entails conversion of two listed former agricultural buildings and will have an effect on the setting of Grade II listed Holly Farmhouse and Richmond House. The dairy is curtilage listed in relation to the principal farmhouse and the barn is listed in its own right.

The application site comprises an attractive cluster of rural vernacular buildings that, together with mature trees on the northern boundary, form a pleasant enclosure to the north of the listed buildings. The green space at the rear is accessed via this space and is delineated by a low boundary wall. The space immediately to the south of the listed barn is separated from the access track by a rubble stone wall.

Until recently, the space to the south was open agricultural land, however it now contains new residential development of 38 detached and semi-detached houses with garages. The layout of the new development is such that the boundary with the gardens runs alongside the paddock with the listed Farmhouse facing this boundary. As a consequence the farmstead has lost its landscape setting and there is a confused relationship between the existing farm buildings and the private area of the new suburban estate to the south.

The proposed new dwellings take reference from the historic character of the farmstead in terms of its layout, spacing, scale, design and materials. Courtyard plans are the most common forms of farmstead layout, where the working buildings are arranged around one or more yards. An L-shape development will visually enclose the south-east corner of the paddock, thus creating an additional definition and a courtyard area between the barn and the new housing to the south. The height and scale of the buildings would be proportionate to the nearby structures. Visually it will comprise a collection of segments that would reference the surrounding broken roofscape, the variation of architectural form and use of materials. In terms of spacing, the proposal will reflect the existing density and would provide sufficient amenity space for the future and existing occupiers.

The gardens of the existing listed buildings will remain as private areas with a distinct and separate character, screened from the new development by stone walls.

External materials include traditional local vernacular finishes such as lias rubble stone and quoins, lime render and timber cladding to walls, with clay and slate roofs, which complement the existing palette.

The converted barns would retain their subservient appearance and protect the sense of space between buildings in relation to the main farmhouse. Importantly, they will be put into a viable use, which is not taking place at the moment and as a result the buildings are quite dilapidated.

RESIDENTIAL AMENITY

The development 'courtyard' layout is also considered to respond well to the surrounding development in terms of its impacts on the residential amenity. The layout ensures that the development integrates into the existing built up areas and provides appropriate public-to-private spaces correlation.

The new dwellings outlook would be to the north - towards the converted barn; to the west - over the playing field, to the east - over the new walled garden of Holly Farmhouse, and to the south - over the north-west end of the new housing development.

In relation to the adjacent Richmond House, the nearest element of the new development (blank gable end of the garage) would be set 9m away from the boundary with its rear

garden, and there would be sufficient distance of separation (over 39m) between the new houses and this neighbour. Furthermore, the proposed orientation would further obliterate any opportunity for harmful overlooking between the sites. In terms of the relationship of Richmond House and the converted barns there would be no change to the existing.

The separation distances between the new houses and the converted barn, as well as the Farmhouse and its newly created walled garden would be sufficient enough to avoid loss of privacy between the new occupants.

In relation to the new 38-dwellings development, south elevation of Plot 3 would face the rear garden and the gable end of the corner dwelling, which will be some 16.5m away. The gable end of this house does have a small first floor window but it serves a stair landing, so there will be no loss of privacy. South elevation of Plot 4 would be mainly facing the garage of the adjacent house and the oblique views of the house and garden would be further obscured by the proposed planting on both sides and the roof of the garage to Plot 4.

Given the design, scale, massing and siting of the proposed development, the scheme would not cause significant harm to the amenities of the existing and future occupiers through loss of light, overshadowing, overbearing impacts, loss of privacy or other disturbance.

HIGHWAYS SAFETY

The new development will be served by an existing access off A39 Bath Road with its existing access point widened and the width of 4.5m retained for a distance of 10m into the site from the back edge of the highway to allow two cars to pass. In response to earlier highway comments the previously proposed radius type bell-mouth access to the site has been amended to provide a dropped kerb access which will give pedestrians priority and is considered acceptable. The location of the refuse collection point is also considered acceptable.

The proposed number of parking spaces (12) is sufficient, noting that this is 8 more than the current car parking space provision within the site.

Highways officer stated that the proposed visibility splays are acceptable for the 30mph speed limit in this location. He did however express concerns in relation to higher recorded speeds of 37mph in this location. These higher speeds are in breach of the speed limit currently in force and it is understood that a traffic calming scheme to reduce vehicle speeds is being developed for this section of the A39 through Farmborough.

A request was made by Highways for Section 106 financial contributions towards the speed reducing measures. Community Infrastructure Levy replaced Section 106 contributions for many forms of infrastructure, although Section 106 agreements can still be used for site-specific mitigation measures and for affordable housing provision. Given that the contribution is requested towards the general speed calming measures in the village, the developer will be liable to payments towards this infrastructure via CIL and not Section 106.

LANDSCAPING AND TREES

In terms of existing landscaping features, the open space and mature trees to the road frontage are important elements in terms of the relationship with the village, and the scheme takes these elements into account. The tree officer was satisfied that the outline arboricultural report addressed the key issues in relation to the significant trees on site. The detailed protection measures could be agreed via a condition, including the routing of above and below ground services, repollarding of the Willow and the expanse of the no-dig cellular confinement system.

ECOLOGY

The ecology surveys carried out on site confirmed that three buildings on site are used for bats roosting. The site is also considered to have roost potential for hibernating bats. The proposal will therefore require an EPS licence and the LPA must be satisfied that the "three tests" of the Habitats Regulations will be met.

The bat report includes appropriate outline proposals for bat mitigation and compensation for the affected species. This includes provision of a purpose built bat loft as compensatory roost provision for greater and lesser horseshoe bats, above the garage.

A condition will be imposed to ensure that the development is carried out in accordance with the mitigation scheme and that the "third test" of the Habitats Regulations would thus be met, i.e. the conservation status of the affected species would be maintained. The other two tests" (no alternative solution, and imperative reasons of overriding public interest) are also considered met as the proposal would bring a viable use into the deteriorating buildings and it is considered that the development would be likely to obtain an EPS licence based on submitted plans. The final bat mitigation, compensation scheme, its implementation and a post completion report will be secured by conditions.

The proposals also have potential to affect other wildlife such as nesting birds, hedgehog and reptiles, especially during site clearance, and the nearby SNCI. Appropriate measures to avoid harm to the range of wildlife and habitats are recommended in the supporting reports, and a "CEMP" (Construction Environmental Management Plan) can be secured by condition.

CONCLUSION

There are no in principle objections to the scheme. It is considered that the proposed scheme would preserve and enhance the setting of the listed buildings and as such the statutory duty in S66 of the Act will be observed when granting permission. There will be no significant harm caused to the residential amenities of the existing and future occupiers. The means of access and parking arrangements are acceptable and maintain highways safety standards. There would be no adverse harm to trees or ecology.

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

No development shall take place until a detailed arboricultural method statement with tree protection plan identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records to the Local Planning Authority. The statement should also include the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site, burning, location of site office 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. 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 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)

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

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

4 Hard Landscaping Samples (Bespoke Trigger)

No hard landscaping works shall commence until samples of surfacing materials and a sample panel of all paving 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, the setting of listed buildings and the surrounding area in accordance with Policies BH.2, 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 Implementation of Soft and Hard Landscaping (Pre-occupation)

All hard and soft landscape works shall be carried out in accordance with the approved details (Drawing No63 (Proposed Landscape Plan) received 10 December 2015) or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. The works shall be carried out prior to the occupation of the relevant part of the development. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

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

6 Sample Panel - Walling and Roofing (Bespoke Trigger)

No construction of the external walls of the development shall commence until a sample of roofing materials and 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.

7 Bin storage details (Bespoke Trigger)

Detailed drawings of the proposed bin collection area for plots 1-4 shall be submitted to and approved by the Local Planning Authority prior to occupation of the development.

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 Retention of Parking (Compliance)

The areas allocated for parking on submitted Drawing No 55 Rev D 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.

9 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.

10 Wildlife Protection and Enhancement (Pre-commencement)

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

- (i) the final details of the bat mitigation scheme (which can take the form of an EPS licence application method statement if appropriate), which shall be in accordance with the mitigation and compensation proposals and recommendations contained in section 5 of the approved Bat Surveys report dated 8th August 2016 by Johns Associates;
- (ii) proposed method statements and all other necessary measures for the avoidance of harm during site preparation and construction works to nesting birds, reptiles and hedgehog and retained and adjacent habitats including prevention of harm to the nearby Conygre Brook SNCI;
- (iii) findings of any necessary further pre-commencement protected species survey or checks, or proposed submission of these in writing to the LPA when available;
- (iv) Details of proposed wildlife friendly planting including replacement fruit tree and habitat provision;
- (v) Details of proposed measures to enhance the value of the site for wildlife and provide biodiversity gain.

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

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

11 Implementation of Wildlife Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs where appropriate, implementation of the recommendations of the Wildlife Protection and Enhancement Scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

12 Implementation of bat mitigation (Pre-occupation)

No occupation of the development hereby approved shall commence until a copy of the EPS licence in relation to works affecting bats and their roosts, together with a copy of a report produced by a suitably experienced ecologist (licenced bat worker) confirming and demonstrating, using photographs where appropriate, satisfactory implementation of all necessary bat mitigation and compensation measures as detailed in the approved Bat Mitigation and Compensation scheme, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: to ensure satisfactory implementation of the approved bat mitigation and compensation scheme

13 External Lighting (Bespoke Trigger)

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

14 Drainage (Pre-construction)

Prior to construction drainage strategy for the site detailing how the surface water will be managed shall be submitted to and approved in writing by the local planning authority. The strategy needs to ensure that no flow of water from the development can flow out on to the highway or neighbouring land.

Reason: To prevent an increase in flood risk away from the development.

15 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:

1	03 Nov 2016	Revised Drawing	11 E	PROPOSED BARN FLOOR PLANS AND ELEVATIONS
03 Nov 2016	Drawing	12 F		PROPOSED BARN ELEVATIONS & SECTIONS
10 Sep 2015	Drawing	13		DETAIL SHEET 1 BARNS 1 AND 2
03 Nov 2016	Revised Drawing	14 B		PROPOSED BARN DETAIL SHEET 2
03 Nov 2016	Revised Drawing	15 B		PROPOSED BARN DETAIL SHEET 3
18 Oct 2016	Revised Drawing	16 A		PROPOSED BARN DETAIL SHEET 4

03 Nov 2016 Drawing 54E PROPOSED SITE SECTION
10 Sep 2015 Drawing 55D PROPOSED SITE PLAN
10 Sep 2015 Drawing 56 SITE SURVEY
24 Sep 2015 Drawing 57 C BARN SURVEY AS EXISTING ELEVATIONS
10 Sep 2015 Drawing 58B BARN 1 AND 2 EXISTING FLOOR PLANS AND
SECTION

10 Sep 2015 OS Extract 59 SITE LOCATION PLAN
30 Jun 2016 Revised Drawing 60 E PROPOSED FLOOR PLANS PLOTS 3 & 4
30 Jun 2016 Revised Drawing 61 E PROPOSED ELEVATIONS PLOTS 3 & 4
18 Oct 2016 Revised Drawing 62 A IMAGES PLOTS 3 & 4
10 Dec 2015 Revised Drawing 63 PROPOSED LANDSCAPE PLAN

2 NOTES TO APPLICANT

Noise and dust control from construction of development - informative

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

Highways works

The applicant is 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 widening of the existing vehicular crossing as proposed. The new dwellings shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

3 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.

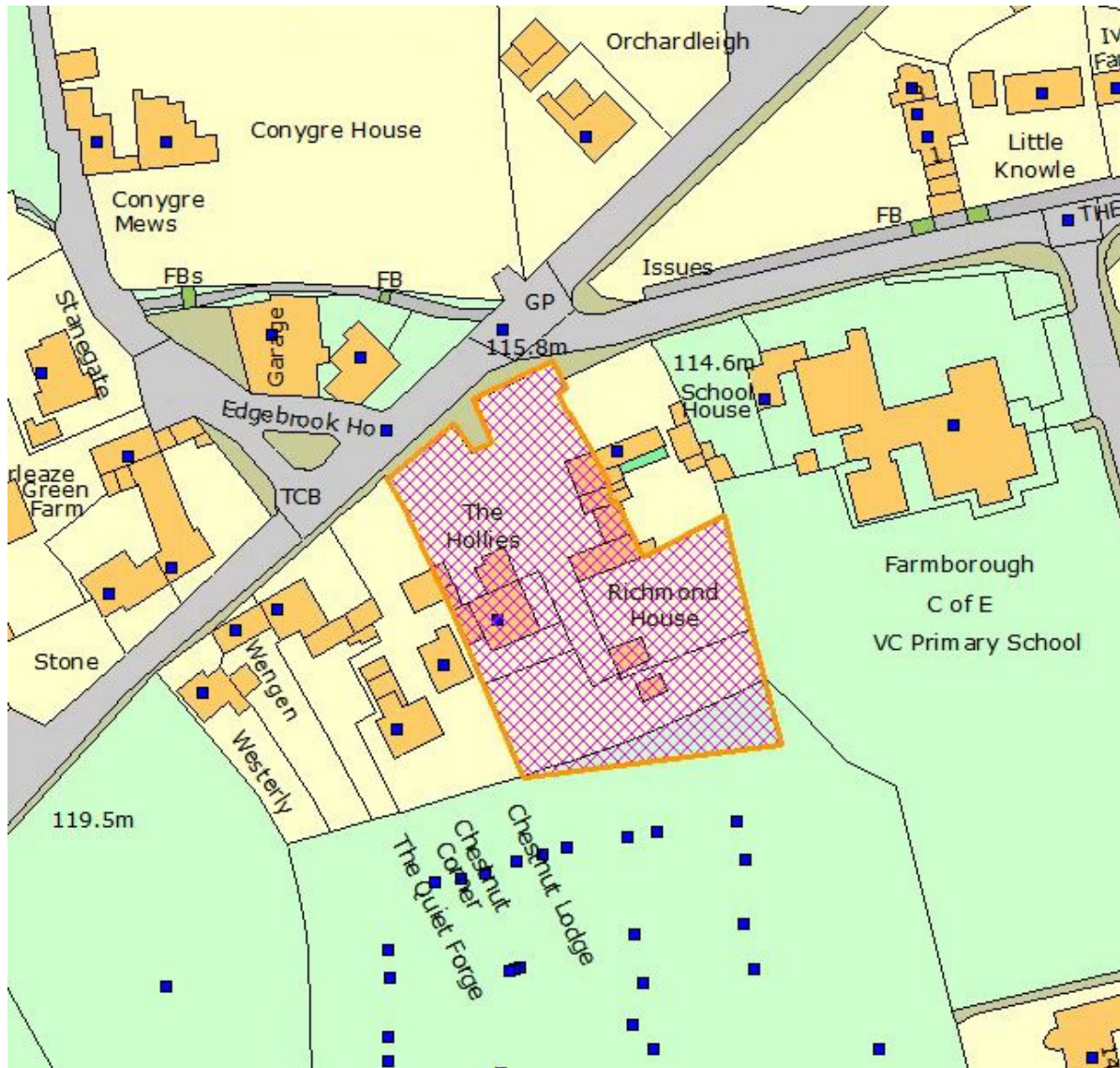
Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

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 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.

4 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: 05
Application No: 15/04179/LBA
Site Location: Holly Farm The Green Farmborough Bath Bath And North East Somerset



Ward: Farmborough **Parish:** Farmborough **LB Grade:** II

Ward Members: Councillor S Davis

Application Type: Listed Building Consent (Alts/exts)

Proposal: Internal and external alterations to include erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to 2 no. dwellings with associated works.

Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenfield site, Housing Development Boundary, Listed Building, SSSI - Impact Risk Zones,

Applicant: Mr Vernon Stokes

Expiry Date: 18th November 2016

REPORT

REASON FOR REFERRING TO COMMITTEE

Farnborough Parish Council - Objected in principle to the planning application, which also covers listed building works, and the officers are minded to approve. The Chair's decision was that it should be determined by the committee.

DETAILS OF LOCATION AND PROPOSAL

The application site comprises Grade II listed Holly Farmhouse, a Grade II listed Barn and attached dairy, a number of modern ancillary outbuildings and an open grassed paddock to the rear, which currently contains a wooden stable. The proposal seeks to carry out internal and external works and alterations to dairy building and a stone barn in order to convert them into 2no independent units of accommodation.

PLANNING HISTORY

DC - 14/04729/FUL - WD - 11 December 2014 - Erection of a storm porch on the east elevation

DC - 14/04730/LBA - WD - 11 December 2014 - External alterations to include the erection of a storm porch on the east elevation

DC - 14/05822/FUL - WD - 6 May 2015 - Erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to create 2 no. dwellings with associated works.

DC - 15/00016/LBA - WD - 6 May 2015 - Internal and external alterations to include erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to 2 no. dwellings with associated works.

DC - 15/04085/FUL - Pending - - Erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to create 2 no. dwellings with associated works. (Resubmission)

DC - 15/04179/LBA - Pending - - Internal and external alterations to include erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to 2 no. dwellings with associated works.

DC - 16/00172/FUL - PERMIT - 11 March 2016 - Erection of a storm porch on the east elevation.

DC - 16/00173/LBA - CON - 11 March 2016 - External works for the erection of a storm porch on the east elevation.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ecology - following receipt of completed bat survey and report, no objection subject to conditions.

Listed Buildings - supported the proposed courtyard approach to layout. Requested further detailed information in relation to treatment of ceilings, floors and walls considered as part of the listed building application

Farmborough Parish Council (on parallel planning application) - Object in principle.

- The construction of two new dwellings and garage buildings to the rear of Grade II listed building is considered overdevelopment of the site that would adversely affect the visual and historic setting of the listed building, as well as its grounds and the neighbouring Grade II listed building.
- Adverse effect on the outlook from the listed building
- Highways safety concerns in relation to additional traffic
- Privacy issues with Richmond House
- Concerns over the impact on visually important trees at the front of the property.

Third party Comments - no comments on listed building application.

POLICIES/LEGISLATION

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

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

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

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

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

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

- CP6 - Environmental quality

The following saved policies of the Bath and North East 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

Historic Environment Good Practice Advice in Planning Notes issued by Historic England

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

Both buildings that are to be converted are attractive historic structures with distinct rural agricultural character individually and as a complex. They also greatly contribute to the setting of the principal listed farmhouse. The buildings are of substantial, sound and permanent construction, although their general state is currently deteriorating due to lack of ongoing use. As such, finding a viable use that would not harm their significance is necessary for their long term conservation.

With regards to the dairy building, the scheme proposes the conversion of the majority of it into a one bedroom, single storey dwelling. This involves some minor alteration externally and internally, but mainly to existing openings.

In relation to the listed barn, a party wall is introduced within the dairy to divide part of it off to form the kitchen for the barn conversion. An existing wide opening is filled with a simple glazed screen overlooking the parking area. Within the barn existing walls are used to form the entrance hall, staircase and landing; the main window in the living room is inserted into the 'carriage opening' with its existing pair of doors retained and refurbished. Similarly at first floor the windows are predominantly formed by re-using the existing openings. The original roof and first floor timber structure of the main barn are to be retained and repaired, and a detailed method statement is to be conditioned.

It is proposed to reuse some of the existing historic features of interest, such as relocating the internal sets and flag stones to form the front courtyard and reusing the hay racks within the building.

The proposal also seeks to provide a small sun room extension to the rear of the Barn, which will be constructed of glazed oak frames under a sedum roof. This has been designed as a clearly modern addition, subordinate in scale, and related to the character of the farmstead group avoiding domestic references.

The proposal has demonstrated that the buildings are capable of conversion without extensive alteration, rebuilding or otherwise significantly altering their original character. The proposed conversion approach is simple and seeks to preserve key and defining characteristics of the buildings, retaining their historic fabric and many features of interest. The scheme seeks to retain and utilise the existing planform, with the exception of subdivision within the dairy building to provide a kitchen for the Barn, limited number of additional internal partitions to provide bathrooms and minor historic stonework removal to provide door openings in place of windows. These alterations are not considered to be harmful to the overall character and special features of the listed structures.

The ecology surveys carried out on site confirmed that three buildings are used by bats roosting. A condition will be imposed to ensure that the development is carried out in accordance with the mitigation scheme and that the "third test" of the Habitats Regulations

would be met, i.e. the conservation status of the affected species would be maintained. The other two tests" (no alternative solution, and imperative reasons of overriding public interest) are also met and it is considered that the development would be likely to obtain an EPS licence based on submitted plans. The final bat mitigation, compensation scheme, its implementation and a post completion report will be secured by conditions.

Overall it is considered that the scheme would result in a sensitive conversion that would preserve the buildings' special character and features of interest, and as such the statutory duty in the S16 of the Act will be observed when granting consent.

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 Repair of the roof and floor structures of the Barn (Bespoke Trigger)

A full survey and detailed schedule of works and method statement for the repair of the roof and floor structures of the Barn including rafters, trusses, purlins and floor joists shall be submitted to and approved in writing by the Local Planning Authority prior to these works commencing.

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 Mortar Mix (Bespoke Trigger)

No re-pointing shall be carried out until areas of repointing have been identified and details of the proposed works and 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.

4 Joinery External Finishes (Bespoke Trigger)

No installation of the new external doors and windows shall commence until external joinery finishes for all doors, windows and sun room frame have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

5 Materials (Compliance)

The external stonework to be used in the infill shall match that of the existing walling in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: To safeguard the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

6 Plans List (Compliance)

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

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

PLANS LIST:

1	03 Nov 2016	Revised Drawing 11 E	PROPOSED BARN FLOOR PLANS AND ELEVATIONS
03 Nov 2016	Drawing 12 F		PROPOSED BARN ELEVATIONS & SECTIONS
10 Sep 2015	Drawing 13		DETAIL SHEET 1 BARNS 1 AND 2
03 Nov 2016	Revised Drawing 14 B		PROPOSED BARN DETAIL SHEET 2
03 Nov 2016	Revised Drawing 15 B		PROPOSED BARN DETAIL SHEET 3
18 Oct 2016	Revised Drawing 16 A		PROPOSED BARN DETAIL SHEET 4
03 Nov 2016	Drawing 54E	PROPOSED SITE SECTION	
10 Sep 2015	Drawing 55D	PROPOSED SITE PLAN	
10 Sep 2015	Drawing 56	SITE SURVEY	
24 Sep 2015	Drawing 57 C	BARN SURVEY AS EXISTING ELEVATIONS	
10 Sep 2015	Drawing 58B	BARNS 1 AND 2 EXISTING FLOOR PLANS AND SECTION	
10 Sep 2015	OS Extract 59	SITE LOCATION PLAN	
10 Dec 2015	Revised Drawing 63	PROPOSED LANDSCAPE PLAN	

2 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 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.

3 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: 06
Application No: 16/04284/FUL
Site Location: Farmborough Memorial Hall Little Lane Farmborough Bath Bath And North East Somerset



Ward: Farmborough **Parish:** Farmborough **LB Grade:** N/A
Ward Members: Councillor S Davis
Application Type: Full Application
Proposal: Erection of community shop
Constraints: Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,
Applicant: Farmborough Community Shop Management Committee
Expiry Date: 28th October 2016
Case Officer: Alice Barnes

REPORT

Reason for reporting the application to committee

The application is being referred to the committee at the request of Councillor Sally Davis

Description of site and application

Farmborough Memorial Hall is located to the south east of Farmborough village. The building is sited between Timsbury Road to the east and Little Lane to the west. The site is accessed from Little Lane where there is a vehicular access.

This is an application for the construction of a side extension to the existing village hall on the eastern elevation. The extension would be used as a community shop. There is currently no shop within the village. The shop is proposed to be used 08:00 to 19:00, Monday to Friday, 08:00 to 13:00 Saturdays and 08:00 to 11:00 on Sundays.

The proposed extension would be a single storey of a lower height than the existing building. It would be timber clad with a metal roof and includes a pitched roof with gable ends. The existing boundary hedge would be retained. The entrance to the shop would be from the south elevation adjacent to the existing garden. Deliveries would be via the north elevation forming the rear elevation of the shop.

Relevant History

There is no relevant history relating to this application.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Farmborough Parish Council: Support with the following comments;

The drawings do not show a gap between the memorial hall and the proposed building.

No supply deliveries to the shop should occur during school hours.

The roof pitch could be imposing on neighbouring buildings.

The rear access includes steps and should include a ramp for disabled access.

The community shop may appear imposing as it will be raised above road level. The boundary hedge should be replaced after construction.

The parish council would like to be part of the discussion for the materials.

Highways:

While it's expected the shop will generate additional traffic movements in the vicinity, this will not have a severe impact on the operation of the local highway network due mainly to the small scale nature of the development.

Visibility from the access is considered sufficient with the provision of a 2.4m x 25m visibility splay which satisfies Manual for Streets (MfS) guidelines for a 20 mph speed limit. There are no records of accidents in the vicinity of the site (Timsbury Road and Little Lane) over the three year period up to and including 30th June 2016 which demonstrates that there are currently no road safety issues.

The existing site accommodates up to 12 no. parking spaces within the hardstanding area between the hall and Little Lane. There are no proposals in place to alter the existing parking arrangements. Although the proposed shop will have a parking requirement of up to 3 no. spaces, it is acknowledged that there will be very little overlap between the use of the hall and the shops opening hours.

Although the shop will generate additional traffic movements due to its location in the south-eastern edge of the village, Highways DC acknowledge that the majority of

residents would be within 500m of the proposed shop which is within the 'acceptable' walking distance.

Highways DC are satisfied that the proposed shop will not result in an unacceptable increase in vehicular movements and therefore will not have a severe impact on the safety and operation of the local highway network. Furthermore, the provision of a shop within the village will provide the residents of Farmborough with a vital service which currently does not exist and will likely result in a reduction in vehicle trips to the various convenience stores outside the village.

Arboriculture: The site includes a number of significant trees including two Scots Pine and an Ash. None should be affected by the proposals subject to the erection of the tree protection fencing shown on the Proposed Site Layout (drawing L012 rev A).

Representations: 6 representations have been received objecting to the application for the following reasons;

The current location is wrong. The shop should be somewhere more prominent or central with better parking and access.

With local stores in local Co-Op shops at Marksbury and Timsbury as well as major Tesco stores in Keynsham and Midsomer Norton/Radstock I feel that the Farmborough village shop will probably be a white elephant.

The transport statement quotes figures from 2014 and user figures from 2015/16 should be provided.

Additional regular users will be affected. There were 14 days which would cross over with the shop opening times.

Little lane is a single track with no passing place other than the hall itself.

There is minimal parking at the hall.

The pedestrian entrance onto Timsbury Road is a dangerous point of access.

There is no pavement on Little Lane.

When there are events in the hall people park in Timsbury Road restricting space for passing traffic.

The building will result in a loss of light to nearby properties on Ferenberge Close and will obstruct views.

The refuse collection point is located close to Ferenberge Close.

The roads cannot cope with the increased traffic levels.

Parking at the site is inadequate.

What are the plans if the shop is unsuccessful?

The drawings are not accurate and Little Lane is narrower than is shown on the drawings.

Pedestrians could not use the lane if a car is using the lane.

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

Farmborough has been without a shop for a number of years and this will reduce car journeys.

It will be a place for people to see and meet others.

Children will be able to walk there without having to go to Timsbury.

It will be stocked with local goods which is good for local businesses.

The shop will be a valuable and much needed asset for the growing village.

The proposed location is the most practical given the land and funds available.

The opportunity to shop locally is welcomed.

Villagers will be able to visit the shop on foot.

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
RA3 - Community facilities and shops

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

D.2: General design and public realm considerations
D.4: Townscape considerations
S.9: Retention of local needs shops outside the identified centres and development of new small scale local shops
CF.1: Protection of land and buildings used for community purposes
T.24: General development control and access policy
SC1 : Settlement classification
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
LCR1 - Safeguarding local community facilities
CR1 - Proposals for retail development outside of centres - the Sequential Test
CR4 - Dispersed Local Shops

OFFICER ASSESSMENT

The application site is located to the south eastern edge of Farmborough. It is located within the housing development boundary of the village. The site is currently occupied by the village hall and the proposed shop would operate within an extension to be constructed to the side of the hall. Parking is proposed to be provided within the existing hall car park. The shop is proposed to be used 08:00 to 19:00, Monday to Friday, 08:00 to 13:00 Saturdays and 08:00 to 11:00 on Sundays.

Principle

Policy RA3 of the core strategy relates to community facilities. It states that proposals for the development of shops within and adjoining all villages will be acceptable provided that they are of a scale and character appropriate to the village. Policy S.9 of the local plan also relates to the provision of local shops. It states that the council will grant permission for appropriately located small-scale local shops within R1 defined settlements with reference to policy SC1. Farmborough is identified as an R1 settlement.

In this case the proposed development would provide a small shop for the local community where there are currently no shops within the village. The proposed shop would therefore comply with policy RA3 of the core strategy and policy S.9 of the local plan.

Policy CF.1 of the local plan seeks to retain existing community uses. In this case the proposed development would retain the existing community hall providing the shop in an extension. Therefore the proposed development would not prejudice the aims of policy CF.1.

Design

The proposed extension would be a single storey. The proposed ridge height has been set below the existing ridge height so that the proposed extension appears subservient to the host building. The provision of a pitched roof and gable end would complement the existing built form of the property. The proposed timber cladding is not characteristic of the building. However given that timber cladding would be used over a small area of the overall building it is considered to be appropriate in this instance. A schedule of materials can be required by condition.

Highways

It is anticipated that the shop will require 2 -3 parking spaces based on an average stay of 20 to 30 minutes, and that these spaces will be shared with the memorial hall use.

The application has been accompanied by detailed transport statement and the highways officer has submitted detailed comments with regards to the application.

Details of regular bookings for the hall during 2014 have been submitted which outline bookings that may typically occur during the shops opening hours. The information suggests that in an average week, the hall will be in use for up to 6.5 hours during shop opening hours. This would indicate that the shop and hall will be in operation simultaneously for approximately 10% of the time when the shop will be open (63 hours/week), with the hall being unused for the remaining 90% of the time.

Details of occasional bookings during 2014 have also been included. While the hours of use are longer for the events listed, these are very infrequent with just 3 events occurring during 2014, and all on a Saturday. Furthermore, these events generally open to the public from 14:00, when the shop will be closed for business.

The transport statement has also outlines trip generation details associated with delivery vehicles which will only be 1-2 trips per week.

While it's expected the shop will generate additional traffic movements in the vicinity, this will not have a severe impact on the operation of the local highway network due mainly to the small scale nature of the development. While there may be concerns during times when the shop opening times coincide with events at the Memorial Hall, this will only be an issue for approximately 10% of the time when the shop is in operation.

The site will be accessed off Little Lane which currently serves the Memorial Hall. Little Lane is a lightly trafficked single-track lane which links Timsbury Road to Meadway and is mainly used to access residential areas in the village. The lane develops into a 2-way road from the junction with Ferenberge Close up to Meadway though it's noted that vehicles have a tendency to park along this section of the road thus restricting two-way flow at this location. The single-track section of the lane runs from Ferenberge Close past the site and forms a priority junction with Timsbury Road. It is noted that this section of Little Lane only serves two private dwellings (Tilley Dale and Ashcroft) as well at the site.

It is noted that the footpath along Little Lane terminates just south of the junction with Ferenberge Close, requiring pedestrians wishing to access the site to walk on the highway for approximately 100m. However, as alluded to above, the lane is very lightly trafficked and vehicle speeds are generally low due to the 20mph speed limit as well as the substandard nature of the lane. It is therefore accepted that the route is appropriate for occasional shared use between pedestrians and vehicles. It is also likely that the route is currently used by pedestrians to access the Memorial Hall. The transport statement also makes reference to access for cyclists and bus routes serving the village which has been acknowledged.

Visibility from the access is considered sufficient with the provision of a 2.4m x 25m visibility splay which satisfies Manual for Streets (MfS) guidelines for a 20 mph speed limit. There are no records of accidents in the vicinity of the site (Timsbury Road and Little Lane) over the three year period up to and including 30th June 2016 which demonstrates that there are currently no road safety issues.

The proposal to close off the existing pedestrian access from the site directly onto Timsbury Road (where pedestrian facilities are absent on the nearside) is acknowledged. This access is considered unsafe for pedestrian use and thus the closing off of this access will benefit highway safety.

The existing site accommodates up to 12 no. parking spaces within the hardstanding area between the hall and Little Lane. There are no proposals in place to alter the existing parking arrangements. Although the proposed shop will have a parking requirement of up to 3 no. spaces, it is acknowledged that there will be very little overlap between the use of

the hall and the shops opening hours. Highways DC therefore do not envisage any severe impacts on the public highway in relation to parking.

The provision of a delivery area for the shop with deliveries planned during less busy periods only is also acknowledged. The transport statement also includes swept path analysis for delivery vans which demonstrate that these vehicles can access and depart the site safely in a forward gear.

Although the shop will generate additional traffic movements due to its location in the south-eastern edge of the village, it is acknowledged that the majority of residents would be within 500m of the proposed shop which is within the acceptable walking distance. Furthermore, Paragraph 4.4.1 of manual for streets recommends that walkable neighbourhoods should have a range of facilities within 10 minutes' (up to about 800m) walking distance of residential areas.

The transport statement has outlined the distances from the various nearby convenience stores to Farmborough village centre. This suggests that the nearest shop is located approximately 1 mile from Farmborough therefore exceeding the 'preferred maximum' walking distance. The opening of the proposed shop, while generating additional vehicle and pedestrian movements on Little Lane and the immediate vicinity, may actually result in a reduction in trips to the various stores referred to in the transport statement.

While it's anticipated that the shop will be mainly used by the residents of Farmborough, there is a bus service on Timsbury Road with the nearest bus stops located within 200m of the site which is also within the acceptable walking distance.

The highways officer is satisfied that the proposed shop will not result in an unacceptable increase in vehicular movements and therefore will not have a severe impact on the safety and operation of the local highway network. Furthermore, the provision of a shop within the village will provide the residents of Farmborough with a vital service which currently does not exist and will likely result in a reduction in vehicle trips to the various convenience stores outside the village.

Amenity

The proposed shop is located close to residential properties along Ferenberg Close which is situated to the north of the site. The proposed opening hours will restrict the use of the shop to a daytime use and the shop will not operate during anti-social hours. The operation of the shop will be unlikely to harm the amenity of nearby residents.

Concern has been raised within the representations that the refuse collection and deliveries will cause disruption to properties in Ferenberg Close. The applicant has provided details of the proposed deliveries. There will be a daily delivery of newspapers in a small car or van. One to two times a week there will be a delivery of general stock within a large transit van. On this basis the provision of deliveries will be on a limited basis and is not considered to be harmful to the amenity of nearby occupiers. The refuse store will be located within the north west corner of the site. The refuse store has been set back from the boundary with nearby dwellings and details of the refuse store can be required by condition to ensure that this does not result in harm to nearby residents.

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 Parking (Compliance)

The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking 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.

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: 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 Arboriculture (Pre-commencement)

No development shall commence until tree protective fencing has been erected in the location indicated on the Proposed Site Layout. Unless otherwise agreed in writing with the local planning authority the fencing shall be 1.2m high and consist of fencing supported by a rigid framework braced or driven into the ground to resist impacts. This fencing shall remain in place during site works.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with policy NE.4 of the Bath and North East Somerset Local Plan

5 Refuse store (Prior to operation)

Prior to the operation of the proposed shop details of the proposed refuse store should be submitted to an approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the details so approved.

Reason: In the interests of residential amenity and in accordance with policy D.2 of the Bath and North East Somerset Local Plan

6 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.

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.

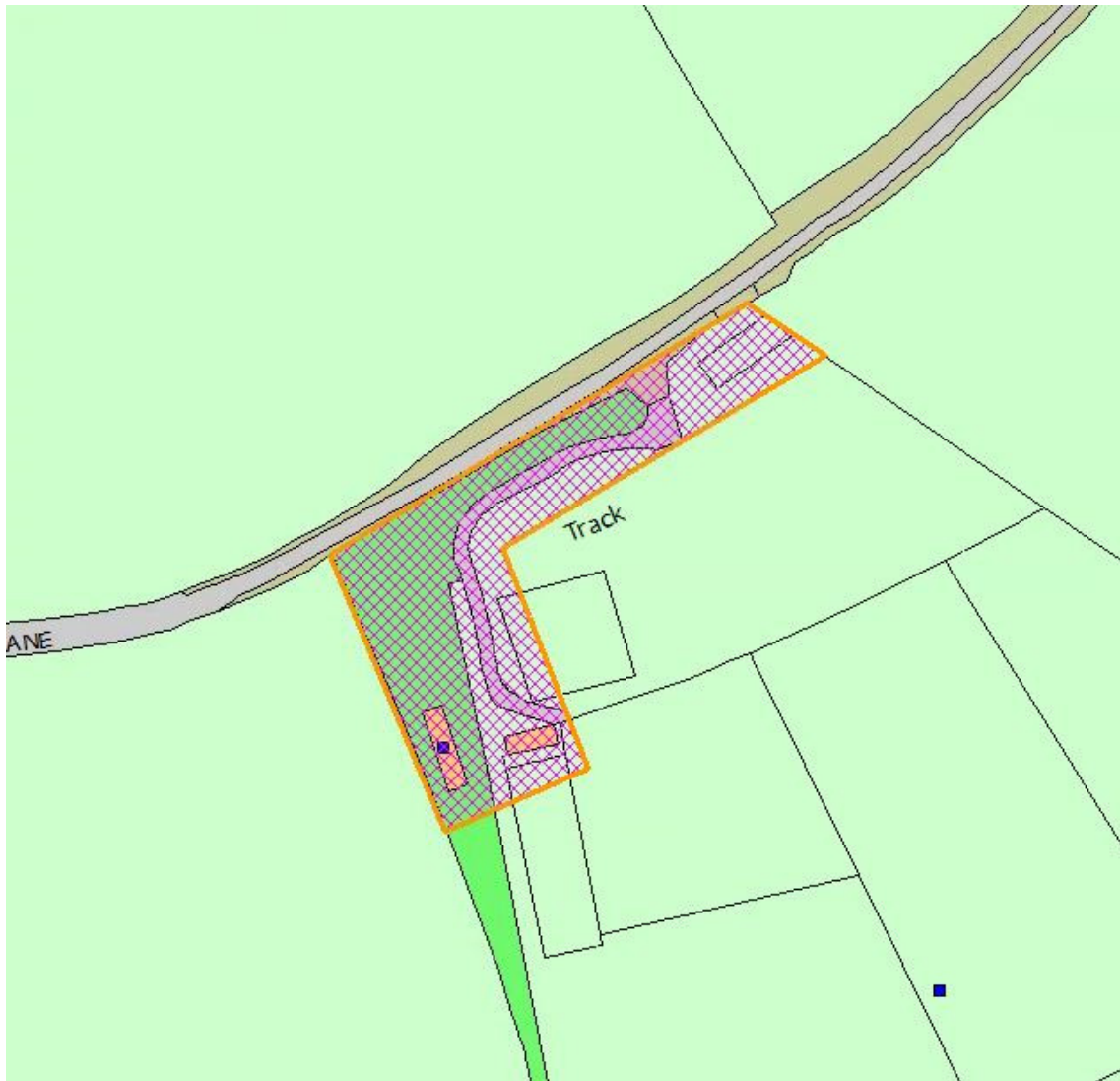
Reason: To define the terms and extent of the permission.

PLANS LIST:

1 Site location plan L001 rev C
Existing site layout L002 rev B
Existing elevations L003 rev A
Proposed site layout L012 rev B
Proposed plans and elevations L020 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 Policy Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

Item No: 07
Application No: 16/03652/FUL
Site Location: Applegate Stables Shockerwick Lane Bathford Bath BA1 7LQ



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

Application Type: Full Application

Proposal: Erection of additional livery stables and a rural workers accommodation unit

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

Applicant: Mrs R Dymond-Hall

Expiry Date: 26th October 2016

Case Officer: Nicola Little

REPORT

The application seeks permission for a rural workers accommodation unit and additional livery stables on land benefitting from an established equestrian use.

The application site, known as 'Applegate Stables', is situated on the South side of Shockerwick Lane, Bathford, Bath, on land designated as Green Belt and within the Cotswolds Area of Outstanding Natural Beauty (Cotswolds AONB). The site is located outside of the housing settlement boundary in an area characterised as predominantly rural in character.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Bathford Parish Council and Cllr Veal - OBJECT on the basis that the proposal represents an unsustainable form of development and presents harm to the Green Belt and Cotswold's AONB.

Cllr Ward - SUPPORT on the basis that the business adds to the local rural economy

Highways - OBJECT

- Development is in an unsustainable location and is contrary to Policy T.1
- Increase in traffic generated by the proposed development considered prejudicial to road safety
- No satisfactory provision for parking
- No adequate turning facilities incorporated into design which is essential to highway safety

No other third party objections received

3 Letters and signatures of support

The Council's scheme of delegation in regard to planning applications states that "an application has been subject of a letter of objection, comment or support from the Ward Councillor for the area including the application site (or for an adjoining area) which is contrary to officer recommendation, when there shall be prior consultation with the Chair of the Development Control Committee before a decision is made whether or not to refer the application to committee. For the purpose of this section, letters of objection or support that do not give Planning Policy based reasons will be disregarded, although all representations will be taken into account in determining the application".

As the officer's recommendation was contrary to Cllr Ward's representation and the decision of the Council's independent agricultural assessor, the application was duly referred to the Chairman of the Development Management Committee who considered that although the officer's report has assessed the application under the relevant policies, as questions remain on some aspects it is recommended that the application be taken to Development Management Committee for decision.

POLICIES/LEGISLATION

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

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

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

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

The following policies of the Core Strategy should be considered:

CP6 - Environmental Quality
CP8 - Green Belt

Saved Policies relevant to this application in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan, are:

D.2 - General Design and public realm considerations
D.4 - Townscape considerations
HG.10 - Housing outside settlements (agricultural and other essential dwellings)
GB.2 - Visual Amenities of the Green Belt
NE.1 - Landscape Character
NE.2 - Areas of Outstanding Natural Beauty
SR.12 - Commercial Riding Establishments

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. Although currently the Placemaking Plan has limited weight in the determination of planning applications, the following policies are deemed relevant to this application:

CP8 Green Belt
GB1 Visual Amenities of the Green Belt
D2 Local Character & Distinctiveness
D6 Amenity
NE2 Conserving and Enhancing The Landscape And Landscape Character
RE4 Essential dwellings for rural workers

National guidance and the National Planning Policy Framework (NPPF) is a material consideration. The following sections are of particular relevance:

Section 3: Supporting a prosperous rural economy
Section 9: Protecting Green Belt Land
Section 11: Conserving and enhancing the natural environment

OFFICER ASSESSMENT

The principal questions and matters to consider as part of this application are:

- Whether the proposed dwelling may be considered essential for the purposes of agriculture and forestry (and whether it may be assessed under the criteria and tests of saved policy HG.10)
- The impact of the proposal upon the Green Belt, including openness and visual amenity
- The impact of the proposal upon the character of the Cotswold's Area of Outstanding Natural Beauty (Cotswold's AONB)
- Sustainability and Impact upon Highways

The Local Planning Authority refused planning permission for the erection of a temporary equestrian workers dwelling on the application site in 2010 (reference: 10/00737/FUL) citing the following reasons for this decision:

1. The proposal will introduce a new dwelling outside the defined Housing Development Boundary, which is not essential for agricultural or forestry workers and would therefore result in an unsustainable form of development, contrary to PPS7, PPG13 and Policy HG.10 of the Bath and North East Somerset Local Plan, including minerals and waste policies - adopted October 2007.

2. The proposal to introduce a new dwelling into the Green Belt would represent inappropriate development in the Green Belt, which by definition is harmful. No very special circumstances have been demonstrated to clearly outweigh the presumption against inappropriate development in the Green Belt. The proposal is therefore contrary to PPG2 and Policy GB.1 of the Bath and North East Somerset Local Plan, including minerals and waste policies - adopted October 2007.

3. The proposal would introduce a new building onto an elevated site, thus intensifying the use, would be harmful to the openness, rural character and visual amenities of the area. This is contrary to Policies GB.2 and NE.2 of the Bath and North East Somerset Local Plan, including minerals and waste policies - adopted October 2007.

Policy HG.10 of the saved Bath and North East Somerset Local Plan sets out the parameters in relation to the provision of dwellings outside of settlement boundaries. As a primary factor to consider, this policy states that dwellings outside settlements will not be permitted unless they are deemed to be essential for the purposes of agriculture or forestry.

The case officer for refused application 10/00737/FUL stated that the Local Planning Authority at that time did not consider the enterprise at Applegate Stables to be agricultural, citing *Belmont vs. MHLG* (1962) in support of the position that the breeding and training of horses does not fall within the definition of agriculture. Although this remains the position of the Council, it is necessary to acknowledge that since the refusal of application 10/00737/FUL, the Council has granted a Certificate of Lawfulness for an Existing Use (CLEU) which has established the lawful change in use of the application site from agricultural to livery/equestrian centre (reference: 15/05340/CLEU). Neither the National Planning Policy Framework (NPPF) nor the National Planning Practice Guidance (NPPG) makes specific reference to dwellings required in connection with horse related establishments. However, Annex A of cancelled Planning Policy Statement 7 (PPS7) acknowledged that there may be instances where special justification exists for new isolated dwellings associated with 'other' rural based enterprises and that in these cases

the Local Planning Authority should apply the same criteria and principles as set out in relation to proposals for agricultural and forestry dwellings. Whilst it is important to note that the Council considers that PPS7 can no longer be given any material weight in planning application having been superseded by the NPPF and NPPG, the pre-text for saved policy HG.10 also states that outside of settlement boundaries 'special need may arise for accommodation which is essential for the efficient operation of the rural economy' and that this exception is 'in line with PPS7'.

Therefore, whilst the final wording of saved policy HG.10 is clear in that it stipulates that 'new dwellings will not be permitted unless they are essential for agricultural or forestry workers', the current proposal may be considered to relate to a circumstance where a 'special need' has arisen in relation to an equestrian rural based enterprise. Accordingly, the current proposal will be assessed under the same criteria and principles as saved policy HG.10.

Saved policy HG.10 states that a new dwelling will only be permitted where:

- There is a clearly established existing functional need and financial justification for a worker to live on the holding
- The need is for accommodation for a full-time worker
- It is sited:
 - (a) within a hamlet or existing group of dwellings or buildings; or
 - (b) elsewhere in the countryside only when (a) above is not feasible;
- occupancy is restricted to agricultural or forestry workers

The proposal seeks permission to expand the application site's current stabling facilities and to erect a dwelling whereby 24 hour supervision may be provided by the site owner, allowing breeding and 24 hour care of horses to occur on site. It has been stated that the aim of the applicant with regards to her business is "to create a small, private breeding and training establishment producing quality British Sport Horses" (Design and Access Statement).

The applicant has stated that there are currently two brood mares and one stallion owned by the business and that this comprises the present breeding program. The stallion is currently kept off site at a facility which provides 24 hour care. The broodmares are also kept off site up to two months before foaling and thereafter until the foals are 6 weeks old. Under the current application, it is proposed to relocate the stallion to Applegate Stables whereby he may be used to cover mares throughout the breeding season. The business plan also states that there is an expectation for the applicant to purchase and keep an additional 2 brood mares for breeding on site alongside a provision for current and/or future clients to breed their own mares with the resident stallion. The level of horse breeding referenced within the business plan and design and access statement implies that this practice would become the principal commercial use of the site and the function which requires 24hour supervision.

It will be widely known and acknowledged that horse breeding enterprises will have the strongest case when it comes to citing an essential functional need, owing to the requirement for animal welfare and the specific needs of animals during foaling. The agent in this case has referenced general examples of horse-related animal welfare issues whereby 24 hour care and site supervision may have some benefit and has affirmed,

again with general reference to specific incidences, the concept of an essential functional need in relation to brood mares and foals. In this instance, however, it would appear that the primary function of the application site and business is as a livery and public riding school. The applicant states that there are currently four full time liveries and two part time liveries on site. The provision for full livery as part of the business is, however, not considered to require 24-hour site presence and it may be acknowledged by the applicant that this element of the business has functioned successfully for a number of years without the need for an on-site presence.

Therefore, with regards to the creation of a significant breeding and training facility at the application site (whereby some of the aforementioned animal welfare issues might be deemed applicable), although the CLEU established that some breeding and training of horses has been occurring in association with the application site over the years, this practice is deemed small-scale and as secondary to the actual business use. Indeed, the applicant has stated that the current breeding of competition horses takes place "offsite". The officer, therefore, does not consider that there is a clearly established existing functional need for a worker to live on the holding.

Furthermore, whilst the financial benefits of relocating the owned stallion and brood mares to Applegate Stables may be acknowledged, this benefit is deemed to be of a personal nature. The principal fact is that the current lack of a 24hour presence on the site does not appear to have affected the profitability and sustainability of the existing, established business (which appears to be robust). Consequently, there does not appear to be a clearly established existing financial need for a worker to live on the holding and therefore the proposal for on-site accommodation may not be considered as essential.

In light of the above, the proposal is considered to fail the principal criteria and test of saved policy HG.10 - that a new dwelling outside of the settlement boundary must be considered essential to support an existing, well established agricultural or forestry (or other) enterprise and will only be permitted where there is clearly an established existing functional need and financial justification for a worker to live on the holding.

Contrary to the above, the Council's independent agricultural assessor has determined in accordance with paragraph 55 of the NPPF that there is a need for a temporary dwelling on the site "to allow the applicant to develop the equestrian business". This determination has been made on the basis of the submitted business plan and the agent's belief in the capabilities of the applicant to establish a private breeding and training establishment at the site.

Paragraph 55 of the NPPF states that -

Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside

As previously set out, the officer does not consider that there is an established existing functional need or financial justification for a worker to live on the holding as required under the criteria of saved Bath and North East Somerset Plan policy HG.10. As such, it is

also considered that there are no special circumstances at the present time which would render the proposal acceptable under the NPPF.

It is clear that the site represents a valuable local community facility by providing lessons to children. The riding school has been in operation for a number of years (as established by the CLEU) and currently the business is stated as supporting the full time employment of the applicant, a groom and one part-time apprentice. In this respect, the equestrian business may already be considered as developed and as positively contributing towards the efficient operation of the rural economy.

Whilst the officer also acknowledges the obvious capabilities of the applicant, the language of the business plan and design and access statement in respect of the creation of a private breeding establishment is considered to be largely speculative and aspirational. In this respect, the expansion or else reinvention of the application site into a professional private breeding and training facility with a 24hour on-site presence is considered to be a personal goal of the applicant rather than an essential functional or financial need of the rural enterprise. As previously stated the principal function of the business is as a successful livery and riding stables that has operated for several years without an site accommodation. Therefore, it is the officer's opinion that there is not a justifiable essential functional or financial need for a rural worker to live permanently at the site; nor is it considered appropriate for a temporary permission to be granted on the basis of developing one aspect of the current business (i.e. private breeding of competition horses).

It has therefore been considered that the current proposal again seeks to introduce a new dwelling outside the defined Housing Development Boundary which is not deemed essential (as was the case with prior application 10/00737/FUL). The proposal would therefore result in an unsustainable form of development, contrary to saved policy HG.10 of the Bath and North East Somerset Local Plan, including minerals and waste policies - adopted October 2007.

Highways

The Highways officer has recommended refusal of the application for the following reasons:

- The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Policy T.1 of the Bath & North East Somerset Local Plan (including mineral and waste policies) Adopted October 2007; Policy 1 of the Bath and North East Somerset, Bristol, North Somerset and South Gloucestershire Joint Replacement Structure Plan; and the National Planning Policy Framework, which seeks to facilitate the use of sustainable modes of transport.
- The increase in the use made of the Shockerwick Lane by traffic generated by the proposed development, would be prejudicial to road safety and therefore contrary to Policy T.24.

- The proposed plan has not demonstrated that an acceptable and adequate layout for the parking and turning of vehicles in connection with the proposed uses on this site can be provided. The proposal is therefore contrary to Policy.24.

In addition, the Highways officer has stated that they are unconvinced by the statements on traffic generation levels provided within the Traffic Statement and therefore this information may be considered unreliable. It is considered that the levels of movement to and from site estimated within the Transport Statement may not be commensurate with similar facilities and it may be assumed that an increase in horses to be accommodated on site will also increase the visits to the site by owners/riders/horses together with ancillary visits by vets/farriers/etc. In Highways opinion, the proposal would result in an unacceptable potential for increased traffic to and from the site using sub-standard access lanes which are narrow and steep (in places) without safe passing places. The proposal has therefore been recommended for refusal on highways grounds.

Impact upon landscape character and Green Belt

With regards to the impact of the proposed dwelling on the Green Belt and surrounding AONB, the current proposal is similar to what was refused by the Council in 2010 under application 10/00737/FUL. The principal of the 2010 refusal and the policy position remains unchanged and therefore the officer does not intend to repeat the material factors and considerations which have already been stated by the Council in this respect. It is deemed sufficient to state that the proposal would again seek to introduce a new dwelling and buildings on land designated as Green Belt, and that therefore the proposal would represent inappropriate development within the Green Belt, which by definition is harmful.

Unlike the previous refused and withdrawn applications, the applicant has submitted a statement of very special circumstances to demonstrate why they believe this scheme overcomes the presumption against inappropriate development in the Green Belt and thus why this application should be approved.

The VSC case refers to several appeal decisions from other authorities where permission for similar schemes have been allowed. The VSC case also progresses the argument that there is an essential need for this development on site and reiterates the business aspirations for the site arguing that its discrete location means the development will not be obtrusive in the landscape. These matters have already been considered and refuted above. Officers are of the view that the additional statements by the agent do not add anything further that has not already been considered. The applicant acknowledges that "'Very Special Circumstances' are generally perceived to be reasons that can only apply to the applicant and no one else, making them unique and exceptional to support the proposal." Officers would argue that the circumstances of this proposal are not exceptional having dealt with similar applications in other parts of the district (indeed the fact appeal decisions from other authorities have been provided to support the VSC case is indicative that the situation is not unique).

Officers have considered the three appeal decision examples provided by the applicant however each case must be treated on its own individual planning merits. Of the three cases, only two are within the Green Belt and all proposed temporary not permanent accommodation on site. Two of the cases relate to sites that were operating with more horses than are currently at Applegate Stables and both were established businesses

evidencing financial viability. Notwithstanding the submitted appeals, Officers remain of the view that no very special circumstances exist to outweigh the harm to the green belt. In forming this view, Officers have had regard to appeals that have been dismissed in respect of on-site accommodation to support horse related enterprises, including examples in the B&NES district. For example, Manor Farm, Chewton Keynsham where an appeal hearing was dismissed. In that particular case the Inspector stated "Local Plan policy HG.10 seek to strictly control residential development in the open countryside. One of the few circumstances in which isolated housing may be justified is when it is essential for full-time workers to live at their place of work, and both the above policies set out criteria which must be met. I have had particular regard to the advice in PPS 7 concerning temporary dwellings, which I accept can include rural based, non-agricultural occupational dwellings. This makes clear that whether housing is essential will depend on the specific needs of the enterprise and not on the personal preferences or circumstances of any of the individuals concerned". That case related to a well established livery in the green belt accommodating more horses than Applegate Stables.

Whilst the Council's independent agricultural assessor has considered that the granting of a temporary permission might be appropriate, the officer does not consider that the proposed dwelling may reasonably be conditioned to be temporary owing to its design and the degree of permanency it affords. The officer also does not consider that it would be appropriate to grant temporary permission for additional stables, as these buildings also possess and will accrue a degree of permanency. The proposal is therefore considered contrary to saved policy CP8 of the Bath and North East Somerset Core Strategy adopted July 2014 and paragraphs 87, 88, 89 of the National Planning Policy Framework March 2012.

Lastly, the proposal would once more seek to introduce new buildings onto a prominent and elevated site and as such would be considered as harmful to the openness, rural character and visual amenities of the area. Furthermore, the erection of additional stables would further intensify the use of the site which is considered as having limited capacity for expansion. This element of the proposal would therefore also be considered inappropriate and to cause harm to the openness and visual amenities of the Green Belt and landscape character of the surrounding Cotswold's AONB. Whilst the applicant has submitted a visual impact assessment in an attempt to address some of these concerns, the information and recommendation provided by this report is deemed insufficient. The report does not resolve the overriding fact the development would be located on a prominent and elevated site (despite existing vegetation) and it is not considered appropriate to employ further screening of the site as a ways of reducing its visual impact as this would be considered as further adversely affecting openness and character. The proposal therefore neither conserves nor enhances the character and local distinctiveness of the landscape. It is therefore considered the proposal is contrary to saved policies GB.2, NE.1 and NE.2 of the Bath and North East Somerset Local Plan.

In conclusion, after consideration of all relevant factors, the officer has reached the determination that the application should be refused.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposal seeks to introduce a new dwelling outside the defined Housing Development Boundary which is not deemed essential for agriculture, forestry or "other" rural based enterprise. It is not considered that there is a special need for the proposed accommodation for the efficient operation of the rural economy. The proposal would therefore result in an unsustainable form of development, contrary to saved policy HG.10 of the Bath and North East Somerset Local Plan, including minerals and waste policies - adopted October 2007.

2 The proposal to introduce a new dwelling and further stable buildings into the Green Belt would represent inappropriate development in the Green Belt, which by definition is harmful. No very special circumstances have been demonstrated to clearly outweigh the presumption against inappropriate development in the Green Belt. The proposal is therefore contrary to policy CP8 of the Bath and North East Somerset Core Strategy adopted July 2014 and paragraphs 87, 88, 89 of the National Planning Policy Framework March 2012.

3 The proposal would introduce new buildings onto an elevated site; would be harmful to the openness, rural character and visual amenities of the surrounding area and would result in an inappropriate intensification in use of the land. The proposal is therefore considered contrary to Saved Policies GB.2. NE.1 and NE.2 of the Bath and North East Somerset Local Plan, including minerals and waste policies - adopted October 2007.

PLANS LIST:

This decision relates to the submitted LOCATION PLAN; drawings AL(0)04 Rev A - EXISTING ELEVATIONS and AL(0)02 Rev A - EXISTING SITE PLA (both dated April 2016 and submitted 05 September 2016); drawing AL(0)10 Rev B - PROPOSED SITE PLAN dated June 2014; drawing AL(0)11 Rev A - PROPOSED ELEVATIONS dated June 2014, and drawing AL(0)12 - PROPOSED BUILDINGS dated July 2014 all submitted 19 July 2016.

The decision also relates to the submitted Design and Access Statement dated July 2016; Visual Impact Review dated July 2016; Transport Statement dated August 2016; and Business Plan dated June 2016

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

Item No: 08
Application No: 16/04282/FUL
Site Location: 101 Wellsway Keynsham Bristol Bath And North East Somerset BS31 1HZ



Ward: Keynsham East **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Marie Longstaff Councillor Bryan Organ
Application Type: Full Application
Proposal: Erection of an extension to form 2no 1 bedroom flats.
Constraints: Affordable Housing, Airport Safeguarding Zones, Agric Land Class 3b,4,5, Forest of Avon, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant: Ms Lynette Porter
Expiry Date: 28th October 2016
Case Officer: Nicola Little

REPORT

The application seeks permission for the erection of an extension to no 101 Wellsway, Keynsham to form two additional one bedroom flats.

The application site is located within the housing development boundary and outside of any landscape designation (including Green Belt or Conservation Area).

The application site forms a prominent corner plot on the Wellsway / Manor road junction. The proposed area for development currently consists of a large area of private vehicle parking associated with the main property, 101 Wellsway.

RELEVANT PLANNING HISTORY:

16/02916/PA02 (Pre-Application Advice) - Erection of 2no flats as extension

08/04546/FUL Change of use of dwelling (Use Class C3) to mixed use of residential (Use Class C3) and office (Use Class B1) (Retrospective) RF 10.02.2009

09/04034/FUL Change of use of dwelling (Use Class C3) to mixed use of residential (Use Class C3) and office (Use Class B1) (Retrospective) (Resubmission) RF 09.12.2009

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS -

No Objection - subject to the attachment of specific conditions.

10 Third Party Objections -

The principal concerns of local residents are with regards to Highways safety and provision for parking - lack of on-street parking in surrounding area / removal of on-site parking for 101 Wellsway. Concerns have also been raised regarding private amenity - issues of overlooking and of the development appearing overbearing.

Objection from Keynsham Town Council -

Keynsham Town Council have objected on the following grounds: - The proposed erection of an extension to form 2no. 1 bedroom flats would constitute an over development of the site. The design is not satisfactory for the plot. There are traffic and highways safety implications that are not acceptable, being a corner plot facing and backing on to two separate roads both of which already have traffic and highways safety issues.

The Council's scheme of delegation with regards to planning applications states that in instances where an application has been subject of a letter of objection, comment or support from the Town or Parish Council for the area including the application site (or for an adjoining area) which is contrary to officer recommendation, then there shall be prior consultation with the Chair of the Development Control Committee before a decision is made whether or not to refer the application to committee. For the purpose of this section, letters of objection or support that do not give Planning Policy based reasons will be disregarded, although all representations will be taken into account in determining the application.

In this case, as the officer's recommendation was contrary to the representation received by the Local Town Council, the application was duly referred to the Chairman of the Development Management Committee who considered that due to the significant number of local objections received in addition to certain questions regarding matters relating to highways safety, it is recommended that the application be taken to Development Management Committee for decision.

POLICIES/LEGISLATION

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

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

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

The following policies of the Core Strategy should be considered:

CP6 - Environmental Quality

Saved Policies relevant to this application in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan, are:

D.2 - General Design and public realm considerations
D.4 - Townscape considerations
T.1 - Overarching access policy
T.6 - Cycling Strategy: cycle parking
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. Although currently the Placemaking Plan has limited weight in the determination of planning applications, the following policies are deemed relevant to this case:

D1 General urban design principles
D2 Local character and distinctiveness
D3 Urban fabric
D5 Building design
D6 Amenity

National guidance and the National Planning Policy Framework (NPPF) is a material consideration. The following sections are of particular relevance:

Section 4: Promoting sustainable transport
Section 7: Requiring good design

OFFICER ASSESSMENT

The material considerations for the officer to assess as part of this application are the acceptability of the design of the proposed dwellings, impact upon residential amenity, and concerns regarding highways safety and provision for parking. The principle of residential development has been accepted subject to compliance with all other policies within the local plan.

Design

Pre-application advice was sought prior to the submission of the current application whereby no objection was raised to either the siting, design or appearance of the proposed development. It was considered that the proposed development had been designed as an appropriate continuation of the existing terrace and provided that the new building was constructed from materials to match the adjoining terrace would complement its surroundings and respond positively to local context.

The development is considered to represent a practical infilling of the corner plot and is deemed proportionate in scale. The character of the public realm is also deemed to be maintained.

The proposed development is therefore considered to be in accordance with saved policies D.2 and D.4 of the Bath and North East Somerset Local Plan (including Minerals and Waste Plan), 2007 and Section 7 of the National Planning Policy Framework, 2012.

Amenity

Due to its location and design, the proposal is not considered to significantly affect the residential and/or private amenity of neighbouring properties and their occupants. The development will become semi-detached to property 101 Wellsway and therefore would not appear to be overbearing to the occupiers of this property. Whilst the proposed site for development represents an area of private, outdoor space in association with the existing dwelling, No 101, its current character is that of a parking area and therefore it does not appear to be effectively utilised as domestic garden.

Although a concern has been raised by a neighbour as to lack of privacy due to the siting of proposed windows, the officer is of the opinion that surrounding properties are unlikely to be affected. Opposite neighbouring properties will be situated some 30 metres or more from the proposed development. In addition, the proposed glazing faces the front main road (Wellsway) and side and rear gardens of the dwelling and therefore will not result in increased overlooking of neighbouring properties. The Council will only consult additional neighbours (i.e. those that do not directly adjoin a proposal site) in cases where it is felt necessary to do so. In this instance, it was not felt necessary to contact other surrounding neighbours as the potential for harm to the amenities of these properties was considered minimal.

In consideration of the above factors, the proposed development is not deemed to cause harm to the amenities of existing or proposed occupiers of adjoining properties and is therefore considered to be in accordance with saved policy D.2 of the Bath and North East Somerset Local Plan (including Minerals and Waste Plan), 2007.

Highways

In response to comments made by Highways at pre-application stage, the applicant has submitted a proposal for a car-free development with no on-site parking provided. A Transport Statement has been submitted in support of this proposal and in order to address concerns regarding insufficient on-site parking the demand for on-street parking in the vicinity of the application site.

A number of local residents and the Town Council have raised concerns regarding the lack of parking provision, the demand for on-street parking, and the general safety of local roads. However, based upon the information provided by the submitted Transport Statement, the Highways officer has stated that the proposed development will not have a severe impact on the local highway network. Whilst the concerns of local residents with regards to the additional demand for on-street parking has been noted, the Highways officer is satisfied that the parking survey has duly demonstrated that there is sufficient space on Manor Road within easy distance of the site to accommodate the required 4 spaces. The survey also demonstrates that there would be ample parking for additional vehicles in the surrounding area (within 200 metres of the site) during the day and evening.

Furthermore, the officer is of the opinion that the removal of the existing on-site parking is deemed a positive aspect of the proposal as this will eliminate the occurrence of vehicles manoeuvring to and from the site at this junction. It has previously been considered that there would be insufficient turning space available for vehicles to depart the site safely should on-site parking be included as part of any development proposals. The manoeuvring of vehicles into and out of the site was considered to increase the conflict of traffic movements close to the Manor Road/Wellsway junction resulting in additional hazard and inconvenience to all users of the road. The highways officer has recommended a condition to require the permanent closure of the existing vehicular access and creation of a footway crossing to ensure that the development continues to be served by a safe access. Therefore, it is considered that the safety and operation of the highway at this location will be improved as a result of the proposal.

In addition, the Transport Statement affirmed that the site is sustainable having good access to a range of essential services and facilities as well as good public transport links, including a frequent bus service to and from Keynsham town centre and a local train station. Therefore, despite residual concerns relating to the walking distance of the site to the town centre, it is considered that occupants of the proposed flats may be more likely to utilise other sustainable means of transport due to the close proximity of bus stops and access to rail services. Thus, reliance on private vehicles may be considered less intense if the proposal remains a car-free development. In addition, it is felt that the development may appeal to those who do not currently own a car or those who would wish to make use of more sustainable methods of transport. In light of this, and in order to further promote more sustainable modes of transport, secure and convenient storage for bicycles (which may also include motorised bikes) has now been included as part of the proposals.

The application has been supported by a relevant Transport Statement which is considered to have overcome the principal objections relating to highways safety and provision for parking. In addition, the scheme now includes appropriate and sufficient

provision for bicycles in order to promote and encourage sustainable modes of transport. The proposed development is therefore deemed to be in accordance with saved policies T1, T.6 and T.24 of the Bath and North East Somerset Local Plan (including Minerals and Waste Plan), 2007 and Section 4 of the National Planning Policy Framework, 2012.

Having regard to all the above factors, the proposed development is recommended for approval subject to the listed 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 existing neighbouring terrace houses 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 Closure of Access (Bespoke Trigger)

The new access hereby approved shall not be brought into use until the existing vehicular access has been permanently closed and a footway crossing constructed, including the raising of dropped kerbs, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is served by a safe access in the interests of highway safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

4 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.

6 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 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

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:

1 This decision relates to the submitted Transport Statement dated August 2016, Design and Access Statement, and drawings 2748 002 EXISTING AND PROPOSED PLANS - REV A, submitted to the Council 20 October 2016; 2748/003 PROPOSED FLOOR & ROOF PLANS - APARTMENTS; 2748/004 PROPOSED ELEVATIONS; and 2748/001 SITE LOCATION AND BLOCK PLAN submitted to the Council 26 August 2016

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

Bath & North East Somerset Council	
MEETING:	Development Management Committee
MEETING DATE:	16th November 2016
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)
TITLE:	ENFORCEMENT REPORTS
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

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ITEM NO.	CASE NO.	ADDRESS & NATURE OF BREACH	WARD:	OFFICER:	REC:
01	09/00168/UNAUTH	Rough Ground And Buildings, Queen Charlton Lane, Queen Charlton. Without planning permission the unauthorised use of the land for residential purposes. The use of the land is in breach of planning control.	Farmborough	Martin Almond	Continue injunction proceedings
02	06/00009/UNDEV 21 September 2005	Stowey Nursery, Folly Lane, Stowey, BS39 4DW Unauthorised building.	Chew Valley South	Martin Almond	Direct action

Item 1

REFERENCE: 09/00168/UNAUTH



Rough Ground And Buildings, Queen Charlton Lane, Queen Charlton.

ENFORCEMENT UPDATE REPORT

INTRODUCTION

On 21st October 2015, Development Management Committee determined that the Local Planning Authority should seek an injunction under Section 187B of the Town and Country Planning Act 1990 to restrain the breach of planning control at the site.

During service of the injunction proceedings, the Local Planning Authority were made aware of a change in the personal circumstances of the occupants of the site.

This report is intended to provide an update to Members of Development Management Committee on the changed personal circumstances of the occupants and give a recommendation as to how the matter should be dealt with.

REFERENCE:

09/00168/UNAUTH

LAND TO WHICH THE ALLEGED BREACH OF PLANNING CONTROL RELATES

Rough Ground And Buildings, Queen Charlton Lane, Queen Charlton

MATTERS WHICH APPEAR TO BE BREACHES OF PLANNING CONTROL

Without planning permission the unauthorised use of the land for residential purposes. The use of the land is in breach of planning control.

SITE DESCRIPTION

The site comprises an area of predominantly flat land approximately 300 metres south-east of the village of Queen Charlton and its Conservation Area and approximately one kilometre south-west of the edge of the urban area of Keynsham. The site falls within the Bristol and Bath Green Belt.

The site area is approximately 0.5 hectares and currently contains 2 static caravans, 3 touring caravans, two storage sheds, a toilet block, a stable and a feed store. The residential use of the land is unauthorised.

BACKGROUND AND RELEVANT HISTORY

The site has a long running enforcement history. An enforcement notice was served in 1994 and there have been a number of planning applications and planning appeals since that time. The most recent planning application was refused in September 2015. The following is a summary of the planning history

- Application reference WB.168811 submitted for the stationing of residential caravans. Planning permission refused in 1994.

- An enforcement notice was served in relation to the stationing of caravans on

the site on 19th August 1994 requiring the use of the land for residential occupation to cease and the removal of the residential and touring caravans, trailers and lorries together with all materials associated with the unauthorised use.

- Appeals were lodged against refusal of planning permission and enforcement notice. The enforcement notice was upheld, but temporary permission granted for two caravans until May 1998 on the basis that by then other more suitable sites would be available.
- Permanent occupation of the site ceased between 1995 and 2000, but the Council did not withdraw the enforcement notice.
- The Council cleared the site of derelict caravans, van bodies and other materials in August 1998 following the expiry of the temporary planning permission.
- The site was re-occupied in 2000 and a further application for planning permission was submitted (reference 00/01523/FUL). The application was refused in 2000.
- An appeal was lodged, but dismissed at inquiry in 2002. The Inspector's reasoning was based on the lack of the applicant's gypsy status. This dismissed appeal was subsequently successfully challenged at the High Court and the matter was referred back to the Planning Inspectorate for re-determination.
- The appeal was heard again at a further inquiry in 2003 and again dismissed. This was on grounds of harm to the Green Belt, harm to the rural character, harm to the setting of the Queen Charlton Conservation Area and the unsustainable location. This was considered to outweigh the need for gypsy and traveller sites and the personal circumstances of the appellants.
- The site was again vacated in 2002 and not re-occupied until 2009, when a new planning application was submitted (09/03202/FUL). The application was refused in 2009.
- An appeal against this refusal was determined at a hearing in 2010. The appeal was dismissed on grounds of harm to Green Belt, harm to the rural landscape and harm to the setting of the Queen Charlton Conservation Area. These were considered to outweigh the benefits of the need for gypsy and traveller sites and the personal circumstances of the appellants.
- The appeal decision was unsuccessfully challenged at the High Court in 2012 and was subsequently dismissed in the Court of Appeal in February 2013.
- A further application for planning permission was submitted (Reference 13/02781/FUL). This was refused on 9th September 2013.
- Application for planning permission (Reference 14/01379/FUL) was submitted

in 2014 to re-consider 13/02781/FUL. The Development Management Committee resolved to refuse this application and the decision notice was issued on 3rd September 2015. A Planning Inquiry was held on 4th – 6th October 2016; a decision from the Planning Inspectorate is expected on or before 5th December 2016.

- Injunction proceedings were served on 31st August 2016. A preliminary hearing took place on 30th September 2016. The substantive hearing has been listed at Bristol Civil Justice Centre for 21st March 2017.

GYPSY AND TRAVELLER STATUS

The definition of "gypsies and travellers" provided within the Planning Policy for Traveller Sites (PPfTS) published August 2015 is as follows:

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.'

It was considered by the Council for planning application 14/01379/FUL that the occupiers of the site fell within the definition of gypsies and travellers taken from the Planning Policy for Traveller Sites March 2012 and therefore qualify as gypsies and travellers for the purposes of planning policy.

The PPfTS has been revised and as such Section 2 of Appendix 1 of the updated PPfTS published on 31st August 2015 requires that that in determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) Whether they previously led a nomadic habit of life
- b) The reasons for ceasing their nomadic habit of life
- c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

The Council is currently in the process of gathering information relevant to the above questions from the occupants of the site which will be issued as an update if the information is received. It was not disputed at the recent inquiry that the defendants fall within the definition of "gypsies and travellers".

PERSONAL CIRCUMSTANCES OF OCCUPANTS

Prior to the determination of planning application 14/01379/FUL, the applicants were invited to complete a personal circumstances questionnaire by the Council to provide information in respect of the personal circumstances of those living on the site.

The questionnaire identified that there were 9 people, including two children, occupying the site forming part of the same extended family. Information submitted

with the planning application identified that the occupants make their living from a combination of trades, including landscape gardening and tree work. The information submitted did not indicate any particular or strong work links to the surrounding area.

The children were not of school age and they had limited links to surrounding nurseries and playgroups. It was therefore considered that there were no strong educational links to the surrounding area.

There are a number of health concerns which affect the occupants including a number of chronic conditions which require regular check-ups with GPs.

The occupants' work, education and health links to the local area is, on the basis of the information received, reasonably limited. However, it is also accepted that the applicants have occupied the site on and off at various times (not consistently) over a period of approximately 20 years. It is considered over this duration the occupants are likely to have built up other ties to the local area.

None of the personal circumstances presented at the application stage demonstrated a need for the occupants to be on the application site. The medical conditions referred to also occur in the settled population. Nevertheless, it was considered likely that access to health and education facilities would suffer if the family members were unable to live on a settled site. This was considered to weigh in favour of enforcement action not being pursued.

The Council re-issued personal circumstances questionnaires to the occupants of the site to identify whether there had been any changes to the circumstances of the occupants since planning permission was refused in September 2015 for application 14/01379/FUL. The responses received identified changes to the employment status and medical needs of one of the occupants and additional health visitor and outreach worker support. There were no changes to the educational status of the children.

BEST INTERESTS OF CHILDREN

The Council have a duty to consider the best interests of children when considering enforcement action that will have a potential impact upon children. There are three children currently occupying the site. It is considered that the best interests of these children would be to remain on the site. In accordance with the Council's duty and as the starting point, the best interests of the children is given no less weight inherently than any other consideration and is therefore given substantial weight as the starting point in the Council's consideration of pursuing enforcement action.

The weight given to the consideration of the best interests of the children has been reduced in the final analysis relative to other considerations in the particular circumstances of the case given that the child currently of school age has only been attending school since September 2016.

DECISION MAKING FRAMEWORK

In preparing this report, due consideration has been given to the following Policies, Guidance and 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 issue:

CP2 Sustainable Construction
CP6 Environmental Quality
CP8 Green Belt
CP11 Gypsies, Travellers and Travelling Showpeople

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 issue.

D.2 General Design and public realm considerations
D.4 Townscape considerations
GB.2 Visual amenity of the Green Belt
NE.1 Landscape Character
BH.6 Conservation areas
T.1 Overarching access 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 to this application:

GB1 – Visual amenities of the Green Belt
ST1 – Promoting sustainable travel
ST7 – transport requirements for managing development
NE2 – Conserving and enhancing the landscape and landscape character
NE2A – Landscapes setting of settlements
H1 – Historic Environment
D.1 – General Urban Design Principles
D.2 – Local character and distinctiveness

EMERGING POLICY

Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD).

LEGAL FRAMEWORK

- Town and Country Planning Act 1990 (as amended)
- Development Management Procedure Order, 2015 (as amended)
- The Human Rights Act 1998
- The Equality Act 2010

SUPPLEMENTARY PLANNING GUIDANCE

- Bath & North East Somerset Local Enforcement Plan, 2013

NATIONAL POLICY

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Planning Policy for Traveller Sites (PPfTS) August 2015

The following sections of the NPPF are of particular relevance:

Section 4 Promoting sustainable transport
Section 7 Requiring good design
Section 9 Protecting Green Belt land
Section 12 Conserving and enhancing the historic environment

The following sections of the NPPG are of relevance:

Section 17b – Ensuring Effective Enforcement
Para 050 – Injunction
Para 066 – Unauthorised Encampments

PLANNING POLICY STATEMENTS

Green Belt protection and intentional unauthorised development August 2015

RE-CONSIDERATION OF DECISION TO SEEK INJUNCTION

An enforcement report was presented to Development Management Committee on 21st October 2015 with a recommendation for the Council to seek an injunction under Section 187B of the Town and Country Planning Act 1990 to resolve the breach of planning control. This recommendation was supported by Development Management Committee at the same meeting.

The injunction was served on 31st August 2016 and a preliminary hearing was held at Cardiff Civil Justice Centre on 30th September 2016. The substantive hearing has been listed at Bristol Civil Justice Centre for 21st March 2017.

During service of the injunction the Local Planning Authority were made aware of a change in the personal circumstances of the occupants of the site since the decision

by Development Management Committee on 21st October 2015. These changes are:

- One child is now of school age and began attending St Keyna Primary School, Keynsham in September 2016.
- One child is due to attend nursery from December 2016
- One child was born in August 2016; there are now a total of three children at the site.

In addition, a Public Inquiry in relation to refused planning application 14/01379/FUL was held on 4th - 6th October 2016. A decision from the Planning Inspectorate is due on or before 5th December 2016. Kathleen O'Connor and her planning consultant (Dr Murdoch) have produced witness statements since the preliminary injunction hearing on 30 September 2016, and these are available for committee members together with a copy of the signed Statement of Common Ground from the recent inquiry upon request. Members can of course request copies of any of the inquiry documents.

RECOMMENDATION

The changes in the educational status of one of the children at the site is not considered to require the injunction proceedings to cease. Given the short length of time that the child has been attending school it is not considered that strong educational links with the school have been established and therefore limited weight can be given in this regard in the final analysis relative to other considerations in the particular circumstances of the case.

The pending planning appeal decision is not considered to require the Council to halt the injunction proceedings; if the appeal is allowed and planning permission granted then the injunction proceedings are very likely to fall away.

HUMAN RIGHTS and EQUALITIES

HUMAN RIGHTS

The granting of an injunction means that the occupiers would have to vacate the site without any suitable alternative accommodation being readily available to them. This would represent a substantial interference with their rights in respect of private and family life, their home and their traditional way of life. However, the harm caused by the unauthorised use of the land for residential purposes in terms of its effect on the economic well-being of the country, which includes the preservation of the environment, is considerable. After taking into account all material considerations, particularly in light of the protracted history of this site and having considered the changes to the personal circumstances of the occupants of the site it is considered that these legitimate aims can only be adequately safeguarded by taking formal enforcement action by way of a section 187B application. The protection of the public interest cannot be achieved by means that are less interfering with the occupants' rights. They are proportionate and necessary in the circumstances and would not, therefore, result in violation of the occupants' rights under Article 8 of the European

Convention on Human Rights or any other Convention article even when the best interests of the children are taken into account.

EQUALITY ACT 2010

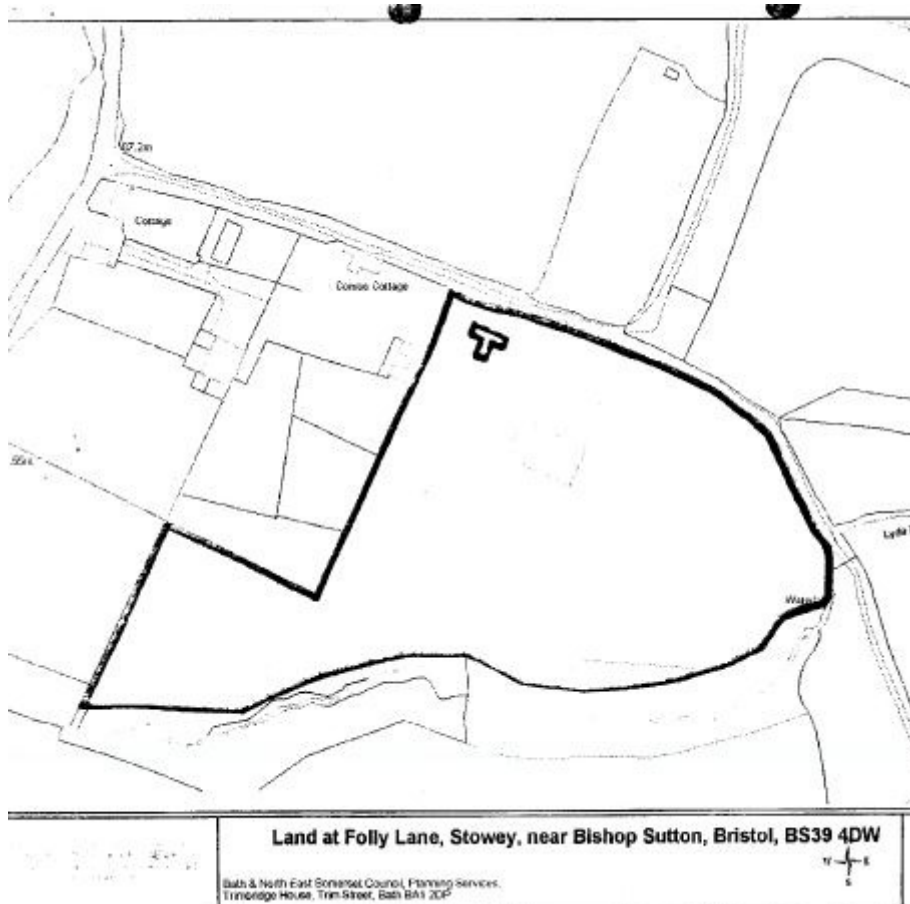
Duties are placed upon the Council by the legislation including in relation to the section 149 public sector equality duty. In particular, it is considered that a return to a roadside existence could have a negative impact in this context and this has been fully recognised in the recommendation made.

CONCLUSION

In light of the above report, having identified the changes in circumstance at the site it is recommended that the Local Planning Authority continue to pursue the injunction as resolved by Development Management Committee on 21st October 2015 under Section 187B of the 1990 Act, to restrain the breach of planning control.

Item 2

REFERENCE: 06/00009/UNDEV



ENFORCEMENT REPORT

REFERENCE:

06/00009/UNDEV

LAND TO WHICH THE BREACH OF PLANNING CONTROL RELATES

Land at Folly Lane, Stowey, near Bishop Sutton, Bristol BS39 4DW ("Land")

BREACH OF PLANNING CONTROL

Failure to comply with a Planning Enforcement Notice dated 10th December 2008 ("Notice") requiring the demolition of the unauthorised building situated on the Land ("Building"), the removal of the resultant materials and the restoration of the Land to its agricultural condition.

SITE DESCRIPTION

The Land comprises an area of predominantly flat land approximately 200 metres east of the A368 between Moorledge Road and The Street and is accessed via Folly Lane. The Land falls within the Bristol and Bath Green Belt.

The Land currently contains the two storey Building the subject of the Notice, a static caravan, a large glasshouse and a small outbuilding.

RELEVANT HISTORY

DC - 02/01831/AGRN - 11 January 2005 - Erection of a glasshouse and a storage/workshop Invalid application. Withdrawn

DC - 04/01501/FUL - 23 June 2004 - Erection of a horticultural glasshouse Permit

DC - 04/03629/FUL - 18 January 2005 - Construction of horticultural store and workshop Refused

DC - 05/03751/AGRN - Provision of underground water storage tank Permitted Development

EN - 06/00009/UNDEV – Enforcement Notice Issued – 10th December 2008

AP - 09/00017/ENFAPL - 26 August 2009 - Unauthorised Erection of a Two Storey Building – Appeal against the Notice dismissed.

DC - 09/04632/AGRN - 30 December 2009 - Erection of agricultural/horticultural two storey building. Not permitted development.

DC - 15/05573/AGRN - 5 January 2016 - Erection of galvanised metal feed silo. Not permitted development.

DC - 15/05574/AGRN - 5 January 2016 - Erection of agricultural building. Not permitted development.

DC - 16/00086/AGRN - 4 February 2016 - Erection of agricultural building Not permitted development.

DC - 16/01001/AGRA - 3 March 2016 - Erection of agricultural building (following application 16/00086/AGRN) Refused. Appeal currently pending.

LEGAL FRAMEWORK

Town and Country Planning Act 1990 (as amended). Of particular relevance is section 178 which provides a power to local planning authorities to secure compliance with an enforcement notice by entering the land and taking the steps required by the notice in default of the owner/occupier. The power is exercisable

summarily, meaning that there is no legal requirement to give notice to the owner/occupier, however, it is generally considered to be good practice to do so.

DECISION MAKING FRAMEWORK

In preparing this report, consideration has been given to the following Policies, Guidance and 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
- Various Neighbourhood Plans

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

CP6 Environmental Quality
CP8 Green Belt

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 issue.

D.2 General Design and public realm considerations
D.4 Townscape considerations
GB.2 Visual amenity of the Green Belt
NE.1 Landscape Character

Stowey Sutton Neighbourhood Plan ("SSNP")

The SSNP was 'made' on the 9th September 2015 by B&NES and is now a part of the Council's development plan.

Full consideration has been given to the SSNP however there are no relevant policies therein to this development.

EMERGING 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. The PMP has been examined in public but at this stage does not form part of the Statutory Development Plan. Whilst the policies contained therein are a material consideration for the determination of any application, at this stage they can only be afforded limited weight. The following policies are relevant to this application:

D1 General urban design principles

D2 Local character and distinctiveness

NE2 Conserving and enhancing the landscape and landscape character

GB1 Visual amenities of the Green Belt

SUPPLEMENTARY PLANNING GUIDANCE

- Bath & North East Somerset Local Enforcement Plan, 2013

NATIONAL POLICY

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

The following sections of the NPPF are of particular relevance:

Section 7 Requiring good design

Section 9 Protecting Green Belt land

Para 207 Enforcement

The following section of the NPPG is of relevance:

Section 17b – Ensuring Effective Enforcement

PLANNING POLICY STATEMENTS

Green Belt protection and intentional unauthorised development, August 2015.

BACKGROUND

On 10 December 2008, having received complaints and carried out an investigation, the Council issued the Notice in respect of the unauthorised two storey Building which had been constructed on agricultural Land at Folly Lane, Stowey, near Bishop Sutton, Bristol BS39 4DW. The Land is situated within the green belt.

The Notice required the Building to be demolished and all materials associated with the Building to be removed from the Land. In addition, the Notice also required the Land upon which the Building is situated to be restored to its original condition as undeveloped agricultural land. The time for compliance with both requirements was six months from date the Notice took effect.

The Notice was appealed and the appeal was dismissed on 26th August 2009. The Inspector refused to grant planning permission, however she varied the period for compliance from six months to twelve months in respect of both requirements of the Notice. The Notice therefore took effect on 26th August 2009, meaning that the Building had to be demolished, the materials removed from the Land and the Land restored by 26th August 2010.

A site visit was undertaken in July 2015 to check compliance with the Notice. The Building had not been demolished.

The Council prosecuted for breach of the Notice and, following a trial at Bath Magistrates' Court on 13th July 2016, the company which owned the Land and its Director ("Owners") were convicted of failing to comply with the Notice. The company received a conditional discharge for 12 months and the Director received a fine of £1500 and was ordered to pay a contribution towards the costs of the prosecution in the sum of £2000.

On 1 August 2016, the Council received a letter from the Owners' solicitors stating that the Owners recognised the need to "resolve matters as quickly as possible" and would be meeting with their lawyers and planning consultant to discuss the matter; and that the Owners were "looking to remedy the situation as quickly as possible in view of the continuing breach". The letter stated that the solicitors would be in touch as soon as that meeting had taken place. The Council replied on 12 August 2016, observing that the letter suggested that the Owners were not intending to comply with the Notice pending discussions with their advisors, in which case they did so at their own risk, all enforcement options remained open and the Council reserved the right to take enforcement action without further notice. No reply was received to the Council's letter.

The Building has remained on the Land in breach of the criminal law since 26th August 2010.

THE PLANNING MERITS OF THE UNAUTHORISED BUILDING

The Council's reasons for issuing the enforcement notice were (in summary):

- a) that planning permission for the erection on the Land of a building of a similar scale and proportion to the Building was refused on 18 January 2005;
- b) the Building is a new building in the green belt which looks like, and has the appearance of a dwelling house;
- c) the Building is a prominent and incongruous feature which is visually detrimental to the green belt; and
- d) the Building is an incongruous feature in the rural landscape.

As stated above, the appeal against the enforcement notice was dealt with at a hearing before a planning Inspector on 4 August 2009. The appeal was dismissed on 26th August 2009 and the Inspector refused to grant planning permission. The Inspector found that:

“In views from the lane and the private road, because of the building's size, height and design and because of its location relatively close to the lane, it stands out as a highly incongruous structure in these countryside surroundings, detracting from the appearance of the landscape and this part of the green belt.”

“...the provision of landscaping would not overcome the harm that I have identified.”

“For the above reasons I conclude that the building has a seriously harmful effect on the character and appearance of the surrounding area.”

There would appear to be limited agricultural activity being undertaken on the Land. On visits to the Land, the Building appears not to be in use. The glasshouse that is on the Land also appears not to be in use. The Land has the appearance of not being in a productive agricultural state.

Having regard to current planning policy, it is considered that the Building is still contrary to national and local planning policy. The size, bulk and mass of the Building are not acceptable and the Building has a harmful impact upon the openness and visual appearance of the Green Belt.

The Council's Local Enforcement Plan states:

“The use of formal enforcement action will be as a last resort and shall not be used without first seeking a solution through negotiations. Whilst the Council will endeavour to overcome any harm caused by unauthorised development by negotiation wherever possible, the enforcement system rapidly loses credibility if unacceptable developments are perpetuated by prolonged or

protracted enforcement discussions. Therefore a time limit for concluding negotiations will be considered in every case. This will have regard to statutory time scales (for an application and/or appeal).”

The recent prosecution was preceded by extensive discussions and negotiations with the Owners and their representatives, but these failed to resolve the breach. Given that the breach of the Notice has been ongoing for more than six years, and in light of the harm identified above, officers are of the view that further action needs to be taken to secure compliance with the Notice. An assessment of the available options is set out below.

OPTIONS FOR FURTHER ENFORCEMENT ACTION

There are three options for further enforcement action: prosecution, injunction or direct action. All of these options stand alone and may be exercised independently of each other.

The Council’s Local Enforcement Policy states:

“The Council will consider prosecuting individuals or organisations who do not comply with any formal notice served on them, and will consider taking direct action, where necessary, having regard to degree of harm and public safety. “

As there is no risk to public safety in this case, the three enforcement options have been evaluated having regard to the degree of planning harm.

1) **PROSECUTION**

Non-compliance with the requirements of an enforcement notice is a continuing offence under Section 179 of the Town and Country Planning Act 1990 and, as such, the Council could prosecute again.

However, whilst a successful second prosecution would be likely to result in further financial penalties, it would not directly secure the demolition of the unauthorised

Building and, for that reason, officers do not recommend a second prosecution at this time.

2) APPLICATION FOR INJUNCTION

Section 187B of the Town and Country Planning Act 1990 allows local planning authorities (“LPA”) to apply to the court for an injunction to restrain any breach of planning control (actual or apprehended) whether or not the LPA has exercised or are proposing to exercise any other powers and where it considers it necessary or expedient for the breach of planning control to be restrained by injunction. Injunctions are enforced by way of proceedings for committal for contempt of court and a person found in contempt of court is liable to be fined or imprisoned. The main disadvantage of seeking an injunction in this case is that it will involve the Council in further legal proceedings, which could potentially be protracted, and there is a risk that, even if successful in obtaining an injunction order, the Council may not recover its legal costs.

3) DIRECT ACTION

Where the steps required by an enforcement notice are not taken within the period for compliance within the notice, Section 178 of the Town and Country Planning Act 1990 allows the LPA to enter the land and take the steps as set out in the enforcement notice. In addition, the LPA may recover from the person who is then the owner of the land any expenses reasonably incurred by the LPA in doing so.

Paragraph 023 of section 17b of the NPPG states:

“These default powers should be used when other methods have failed to persuade the owner or occupier of land to carry out, to the local planning authority’s satisfaction, any steps required by an enforcement notice”.

The main advantages in taking direct action are that it is a relatively quick procedure which directly remedies the breach of planning control; and the LPA can attempt to

recover its costs, for example, through a charge on the Land. The principal risk is that the LPA may not recover some or all of its costs.

Having regard to the three enforcement options, it is considered that direct action is the most appropriate option because it should lead to a timely and conclusive resolution of this long running breach of planning control in the Green Belt.

OTHER MATTERS

An appeal is being considered by the Planning Inspectorate in respect of Prior Approval application 16/01001/AGRA for the erection of an agricultural building (following application 16/00086/AGRN). This is for an alternative building to the one which is the subject of the Enforcement Notice. Prior Approval was refused for the following reasons:

1. Due to the size and location of the proposed building it would detract from the openness of this part of the Green Belt. The building by virtue of its siting, scale and design would be visually detrimental to the appearance of the Green Belt and to the surrounding landscape and the proposal would therefore be contrary to policies CP8 of the Bath and North East Somerset Core Strategy and Saved Policy GB.2, D.2, ET.6 and NE.1 of the Bath and North East Somerset Local Plan including minerals and waste policies adopted 2007 and the provisions of the National Planning Policy Framework 2012.
2. The application has not been made in compliance with the requirements of the Prior Approval process as set out in Schedule 2, Part 6, Class A, A.2, 2, (iv), (aa) in regard of the display of a site notice.

Taking action to demolish the unauthorised Building would not prejudice the current appeal because the Building which is the subject of the Enforcement Notice is on a different part of the Land to the proposed building which is the subject of this appeal.

HUMAN RIGHTS and EQUALITIES

HUMAN RIGHTS

The demolition of the unauthorised Building would mean that the Owners would no longer have the use of the Building available to them and this may have a detrimental impact upon any agricultural business that is run from the Land. Demolition would also result in the Owners losing what is presumably a valuable asset. This could represent an interference with their right to the peaceful enjoyment of their possessions under Article 1 of Protocol 1 of the European Convention on Human Rights. However, weighing against that right is the harm caused to the Green Belt and the rural landscape by the unauthorised Building; and the public interest in protecting the environment from unauthorised development. After taking into account all material considerations, particularly in light of the protracted history of this site, it is considered that the public interest weighs in favour of taking formal enforcement action by way of direct action. The protection of the public interest cannot be achieved by means that are less interfering with the Owners' rights. The action would not, therefore, result in violation of the Owners' rights under Article 1 of Protocol 1 of the European Convention on Human Rights, or any other Convention article.

EQUALITY ACT 2010

Duties are placed upon the Council by the legislation including in relation to the section 149 public sector equality duty. This has been fully recognised in the recommendation made.

CONCLUSION

Taking direct action by demolishing the Building would ensure that the Notice is complied with and the harm to the Green Belt is remedied. It is considered that taking direct action would offer a swift and permanent solution to the ongoing breach of planning control.

RECOMMENDATION

That authority is delegated to the Group Manager – Development Management, in consultation with the Head of Legal and Democratic Services, to:

- a) exercise the powers of the authority under s178 of the Town and Country Planning Act 1990 to enter the Land and take the steps required by the Notice; and
- b) exercise any powers of the authority to recover the expenses of doing so.

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Bath & North East Somerset Council

MEETING:	Development Management Committee	
MEETING DATE:	16 November 2016	AGENDA ITEM NUMBER
TITLE:	Quarterly Performance Report July – Sept 2016	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Analysis of Chair referral cases		

1 THE ISSUE

At the request of Members and as part of our on-going commitment to making service improvements, this report provides Members with performance information across a range of activities within the Development Management function.

This report covers the period from 1 July – 30 Sept 2016.

Planning have had two infographics produced about the Development Management service. They can be viewed from the below links. These are basic introductions to the topics of making a pre-application enquiry or lodging a planning application. These are a useful introductory guide for those who are not regular users of the service.

[Before you Apply | Bathnes](#)

[Apply for Planning Permission | Bathnes](#)

Keep up to date with the latest Planning news on our Latest News web page here:
<http://www.bathnes.gov.uk/services/planning-and-building-control/latest-news>

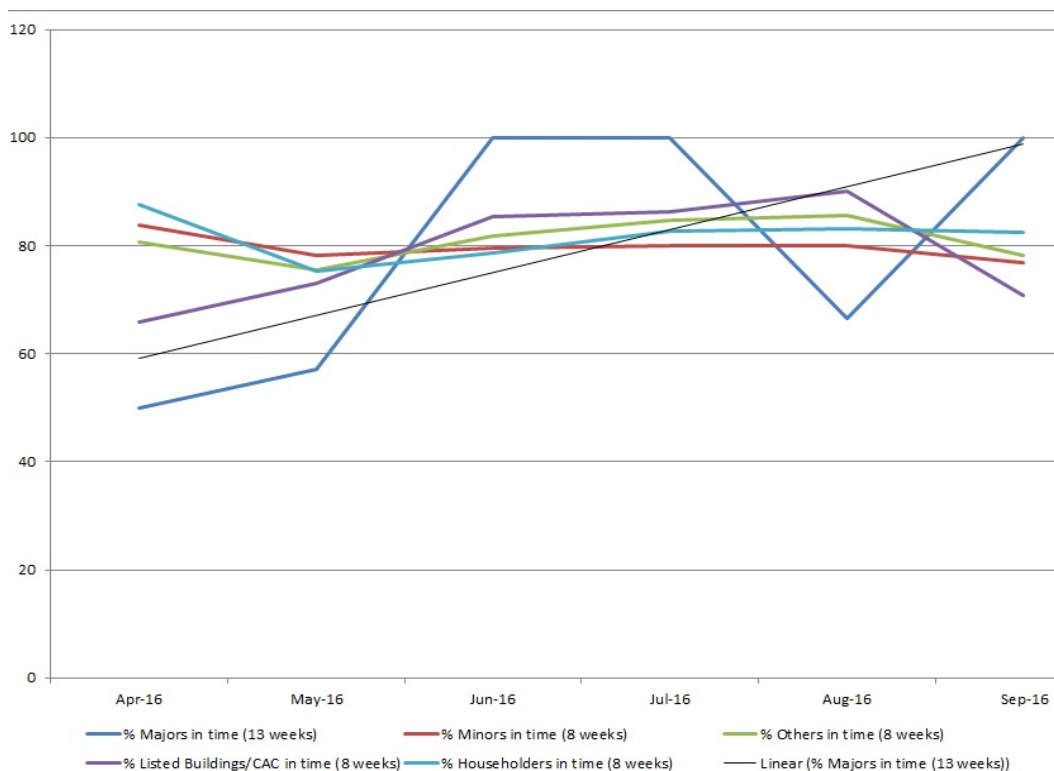
2 RECOMMENDATION

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

3 THE REPORT

Tables, charts and commentary

1 - Comparison of Applications Determined Within Target Times



% of planning applications in time	2015/16				2016/17			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
% Majors in time	64%	78%	59%	85%	71%	89%		
% Minors in time	67%	71%	76%	82%	81%	79%		
% Others in time	77%	81%	85%	87%	80%	83%		

Highlights:

- The chart and table above shows excellent performance on particularly Majors during the last quarter, well above the national target.

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

2 - Recent Planning Application Performance

Application nos.	2015/16				2016/17			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Received	650	646	589	675	740	671		
Withdrawn	52	73	76	65	56	55		
Delegated no. and %	553 (97%)	570 (96%)	514 (96%)	488 (97%)	601 (95%)	643 (96%)		
Refused no. and %	56 (10%)	35 (6%)	52 (10%)	35 (7%)	59 (9%)	56 (8%)		

Highlights:

- B&NES have shown a 3% rise in planning application numbers when compared to the previous 12 month period which is slightly above the national trend (up 2%).
- The current delegation rate is slightly above the last published England average of 94% (Year to June 2016).
- Percentage of refusals on planning applications remains low when compared with the last published England average of 12% (Year ending June 2016).

3 – Dwelling Numbers

Dwelling numbers	2015/16				2016/17			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Major residential (10 or more dwellings) decisions	13	2	9	4	2	6		
Major residential decisions granted	9	2	8	3	1	6		
Number of dwellings applied for on Major schemes	1137	180	225	354	203	640		
Number of dwellings permitted on schemes	1636	114	719	228	116	537		
Number of dwellings refused on schemes	103	41	151	83	80	32		

Highlights:

- Numbers of major residential planning decisions (10 or more dwellings) has risen in the last quarter and all were permitted.

4 - Planning Appeals

	Oct – Dec 2015	Jan – Mar 2016	Apr – Jun 2016	Jul – Sep 2016
Appeals lodged	20	19	18	27
Appeals decided	25	25	16	20
Appeals allowed	8 (42%)	7 (28%)	6 (43%)	2 (10%)
Appeals dismissed	11 (58%)	18 (72%)	8 (57%)	18 (90%)

Highlights:

- In the year to Sept 2016 there has been a 10% drop in appeal numbers.
- Over the last 12 months our performance on appeals allowed is good and within the national average at 29% (national average approx. 35%).

5 - Enforcement Investigations

	Oct – Dec 2015	Jan – Mar 2016	Apr – Jun 2016	Jul – Sep 2016
Investigations launched	133	194	165	166
Investigations on hand	369	322	341	351
Investigations closed	216	296	150	168
Enforcement Notices issued	3	3	13	0

Planning Contravention Notices served	9	6	8	11
Breach of Condition Notices served	0	1	1	0

6 – Other Work (applications handled but not included in national returns)

The service also has formal procedures to process pre-application advice, householder development questionnaires, discharging conditions, prior approvals, prior notifications and non-material amendments to list a few. The table below shows the total number received which require resource to action and determine.

	Oct – Dec 2015	Jan – Mar 2016	Apr – Jun 2016	Jul – Sep 2016
Other types of work	530	574	651	563

Highlights:

- Noticeable decrease compared to the previous quarter

7 – Works to Trees

The number and percentage of determined tree applications and notifications

	Oct – Dec 2015	Jan – Mar 2016	Apr – Jun 2016	Jul – Sep 2016
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	16	22	9	20
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	100%	100%	100%	100%
Number of notifications for works to trees within a Conservation Area (CA)	207	164	138	183
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	100%	99%	99%	97%

Highlights:

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

8 – Corporate Customer Feedback

Customer Feedback	Oct – Dec 2015	Jan – Mar 2016	Apr – Jun 2016	Jul – Sep 2016
Compliments received	18	6	12	47
Complaints received	4	5	11	15
Complaints upheld	0	0	1	1
Complaints Not upheld	2	4	4	6
Complaints Partly upheld	2	1	0	0

Highlights:

- There has been a significant increase in compliments received during the last quarter

9 - Ombudsman Complaints

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

Ombudsman Complaints	Oct – Dec 15	Jan – Mar 16	Apr – Jun 16	Jul – Sep 16
Complaints received	3	3	4	0
Complaints upheld	0	2	0	0
Complaints Not upheld	2	2	3	1

10 – Working With Our Customers

In 2013 we launched an Accredited Agent Scheme. Our Accredited agents have shown they fully understand how to submit a properly prepared planning application which means they are quicker for us to process and so reduce delays for the customer. The number of 'invalid' applications being submitted in general is relatively low now at 41% in the last quarter. A list of current Accredited Agents is displayed on the [council website](#).

We completed another Planning survey to get customer feedback recently where we have seen an increase in customer satisfaction to 69% since the last survey 18 months ago.

We hold quarterly Agent Forum meetings, the latest of which was in October. The meetings allow us to deliver briefings on subjects such as Drainage and Flooding considerations and policy changes as well as gather important and useful feedback and ideas from our regular agents as we strive to improve the services we deliver. Any agent can join the forum by emailing development_management@bathnes.gov.uk to be added to the Agents' Forum mailing list.

11 – Section 106 Agreements and Community Infrastructure Levy (CIL)

Members will be aware of the Planning Obligations SPD was first published July 2009. Planning Services have spent the last few years compiling a database of Section 106 Agreements. This is still in progress, but does enable the S106 Monitoring Officer to actively monitor the delivery of agreed obligations. The Council started to charge the Community Infrastructure Levy (CIL) from April 2015. Early CIL collection figures have been added to the table below – these financial overview sums will be refreshed for every quarterly report. In this financial year so far we have received £874,150.15 in CIL.

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

Section 106 and CIL	Apr – Jun 2016	Jul – Sep 2016	Oct – Dec 2016	Jan – Mar 2017	Annual running total (fin year)
S106 Funds agreed	£2,049,013.86	£253,931.42			£2,302,945.28
S106 Funds received	£169,477.00	£2,891,800.00			£3,061,277.00
CIL sums overview Potential to date	£6,547,791.83 (since April '15)				
CIL sums overview Collected to date	£919,350.15 (since April '15)				

12 – Chair Referrals

Table 12 below shows the numbers of planning applications where Chair decision has been sought to either decide the application under delegated authority or refer to Development Management Committee. **A further analysis of Chair referral cases is attached as an Appendix item to this report.**

	Oct – Dec 2015	Jan – Mar 2016	Apr – Jun 2016	Jul – Sept 2016
Chair referral delegated	20	13	14	25
Chair referral to DM Committee	10	8	19	12

13 – 5 Year Housing Land Supply against Total Planned Provision 13,000 for 2016/17 – 2020/21

A	Total Planned Provision	2011-29	13,000 dwellings	722 per annum
B	Built over years 1-5	11/12 - 15/16	2,971	594 pa
C	Plan requirement for years 1-10 (5 years hence)	11/12 - 20/21	7,220	722 pa x 10 yrs
D	5 year Supply Requirement (100%)	16/17 - 20/21	4,249	C - B
E	5 year Supply Requirement (with 5%	16/17 - 20/21	4,461	D + 5%

	buffer)			
F	5 year Supply Requirement (with 20% buffer)	16/17 - 20/21	5,099	D + 20%
G	Deliverable Supply (#)	16/17 - 20/21	5,726	
H	Deliverable Supply buffer (%)	16/17 - 20/21	35%	
I	Deliverable Supply (#) over 100% requirement	16/17 - 20/21	1,477	G - D
J	Deliverable Supply (#) over 105% requirement	16/17 - 20/21	1,265	G - E
K	Deliverable Supply (#) over 120% requirement	16/17 - 20/21	627	G - F

Between 2016 and 2021 BANES needs to deliver 4,249 dwellings (D) and be able to identify a deliverable supply of 5,099 dwellings (F). The 20% buffer is a national requirement needed to ensure delivery. Against these requirements the Council can currently identify a deliverable supply of 5,726 (G). Not all of this deliverable supply has a full, reserved matters, or outline planning permission. Further, the supply figure can change if planning and development timetables change. For example if a major planning application is refused, this would entail time to prepare revisions or appeal the decision, or, it may take longer than expected for a land trader to sell on a planning permission to a developer.

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

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Application no	ADDRESS	PROPOSAL	Decision Level	Decision Date	Status	Notes
16/03047/FUL	12 Junction RoadOldfield ParkBathBath And North East SomersetBA2 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.	COMMDC	22-Sep-16	RF	Application submitted by a local member.
16/02207/FUL	DundasWarminster RoadMonkton CombeBathBath And North East SomersetBA2 7BN	Erection of a single storey rear extension at first floor.	CHAIR	01-Jul-16	RF	Chair referral delegated decision
16/02474/FUL	MoretHursley HillPublowBristolBath And North East SomersetBS14 0QZ	Erection of 1no. self build dwelling for use as starter home	CHAIR	11-Jul-16	RF	Chair referral delegated decision
16/01963/FUL	14 Staple GroveKeynshamBristolBath And North East SomersetBS31 2HB	Conversion of garage outbuilding to form dependant relative annexe	CHAIR	11-Jul-16	PERMIT	Chair referral delegated decision
16/01832/FUL	SunnysideOld School HillSouth StokeBathBath And North East SomersetBA2 7EA	Erection of new timber framed car port and domestic store	CHAIR	13-Jul-16	PERMIT	Chair referral delegated decision
15/02999/FUL	Long AcreStanton RoadChew MagnaBristolBath And North East SomersetBS40 8RU	Erection of log cabin or granny Annex in garden within the curtilage.	CHAIR	21-Jul-16	PERMIT	Chair referral delegated decision
16/02246/FUL	Site Of Demolished Canal CottagesTow Path Kennet And Avon CanalBathwickBath	Erection of 1 no, detached dwelling with associated works. (Resubmission of 14/05823/FUL)	CHAIR	21-Jul-16	RF	Chair referral delegated decision
16/01018/OUT	Land At Rear Of 161 To 171Englishcombe LaneSouthdownBath	Erection of a maximum of 8no. dwellings at Land to Rear of 161-171 Englishcombe Lane. (Outline application with access to be determined and all other matters reserved)	CHAIR	28-Jul-16	APP	Chair referral delegated decision
16/01635/FUL	Bubblers Dytch Derelict PropertyHigh StreetWellowBath	Erection of dwelling following demolition of existing building.	CHAIR	29-Jul-16	PERMIT	Chair referral delegated decision
16/02845/LBA	3 Lyndhurst TerraceWalcotBathBath And North East SomersetBA1 5NR	Single storey rear extension, alterations to existing rear fenestration and minor internal alterations	CHAIR	02-Aug-16	CON	Chair referral delegated decision
16/02844/FUL	3 Lyndhurst TerraceWalcotBathBath And North East SomersetBA1 5NR	Erection of single storey rear extension, alterations to existing rear fenestration and minor internal alterations	CHAIR	02-Aug-16	PERMIT	Chair referral delegated decision
15/05542/FUL	Land Between Old Lane And Conygre BrookOld LaneFarmboroughBath	Proposed ground works including profile remodelling using excavated spoil to create a wildlife meadow and reptile/wildlife relocation area	CHAIR	03-Aug-16	PERMIT	Chair referral delegated decision
16/00923/FUL	Withycombe HousePackhorse LaneSouth StokeBathBath And North East SomersetBA2 7DJ	Erection of a replacement dwelling with associated landscaping works and parking following demolition of existing dwelling	CHAIR	08-Aug-16	PERMIT	Chair referral delegated decision
16/03099/FUL	105 Penn Lea RoadLower WestonBathBath And North East SomersetBA1 3RQ	Change of use from a residential dwelling (use class C3) to a 4 bedroom HMO (use class C4).	CHAIR	24-Aug-16	PERMIT	Chair referral delegated decision
16/02693/FUL	152 Chariton RoadKeynshamBristolBath And North East SomersetBS31 2JZ	Erection of a single storey side extension.	CHAIR	26-Aug-16	PERMIT	Chair referral delegated decision
16/01695/FUL	4 Courtenay RoadKeynshamBristolBath And North East SomersetBS31 1JN	Erection of single storey front and side extensions and 2 storey rear extension	CHAIR	31-Aug-16	PERMIT	Chair referral delegated decision
16/03215/VAR	Pizza GoGo4 Cleveland Place EastWalcotBathBA1 5DJ	Application to vary condition 2 of application 11254-8 (Variation of condition 2 on planning permission no 11254/2 granted on 3rd April 1979 relating to hours of use (re-submission) as follows:Sunday to Thursday: 1100 - 0200Friday and Saturday: 1100 - 0	CHAIR	01-Sep-16	PERMIT	Chair referral delegated decision
15/05671/FUL	Plot ARoman WayPeasedown St. JohnBath	Erection of a new car showroom and workshop with car parking, landscaping and associated works.	CHAIR	12-Sep-16	PERMIT	Chair referral delegated decision
16/03376/FUL	Parcel 2156Durley HillKeynsham	Erection of a 2.4m high weldmesh fence.	CHAIR	13-Sep-16	PERMIT	Chair referral delegated decision
16/03655/FUL	1 Grange RoadSaltfordBristolBath And North East SomersetBS31 3AR	Erection of extension to garage	CHAIR	14-Sep-16	PERMIT	Chair referral delegated decision
16/03217/FUL	56 St George's RoadKeynshamBristolBath And North East SomersetBS31 2HW	Erection of attached two storey 2no bedroom dwelling at the end of terrace following demolition of existing garage	CHAIR	19-Sep-16	PERMIT	Chair referral delegated decision
16/01748/FUL	3 Chelmer GroveKeynshamBristolBath And North East SomersetBS31 1QA	Erection of a timber frame shed to the rear garden (Retrospective)	CHAIR	22-Sep-16	PERMIT	Chair referral delegated decision
16/03780/FUL	33 Unity RoadKeynshamBristolBath And North East SomersetBS31 1NQ	Erection of front porch and outbuilding to rear garden	CHAIR	22-Sep-16	PERMIT	Chair referral delegated decision
16/03811/FUL	Woodpecker Cottage Chewton RoadChewton KeynshamKeynshamBS31 2SS	Construction of an equestrian exercise area	CHAIR	28-Sep-16	PERMIT	Chair referral delegated decision

16/03713/FUL	Land Opposite Rowan House High Street Freshford Bath	Creation of new access opening and construction of parking area for two cars (resubmission)	CHAIR	30-Sep-16	RF	Chair referral delegated decision
16/01016/RES	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).	COMMDC	22-Sep-16	APP	Chair referral delegated decision. I have studied this application & note the Town Council support, there are a number of Third Party responses some of which do not object but those which do have very clear reasons why the proposals contravene planning policy, the site must work for all & fit in with the character of the surrounding area The Officer has addressed these points & looked at how this application links with the outline permission previously granted & recommends refusal clearly outlining the reasons in the report. I recommend this application be delegated to Officers for decision, the report clearly states why the application is not acceptable in its present form.
16/00847/FUL	27 Albert Road Keynsham Bristol Bath And North East Somerset BS31 1AA	Erection of single storey side extension to existing garage.	COMMDC	25-Aug-16	PERMIT	Chair referral to committee. Having studied the application and comments relating to the application there appears to be a number of unclear issues and therefore consultees have not made formal recommendations. For this reason I recommend the decision be taken by the DM Committee.
16/01982/FUL	8 Rectory Close Farmborough Bath Bath And North East Somerset BA2 0AW	Erection of double garage following demolition of 2no existing.	COMMDC	28-Jul-16	PERMIT	Chair referral to committee. I have studied the Officer's report and note the PC objections regarding height and its effect on the street scene and for this reason feel it should be a DM Committee decision as an increase of 1.1m to relatively high amongst a development of bungalows.

16/03488/FUL	63 Purlewent DriveUpper WestonBathBath And North East SomersetBA1 4BD	Change of use from a residential dwelling (use class C3) to a 4 bedroom HMO (use class C4).	COMMDC	22-Sep-16	PERMIT	Chair referral to committee. I have studied this application carefully and note the number of third party objections which are based around the change of use of the dwelling and the request of the Ward Cllr that this application be taken to DMC for decision. In the report presented to me the officer has addressed the points raised in relation to planning policy however I can see it remains controversial and therefore my recommendation is that the application be taken to DMC so all parties are able to express their views in public.
16/02631/FUL	39 High StreetKeynshamBS31 1DS	Erection of two storey building to the rear of no.39 High Street to facilitate 2no. self contained flats. (Resubmission)	COMMDC	22-Sep-16	PERMIT	Chair referral to committee. I note the Keynsham Town Council comments, Ward Cllr observations and the report states how it differs from the previously refused application however I feel this application should be taken by the DMC as there are issues causing concern which I feel are best dealt with by the application going to DMC when all parties can express their points.
16/02998/FUL	The ChapelArgyle TerraceTwertonBathBath And North East SomersetBA2 3DF	Conversion from existing offices (Class B1) to 4 No. residential maisonettes (Class C3) including external alterations	COMMDC	23-Sep-16	PERMIT	Chair referral to committee. I note the Ward Cllr request and third party objections which the report has addressed in line with planning policy but I feel the application should be determined by DMC, there are significant changes from the refused application (16/00200/FUL) but I believe it remains controversial and therefore I recommend it be taken to the DMC for decision.
16/03172/FUL	Land Between Barton House And Laburnum CottageThe BartonCorstonBath	Erection of a single family dwelling with parking for two vehicles	COMMDC	23-Sep-16	RF	Chair referral to committee. This application, as with past applications, remains controversial due to its size, positioning & impact on the neighbouring properties in the conservation area. When the Parish Council discussed this application neighbours raised a number of points which is reflected in their submission.

16/01581/FUL	104 Faulkland View Peasedown St. John Bath Bath And North East Somerset BA2 8TQ	Erection of a single storey extension to garage.	COMMDC	25-Aug-16	PERMIT	Chair referral to committee. An objection has been received from Peasedown Parish Council as the proposal will result in significant change to the material impact of the street scene and because the proposed development does not meet with the recommended thresholds for garage widths as detailed in the DCLG & DoT Manual for Streets (item 8.3.41 refers). Councillor Bevan who lives next door to this development has also objected to the proposal. Therefore decided that this application should be considered by committee.
16/01580/FUL	106 Faulkland View Peasedown St. John Bath Bath And North East Somerset BA2 8TQ	Erection of a single storey extension to garage and inclusion of parking space to the front.	COMMDC	25-Aug-16	PERMIT	Chair referral to committee. An objection was received in relation to the proposed garage extension for no.104 Faulkland View (16/01581/FUL) from Peasedown Parish Council. In relation to the extension at no.106 Faulkland View the PC agreed to neither support nor object to this application but to submit the following comments: It is noted that the original garage was converted to living accommodation which is in accordance with permission granted under application ref. 11/03110/FUL. If B&NES Council is minded to grant planning permission for this new revised application the PC recommends that the development is checked after it has been built to ensure the new garage is actually being used as specified, for the garaging of vehicles, and is not being used as living accommodation or storage, both of which will result in a loss of parking space.
16/03168/FUL	1 Magdalen Avenue Lyncombe Bath Bath And North East Somerset BA2 4QB	Erection of first floor rear extension and rendering of the existing ground floor rear extension (Revised Proposal) (Amended Description)	COMMDC	22-Sep-16	RF	Chair referral to committee. I have studied the report and planning history for the site, I note the Ward Cllr request, that due to the materials used, the application should be determined by DMC, the officer has identified relevant policies this application is contrary to be I think the DMC should look at the impact it would have in the Conservation Area and therefore I recommend this application be determined by DMC.

16/02530/FUL	23 Lymore Avenue Twerton Bath Bath And North East Somerset BA2 1BA	Demolition of existing single storey rear extension and erection of side and rear, single storey extension	COMMDC	22-Sep-16	RF	Chair referral to committee. I have studied the report, note Ward Cllr request & third party comments. The Officer has clearly looked at the points raised in regard to planning policy in the report presented to me, however I feel the issue relating to impact on neighbours residential amenity is controversial & therefore the decision should be taken by the DMC.
16/01145/FUL	Plot Between Croft House And 1 The Croft Monkton Combe Bath	Erection of single dwelling and car parking for 2 vehicles following demolition of existing garages	COMMDC	28-Jul-16	PERMIT	Chair referral to committee. I have studied this application, I note the third party comments & PC objections, other consultees have raised no objections. The Officer has addressed the points raised in relation to relevant planning policy in the report presented to me however I recommend this decision be taken by the DMC as I feel it remains controversial.
16/01913/FUL	Car Park Between 2 And 4 Silver Street Midsomer Norton	Erection of 8 no of two bed apartments, associated parking and landscaping.	COMMDC	28-Jul-16	RF	Chair referral to committee. The application has been referred to Committee at the request of Cllr Paul Myers and agreement of the Chair. Cllr Myers reasons for requesting are that the proposed development is much better than the other two applications which have been passed. It has parking, sympathetic materials and provides much needed town centre small unit residential accommodation.
15/03366/FUL	2 Hermitage Road Lansdown Bath Bath And North East Somerset BA1 5SN	Erection of detached dwelling with associated car parking and landscaping following demolition of existing dwelling (Resubmission)	COMMDC	04-Jul-16	PERMIT	Cllr Clarke requested application should be heard at committee as officer previously recommended approval.
16/02798/FUL	65 Canons Close Southdown Bath Bath And North East Somerset BA2 2LN	Change of use from 4 bed HMO (C4) to 7 bed HMO (Sui Generis). Associated internal alterations including erection of partition walls, works to porch, new door and window, and change of wall structures to rear conservatory.	COMMDC	25-Aug-16	PERMIT	Cllr Nigel Roberts requested application should be heard by committee in the event of an officer recommendation for approval. I believe this is an over development of this dwelling, changing it out of all proportions. That there is not suitable parking for this number of residents. The dwelling is not on a suitable bus route being half way up a hill from both bath spa and bath university.

15/01932/EOUT	Proposed Development Site Roseberry Road Twerton Bath	Mixed-use regeneration comprising the erection of six buildings to accommodate up to 175 flats, flexible business employment floorspace (Use Class B1) (up to 4,500 sq m gross), local needs shopping (up to 1,350 sq m gross) together with all associated dev	COMMDC	10-Aug-16	APP	Cllr Player requested application is called to committee if officers are minded to permit. Objections to the scheme included lack of integration with surrounding community, impact upon views into the city, over intensification of the site and impact upon congestion/traffic.
16/03359/FUL	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 No. Studios) following demolition of existing buildings	COMMDC	22-Sep-16	PERMIT	Cllr. Jonathan Carr and Cllr. Peter Turner have both requested that the application be determined by committee. Reasons included proposals contrary to the core strategy, impacts upon residential amenity, ideally suited for the Sea Cadets, provision of 18 residential studios will make the project viable.
16/02692/LBA	Maisonette 2 3 Floor S 4 Princes Buildings City Centre Bath Bath And North East Somerset BA1 2ED	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.	COMMDC	22-Sep-16	CON	The applicant's agent is a local member therefore the application has to be referred to committee.
16/02107/LBA	Under The Hill Weston Road Lower Weston Bath Bath And North East Somerset BA1 2XB	Internal alterations for a new opening between the living and family rooms (on ground floor level) to incorporate a set of double 'wedding' doors.	COMMDC	25-Aug-16	CON	The applicants agent is Cllr Bob Goodman.
14/05692/RES	Parcel 0006 Maynard Terrace Clutton Bristol Bath And North East Somerset	Approval of Reserved Matters (appearance, landscaping, layout and scale) with regard to outline application 12/01882/OUT for erection of 36no. dwellings and associated infrastructure.	COMMDC	21-Jul-16	APP	The application has been reported to the Development Management Committee as the Outline application (and subsequent variation applications) were determined at Committee level.
16/01609/FUL	Castle Farm Barn Midford Road Midford Bath Bath And North East Somerset BA2 7BU	Change of use of agricultural barns to a flexible commercial use comprising farm shop and cafe.	COMMDC	25-Aug-16	PERMIT	The application is being referred to the committee as the parish council have objected to the application contrary to the case officers recommendation to permit.
16/03427/FUL	7 Hornbeam Walk Keynsham Bristol Bath And North East Somerset BS31 2RT	Erection of three bedroomed semi-detached house within existing garden area of no. 7 Hornbeam Walk, Keynsham.	COMMDC	22-Sep-16	PERMIT	The application is being referred to the Committee because Keynsham Town Council has objected to the application contrary to Officer recommendation. The application has been referred to the Chair who agrees that the application should be considered by the Committee.

15/04031/MDOBL	Parcel 0006Maynard TerraceCluttonBristolBath And North East Somerset	Modification of Planning Obligation 12/01882/OUT to reduce the affordable housing provision to 33% (Erection of 36no. dwellings and associated works (revised resubmission))	COMMDC	07-Jul-16	APP	The previous application (reference 12/01882/OUT) was determined by the Development Control Committee and the Group Manager called this item to Committee. Furthermore, the Parish Council has objected to the proposal, which is contrary to Officer recommendation.
16/01782/REG03	Colonnade Beneath StreetGrand ParadeCity CentreBath	Change of use of vault and undercroft spaces to restaurants (A3) and/or Museum use (D1) with works to allow pedestrian access to lower Boat Stall lane and the Colonnade and to facilitate future access to Slippery Lane. Provision of stair and lift access t	COMMDC	29-Jul-16	PERMIT	This application has been referred to Committee by the Group Manager of Development Management due to the fact that this is a Council application that has historically generated a large amount of public interest.
16/01783/REG13	Colonnade Beneath StreetGrand ParadeCity CentreBath	Alterations to facilitate the change of use of the undercroft and vaults to a restaurants and/or a museum, including the provision of a staircase and lift at Grade Parade, the raising of internal floor levels, new openings in existing walls, new partition	COMMDC	29-Jul-16	CON	This application has been referred to Committee by the Group Manager of Development Management due to the fact that this is a Council application that has historically generated a large amount of public interest.

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

APPEALS LODGED

App. Ref: 16/02207/FUL
Location: Dundas, Warminster Road, Monkton Combe, Bath
Proposal: Erection of a single storey rear extension at first floor.
Decision: REFUSE
Decision Date: 1 July 2016
Decision Level: Chair Referral - Delegated
Appeal Lodged: 6 October 2016

App. Ref: 15/04980/OUT
Location: Parcel 4325 South Road, Timsbury Bath
Proposal: Erection of up to 45 dwellings, construction of new vehicular access and provision of associated highway and drainage infrastructure, open space and landscaping. (Outline application with access to be determined all other matters reserved).
Decision: REFUSE
Decision Date: 9 May 2016
Decision Level: Delegated
Appeal Lodged: 7 October 2016

App. Ref: 16/00752/OUT
Location: Milford Head, Stitchings Shord Lane, Bishop Sutton, Bristol
Proposal: Erection of 2 no. single storey dwelling houses (Use Class C3) with associated garages and parking areas following demolition of the existing buildings. (Outline application with access and layout to be determined and all other matters reserved)
Decision: Non-determination
Decision Date: 10 October 2016
Decision Level: Delegated
Appeal Lodged: 10 October 2016

App. Ref: 16/01824/AR
Location: Bath Car Spa Limited, London Road East, Batheaston, Bath, BA1 7RL
Proposal: Display of 2no non-illuminated fascia signs, 5no non-illuminated hanging signs and 1no non-illuminated signpost. (Regularisation)
Decision: Split decision - check file/certificate
Decision Date: 10 June 2016
Decision Level: Chair Referral - Delegated
Appeal Lodged: 11 October 2016

App. Ref: 16/01026/FUL
Location: 17 Van Diemen's Lane, Lansdown, Bath, BA1 5TW
Proposal: Erection of two storey extension with alterations to roof.
Decision: REFUSE
Decision Date: 19 July 2016
Decision Level: Delegated
Appeal Lodged: 12 October 2016

App. Ref: 15/05808/FUL
Location: Land Between Spion Kop And Avon Lea Mead Lane, Saltford
Proposal: Erection of 1 no. dwelling with associated works
Decision: REFUSE
Decision Date: 7 April 2016
Decision Level: Planning Committee
Appeal Lodged: 17 October 2016

App. Ref: 16/02818/LBA
Location: 28 Prospect Place, Walcot, Bath, BA1 5JD
Proposal: Internal alterations to create new wall opening with two pairs of folding panelled doors
Decision: REFUSE
Decision Date: 1 August 2016
Decision Level: Delegated
Appeal Lodged: 18 October 2016

App. Ref: 16/00511/FUL
Location: Detached Garden, Belle Vue, Welton, Midsomer Norton
Proposal: Erection of 1no detached dwelling house.
Decision: REFUSE
Decision Date: 31 March 2016
Decision Level: Delegated
Appeal Lodged: 19 October 2016

APPEALS DECIDED

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

Appeal Decision: Dismissed on 06.10.2016

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

App. Ref: 15/03730/FUL
Location: Prezzo 6 Brunel Square, Bath, BA1 1SX
Proposal: Installation of 1no. external condenser unit to rear of restaurant.
(Retrospective).
Decision: REFUSE
Decision Date: 23 October 2015
Decision Level: Delegated
Appeal Lodged: 5 August 2016

Appeal Decision: Dismissed on 07.10.2016

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

App. Ref: 16/00946/FUL
Location: 1 Rose Cottages, Kilkenny Lane, Englishcombe, Bath, BA2 2SL
Proposal: Change of use from detached garage to Holiday Let (resubmission)
Decision: REFUSE
Decision Date: 29 April 2016
Decision Level: Chair Referral - Delegated
Appeal Lodged: 18 July 2016

Appeal Decision: Dismissed on 21.10.2016

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

Case Ref: 14/00705/UNAUTH
Location: Meadow Combe, Rectory Lane, Compton Martin, Bristol, BS40 6JP
Breach: Without planning permission, change of use from agricultural to residential curtilage.
Notice Date: 22 April 2016
Appeal Lodged: 20 May 2016

Appeal Decision: Dismissed on 10.10.2016

**A copy of the decision notice can be obtained on request from
planning_appeals@bathnes.gov.uk**