

Development Management Committee

Date: Wednesday, 23rd August, 2017

Time: 2.00 pm

Venue: Brunswick Room - Guildhall, Bath

Agenda

To: All Members of the Development Management Committee

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

Permanent Substitutes:- Councillors: Patrick Anketell-Jones, Neil Butters, Ian Gilchrist, Liz Hardman, Will Sandry, Vic Pritchard, Liz Richardson, Martin Veal and Karen Warrington

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.



Marie Todd

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NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

Paper copies are available for inspection at the **Public Access points:-** Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. **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.

4. **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. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

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

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Development Management Committee- Wednesday, 23rd August, 2017

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 5 - 36)

To confirm the minutes of the meeting held on 26 July 2017.

9. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 37 - 150)

10. QUARTERLY PERFORMANCE REPORT - APRIL TO JUNE 2017 (Pages 151 - 168)

11. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 169 - 176)

To note the report

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

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

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 26th July, 2017, 2.00 pm

Councillors: Sally Davis (Chair), Patrick Anketell-Jones (Reserve) (in place of Les Kew), Jasper Becker, Matthew Davies, Liz Hardman (Reserve) (in place of Eleanor Jackson), Bryan Organ, Dine Romero (Reserve) (in place of Paul Crossley), Caroline Roberts and Vic Pritchard (Reserve) (in place of David Veale)

23 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

24 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

25 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from:

Cllr Paul Crossley – substitute Cllr Dine Romero
Cllr Eleanor Jackson – substitute Cllr Liz Hardman
Cllr Les Kew – substitute Cllr Patrick Anketell-Jones
Cllr David Veale – substitute Cllr Vic Pritchard

26 DECLARATIONS OF INTEREST

There were no declarations of interest.

27 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

28 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.

29 ITEMS FROM COUNCILLORS OR CO-OPTED MEMBERS

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

30 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 28 June 2017 were confirmed and signed as a correct record.

31 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered:

- A report by the Group Manager (Development Management) on various planning applications.
- An update report by the Group Manager (Development Management) on item no 1 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 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. 16/06140/FUL

Site Location: 30 Flatwoods Road, Claverton Down, Bath, BA2 7AQ – Erection of 2 dwellings, internal access drive and landscaping at rear of existing dwelling

The Case Officer reported on the application and her recommendation to permit. She informed the Committee that the applicant had submitted revised plans which reduced the height of the dwellings by 0.95m. A further objection had also been received relating to the availability of broadband in the area.

The registered speakers spoke for and against the application.

Cllr Cherry Beath, local ward member, spoke against the application. A statement against the application submitted by Cllr Bob Goodman, local ward member, was also read out at the meeting.

Councillor Pritchard asked a question regarding the access to the site. The Highways Case Officer explained that both dwellings would include double garages and that the access to the dwellings complied with the required width specified by the Department of Transport.

Councillor Romero stated that the plot appeared small for the proposed development.

Councillor Hardman stated that while she had sympathy with the neighbours there was already a precedent for back garden development in the area. She also noted that the Bath Skyline footpath route would be screened,

Councillor Organ moved that permission be granted subject to conditions. This was seconded by Councillor Matthew Davies.

The motion was then put to the vote and it was RESOLVED by 6 votes for, 2 votes against and 1 abstention to PERMIT the application subject to the conditions set out in the report.

Item No. 2

Application No. 17/01411/FUL

Site Location: 10 Stonehouse Lane, Combe Down, Bath, BA2 5DW – Three storey side extension and garage to include demolition of existing single storey side extension, partial demolition of existing garage, minor changes to rear ground floor fenestration of existing main house and front landscaping

The Case Officer reported on the application and her recommendation to refuse. Since the publication of the report there had been one further objection relating to the overbearing impact of the development, overlooking, parking and not being in keeping with the character of the area received from a direct neighbour.

The registered speakers spoke in favour of the application.

Councillor Cherry Beath, local ward member, spoke against the application. A statement in favour of the application submitted by Cllr Bob Goodman, local ward member, was also read out at the meeting.

In response to a question the Case Officer explained that the extant planning permission would still remain in place if the current application were refused.

Councillor Becker felt that the design was good and noted that there were other tall buildings in the area.

Councillor Organ moved that permission be refused for the reasons set out in the report. He felt that the extension was too dominant. This was seconded by Councillor Roberts.

The motion was then put to the vote and it was RESOLVED by 7 votes in favour and 2 against to REFUSE the application for the reasons set out in the report.

Item No. 3

Application No. 17/00163/FUL

Site Location: Stonedge Cottage, Stoneage Lane, Tunley, Bath – Alterations to raise the wall to the same level as the neighbour's wall, including the existing panel fence (Resubmission)

The Case Officer reported on the application and her recommendation to refuse. In response to a question it was confirmed that the height of the wall would be between 2.2 and 2.4m.

Councillor Roberts moved that the Committee delegate to permit the application subject to conditions. She felt that the proposal would not be disproportionate and would therefore comply with greenbelt policy. This was seconded by Councillor

Hardman.

Councillor Pritchard noted that there had been no local dissent regarding the application and felt that it would improve the appearance of the area.

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

32 **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 item 1 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. 16/051219/EOUT

Site Location: Street Record, Foxhill, Combe Down, Bath - Application for outline planning permission for the redevelopment of the Foxhill Estate comprising:

- **The demolition of up to 542 dwellings;**
 - **The re-provision of up to 700 dwellings;**
 - **Demolition and re-provision of the local centre to include up to 560 sqm of A1, A3, A4 and A5 uses;**
 - **All associated access roads, infrastructure, landscaping, open space and cycle/footways;**
- (All matters reserved)**

The Case Officer reported on the application and his recommendation to delegate to permit. An illustrative masterplan was presented and the Case Officer explained that there would be up to 158 additional dwellings although there would be a net loss of 204 affordable homes. The proposals would deliver a 30% affordable housing provision which was policy compliant. This would be made up of a 75/25 social rent/shared ownership split. The development would be delivered in a number of phases.

The Case Officer explained that although the net loss of affordable housing was significant an independently verified viability report had been submitted. Officers were content that this was compliant with Policy H8.

There were a number of updates to the report as follows:

- Correspondence had been received from Mr Mark Hepworth, the author of the “Foxhill at the Crossroads” report (2012) who had expressed concern at the use of this report to justify the proposal to demolish homes.
- Further advice regarding bat licences.
- A Section 106 Agreement would require the delivery of affordable housing.
- There were minor changes to Condition No. 30.
- The Highways Officer had suggested some amendments to the conditions relating to garage dimensions, materials and method of construction, footways and a road condition survey.
- There would be an additional condition relating to bus access and turning areas during construction.

The registered speakers spoke for and against the application.

Cllr Cherry Beath, local ward member, spoke against the application. Cllr Lisa O’Brien read out a statement against the application on behalf of Cllr Bob Goodman, the local ward member.

Cllrs Lisa O’Brien, Joe Rayment and Alan Hale also spoke against the application.

Officers then responded to a number of questions from members as follows:

- The Compulsory Purchase Order (CPO) process was separate from the planning process. If CPOs were to be proposed then the Council would have to formally resolve for this to happen. The Committee should focus on the planning issues.
- The Mulberry Park development would deliver facilities that Foxhill residents would have access to. As Mulberry Park was currently being developed there was the opportunity for Foxhill residents to be offered homes on this site. All matters were reserved and plans were only illustrative at this stage. The purpose of the outline application was to put forward the principle of demolishing properties and redeveloping the site. It gives a framework for the regeneration project and detailed planning applications would subsequently be put forward for the various phases of the development.
- There would be a net loss of approximately 100 houses for social rent across both sites but this would be replaced with shared ownership affordable housing.
- Any tenants who had moved onto the estate after 2013 (approximately 100) were given a shorthold tenancy and made aware of the regeneration proposals.
- There would be a net gain of open space on the site (although individual gardens may be smaller).
- Curo were in a position to provide affordable housing on the Foxhill site using cross subsidy from the Mulberry Park development. This would not be viable for a private developer.

Councillor Roberts moved that consideration of the application be deferred pending a second site visit to gain more information and to enable further consultation to take place with local residents. This was seconded by Councillor Romero.

Councillor Hardman stated that although the plan to redevelop was welcomed she was concerned about the net loss of social rented homes. Not all residents could be accommodated and some people would find themselves substantially worse off. There would be a significant impact on people being displaced.

Officers explained that some, but not all, of the houses on the estate were substandard. Any refurbishment would incur additional costs.

The Group Manager, Development Management, explained that all the necessary consultation from a planning perspective had taken place. A decision to approve outline planning permission did not preclude further consultation from going ahead. Full details of each phase of the development would still need to come forward to the Council for consideration.

On further consideration Councillor Roberts withdrew her motion to defer, with the agreement of Councillor Romero. She then moved that permission be refused due to the lack of social rented homes being proposed. This was seconded by Councillor Romero.

The Group Manager, Development Management, explained that the proposal complied with Policy CP9 relating to affordable housing.

Councillor Pritchard noted that the plans constituted major change to the area but that it also offered an opportunity to regenerate the Foxhill Estate. He also noted that tenants would be offered equivalent properties on the new development with no increase in rent.

Councillor Becker acknowledged that the loss of a home was a traumatic experience and that there were uncertainties. However, the proposal offered a significant investment in a deprived area. Curo were under no legal obligation to regenerate in this way and he felt that the offer should not be rejected. It would be important to monitor the regeneration project closely to obtain the best possible development for residents.

Councillor Matthew Davies was minded to support the application provided that all permanent tenants would be rehoused while suffering no financial loss.

Councillor Anketell-Jones had visited the site independently and noted that it was a settled community. This development provided an opportunity to create a designed community and to improve the post-war legacy of the area. The new properties would be more energy efficient leading to reduced costs for residents. The majority of residents would have the opportunity to remain in the area.

Councillor Romero stated that while she had sympathy for Curo, who were aiming to improve the area, she felt that further consultation with residents was necessary as they were not all being offered "like for like" accommodation.

The motion was then put to the vote and there were 4 votes in favour and 5 votes against. The motion was therefore LOST.

Councillor Pritchard then moved that the Committee delegate to permit as set out in

the report and amended through the officer update. This was seconded by Councillor Matthew Davies.

The motion was then put to the vote and it was RESOLVED by 5 votes in favour and 4 against to DELEGATE TO PERMIT the application subject to conditions as set out in the report, and amended through the officer update, and the prior completion of a Section 106 Agreement to secure the matters set out in the report.

Item No. 2

Application No. 17/02383/FUL

Site Location: 2 Ivy Villas, Ivy Avenue, Southdown, Bath – Change of use from 3 bed dwelling house (use class C3) to a 4 bed house in multiple occupation

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

The registered speaker spoke in favour of the application.

Councillor June Player, local ward member, spoke against the application.

In response to a question the Group Manager, Development Management, confirmed that the successful outcome of the recent appeal relating to Lymore Gardens was a material consideration because this property was also located in an area where there were fewer than 25% HMOs. He also explained that a temporary planning permission would be very unusual for this type of application.

Councillor Pritchard stated that while he had sympathy with the local ward member he noted that this application was compliant with current Council policies. He then moved the recommendation in the report that permission be granted subject to conditions. This was seconded by Councillor Matthew Davies.

The motion was put to the vote and it was RESOLVED by 7 votes for, 1 vote against and 1 abstention to PERMIT the application.

Item No. 3

Application No. 17/02214/FUL

Site Location: 10 Berkeley Place, Walcot, Bath, BA1 5JH – Erection of garden building

The Case Officer reported on the application and her recommendation to permit. She confirmed that the building would be located at the end of the rear garden when Councillor Anketell-Jones sought clarification.

Councillor Pritchard moved that permission be granted subject to conditions. This was seconded by Councillor Organ.

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.

33 PLANNING ENFORCEMENT REPORT

This item was withdrawn from the agenda.

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

The Committee considered the appeals report. It was noted that the appeal relating to 10 Lymore Gardens, Twerton had been allowed and not dismissed as set out in the report.

RESOLVED to **NOTE** the report.

The meeting ended at 5.15 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

26th July 2017

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	16/05219/EOUT	Foxhill Estate, Fox Hill, Combe Down Bath

Foxhill Estate, Fox Hill, Combe Down, Bath. ref: 16/05219/EOUT

Correspondence from Mr Hepworth

Correspondence has been received from Mr Mark Hepworth (dated 21 July 2017). Mr Hepworth is the author of 'Foxhill at the Crossroads' (2012), this is a research paper that the applicant has referred to as part of their application and case for the proposed regeneration of the estate. Mr Hepworth advises that he was not aware of the outline planning application until he recently met with the applicant and separately with the Foxhill Residents Association. Mr Hepworth makes a number of points in his correspondence which are summarised as follows:

- identifying that his report confirmed the poor state of Foxhill relative to Bath and the country, that this was due to neglect and underinvestment by the Council and that thirdly that there was potential to create benefits from redevelopment of the former MOD site (now known as Mulberry Park). He recommended a 'Community Plan' be prepared to underpin any development.
- clarifies that his report was not intended to justify wholesale demolition of Foxhill, rather it was to be a focus for improving the quality of life of residents.
- Considers that the Charter in place at Foxhill does not provide residents with an adequate 'voice'.
- Identifies that there has been a deterioration in indices of deprivation across the most deprived areas of Bath from 2010-2015 not just Foxhill.
- Identifies that there are social and human costs of demolition and that the Residents Association survey identifies that the majority of local residents do not want to move. As such there is a lack of a community mandate for the proposal.
- The proposal must be inclusive and benefit everyone.

Bath Placemaking Plan

The Bath Placemaking Plan has now been adopted and forms part of the statutory development plan. Accordingly, it attracts full weight in the decision making process.

Ecology

For clarification, the removal of any bat roosts, should any be found on the site, maternity roosts or otherwise, will require a licence. At this stage, there is no suggestion that a licence would not be granted.

S106 Agreement and Conditions update

Further meetings have been held with the applicant in respect of the S106 Agreement and a Draft agreement is now in a format which officers are content with in terms of:

- Seeking satisfactory levels of affordable housing
- Satisfactory levels of open space
- Targeted recruitment and training opportunities
- A Travel Plan to encourage sustainable modes of transport

Minor amendments are proposed to the conditions 2, 4 and 7, with revised wording as follows:

(2)

All reserved matters applications shall be accompanied by a Design Statement identifying how they align with the Area Wide Design Principles and Design Principles for the Character Area/s in which they are located, as set out in the submitted Design and Access Statement (as amended) prepared by HTA dated May 2017. Development should thereafter proceed in accordance with the approved design statement

(4)

This outline planning permission relates solely to the description of development set out above and in the Application Plans and Documents attached to this planning permission. All reserved matters applications shall accord with the following approved parameter plans forming part of the application except where specific listed conditions in this permission require otherwise:

- Amount - EXX-0100 Rev D
- Heights - EXX-0102 Rev O
- Access – EXX-0101 Ref F

(7)

A schedule of demolitions and new build shall be provided at each reserved matters phase prior to commencement of development on that phase. The schedule shall demonstrate that that phase when combined with any earlier phase will result in a net increase of dwellings on the site.

The reasons for the conditions 2, 4 and 7 remain unaltered.

Approved plans list to be updated to include the access parameter plan EXX-0101 Ref F.

Item No.	Application No.	Address
Site visit 001	16/06140/FUL	30 Flatwoods Road, Bath

The placemaking plan as now been adopted and forms part of the development plan. The conditions are now revised to state;

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 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 ST.7 of the Bath and North East Somerset Placemaking 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 Policy ST7 of the Bath and North East Somerset Placemaking 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. 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 D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

5. Arboriculture (Pre-commencement)

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

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan and CP7 of the Core Strategy. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

6. Arboriculture (Compliance)

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

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

7. 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 all necessary measures to avoid harm to wildlife including nesting birds; a method statement for the protection of retained hedgerows to include fencing specifications and a scale of showing fenced exclusion zones around retained vegetation including hedgerows; specifications for provision of new wildlife-friendly planting and hedgerows; and specifications including numbers heights and positions of features such as hedgehog, bird, and bat boxes to provide biodiversity

enhancement. 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 policy NE.3 of the Bath and North East Somerset Placemaking Plan.

8. 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 D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

9. 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 D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

10. Sensitive lighting (Compliance)

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the LPA; details to include lamp specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent light spill onto bat roost access points, bat flight routes, 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 other wildlife

11. Refuse Collection (Prior to occupation)

Prior to the occupation of the development details of the proposed refuse collection must be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the details approved.

Reason: In the interests of highway safety.

12. Boundary treatments (Prior to commencement)

Prior to occupation of the development hereby approved the applicant shall submit details of the proposed boundary treatments to be constructed. The proposed boundary treatments shall be constructed on site in accordance with the approved details before development is occupied and retained for the lifetime of the development. Should boundary treatments be replaced then it shall be to a height and design which has first been agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with policy D.6 of the Bath and North East Somerset Placemaking Plan.

13. 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 ST.7 of the Bath and North East Somerset Placemaking Plan

14. 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, D.5 and D.6 of the Bath and North East Somerset Placemaking 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.

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.

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BATH AND NORTH EAST SOMERSET COUNCIL

MEMBERS OF THE PUBLIC AND REPRESENTATIVES WISHING TO MAKE A STATEMENT AT THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE ON WEDNESDAY 26 JULY 2017

A. SITE VISIT LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	30 Flatwoods Road, Claverton Down, Bath	Sheila Brewis	Against
		Chris Beaver (Agent)	For
		Cllr Cherry Beath	Against
2	10 Stonehouse Lane, Combe Down, Bath	David Mills (Agent)	For (To share 3 minutes)
		Elizabeth Cunningham (Applicant)	
		Cllr Cherry Beath	Against
3	Stonedge Cottage, Stoneage Lane, Tunley	Claire Bramwell-Pearson (Applicant)	For

B. MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	Street Record, Foxhill, Combe Down, Bath	Nick Tobin (Vice- Chair - Federation of Bath Residents' Associations)	Against (To share 6 minutes)
		John Gowers (Resident)	
		Paula Cooper (Resident)	
		Nola Edwards (Chair of Foxhill Residents Association)	
		Victor da Cunha (on behalf of applicant)	For (To share 6 minutes)
		Dee Stainer	

		Cllr Cherry Beath Cllr Lisa O'Brien (on behalf of Cllr Bob Goodman)	Ward Councillors (5 minutes) Against
		Cllr Lisa O'Brien Cllr Joe Rayment Cllr Alan Hale	Non-Ward Cllrs (3 minutes) Against
2	2 Ivy Villas, Ivy Avenue, Southdown, Bath	Simon Kinnersley	For
		Cllr June Player	N/A

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

26th July 2017

SITE VISIT DECISIONS

Item No:	001	
Application No:	16/06140/FUL	
Site Location:	30 Flatwoods Road, Claverton Down, Bath, Bath And North East Somerset	
Ward: Combe Down	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 2 no. dwellings, internal access drive and landscaping at rear of existing dwelling.	
Constraints:	Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Article 4, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,	
Applicant:	Ashford Homes (South Western) Ltd.	
Expiry Date:	28th July 2017	
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 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 ST.7 of the Bath and North East Somerset Placemaking 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 Policy ST7 of the Bath and North East Somerset Placemaking 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 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 D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

5 Arboriculture (Pre-commencement)

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

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan and CP7 of the Core Strategy. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

6 Arboriculture (Compliance)

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

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

development.

7 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 all necessary measures to avoid harm to wildlife including nesting birds; a method statement for the protection of retained hedgerows to include fencing specifications and a scale of showing fenced exclusion zones around retained vegetation including hedgerows; specifications for provision of new wildlife-friendly planting and hedgerows; and specifications including numbers heights and positions of features such as hedgehog, bird, and bat boxes to provide biodiversity enhancement. 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 policy NE.3 of the Bath and North East Somerset Placemaking Plan.

8 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 D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

9 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 D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

10 Sensitive lighting (Compliance)

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the LPA; details to include lamp specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent light spill onto bat roost access points, bat flight routes, 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 other wildlife

11 Refuse Collection (Prior to occupation)

Prior to the occupation of the development details of the proposed refuse collection must be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the details approved.

Reason: In the interests of highway safety.

12 Boundary treatments (Prior to commencement)

Prior to occupation of the development hereby approved the applicant shall submit details of the proposed boundary treatments to be constructed. The proposed boundary treatments shall be constructed on site in accordance with the approved details before development is occupied and retained for the lifetime of the development. Should boundary treatments be replaced then it shall be to a height and design which has first been agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with policy D.6 of the Bath and North East Somerset Placemaking Plan.

13 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 ST.7 of the Bath and North East Somerset Placemaking Plan

14 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, D.5 and D.6 of the Bath and North East Somerset Placemaking 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.

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:

Location plan 0009 rev A
Existing site plan 0013
Site plan 0001 rev K
Plot 1 Ground Floor Plan 0002 rev B
Plot 1 First Floor Plan 0003 rev B
Plot 1 External Elevations 0008-1 rev C
Plot 1 External Elevations 0008-2 rev C
Plot 2 Ground Floor Plan 004 rev C
Plot 2 First Floor Plan 00005 rev C
Plot 2 External elevations 0007-1 rev D
Plot 2 External Elevations 0007-2 rev D
Tree management plan 0011 rev G
Site section A-A B-B 0015 rev B

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:	002		
Application No:	17/01411/FUL		
Site Location:	10 Stonehouse Lane, Combe Down, Bath, Bath And North East Somerset		
Ward: Combe Down	Parish: N/A	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Three storey side extension and garage to include demolition of existing single story side extension, partial demolition of existing garage, minor changes to rear ground floor fenestration of existing main house and front landscaping.		
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,		
Applicant:	Mr & Mrs Cunningham		
Expiry Date:	24th May 2017		
Case Officer:	Rae Mephram		

DECISION REFUSE

1 The proposed extension does not respect the character and appearance of the host dwelling in terms of the proposed design, size and scale, and fails to respond to the local context in terms of materials and fenestration details. The proposal would therefore be contrary to saved Policy D.4 of the Bath & North East Somerset Local Plan (including Minerals and Waste Policies) adopted October 2007, Policies D2 and D5 of the draft Placemaking Plan and the provisions of the National Planning Policy Framework (2015).

PLANS LIST:

This decision relates to:

23 Mar 2017 02 PROPOSED ELEVATIONS AND PLANS
23 Mar 2017 03 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. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No:	003
Application No:	17/00163/FUL
Site Location:	Stonedge Cottage, Stoneage Lane, Tunley, Bath
Ward: Bathavon West	Parish: Dunkerton & Tunley Parish Council
LB Grade:	N/A
Application Type:	Full Application
Proposal:	Alterations to raise the wall to the same level as the neighbour's wall, including the existing panel fence (Resubmission)
Constraints:	Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Flood Zone 2, Forest of Avon, Greenbelt, LLFA - Flood Risk Management, SSSI - Impact Risk Zones,
Applicant:	Mr Christopher Bramwell-Pearson
Expiry Date:	2nd June 2017
Case Officer:	Chloe Buckingham

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 Materials (Compliance)

All external walling materials to be used shall match those of the existing wall 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.5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

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;

Site Location Plan (no reference) and Front Garden Concept Layout (16 C) received 18th January 2017.

New Boundary Wall Details (16 B) received 23rd January 2017).

DECISION TAKING STATEMENT:

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

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

26th July 2017

DECISIONS

Item No:	01
Application No:	16/05219/EOUT
Site Location:	Street Record, Fox Hill, Combe Down, Bath
Ward: Combe Down	Parish: N/A LB Grade: N/A
Application Type:	Outline Application with an EIA attached
Proposal:	Application for Outline planning permission for the redevelopment of the Foxhill Estate comprising: <ul style="list-style-type: none">- the demolition of up to 542 dwellings;- the re-provision of up to 700 dwellings;- demolition and re-provision of the local centre to include up to 560 sq m of A1, A3, A4, A5 uses- all associated access roads, infrastructure, landscaping, open space and cycle/footways.
(All matters reserved).	
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, LLFA - Flood Risk Management, Local Shops, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,
Applicant:	Curo Places Ltd
Expiry Date:	14th February 2017
Case Officer:	Simon Metcalf

DECISION Permit subject to conditions and applicant entering into S106 Agreement.

Item No:	02		
Application No:	17/02383/FUL		
Site Location:	2 Ivy Villas, Ivy Avenue, Southdown, Bath		
Ward: Westmoreland	Parish: N/A	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Change of use from 3 bed dwelling house (use class C3) to a 4 bed house in multiple occupation (use class C4)		
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, HMO Stage 2 test required, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,		
Applicant:	Mr Peter Gray		
Expiry Date:	27th July 2017		
Case Officer:	Nikki Honan		

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.

PLANS LIST:

The development shall be carried out strictly in accordance with the details shown on the following drawings/documents:

Location Plan, Block Plan, Floor Plan - all received 19 May 2017

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.

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

Item No:	03	
Application No:	17/02214/FUL	
Site Location:	10 Berkeley Place, Walcot, Bath, Bath And North East Somerset	
Ward: Lansdown	Parish: N/A	LB Grade: II
Application Type:	Full Application	
Proposal:	Erection of garden building	
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
Applicant:	Steve George	
Expiry Date:	28th July 2017	
Case Officer:	Laura Batham	

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 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.

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 document 'Shed planning application - including plans' received on 10th May 2017.

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.

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Bath & North East Somerset Council		
MEETING:	Development Management Committee	AGENDA ITEM NUMBER
MEETING DATE:	23rd August 2017	
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)	
TITLE: APPLICATIONS FOR PLANNING PERMISSION		
WARDS:	ALL	
BACKGROUND PAPERS:		
AN OPEN PUBLIC ITEM		

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	17/01466/FUL 28 July 2017	Hope House Surgery Waterloo Road Open Space, Waterloo Road, Radstock, Bath And North East Somerset, Development of a new Healthy Living Centre (1,464 sqm GIA) to provide new health centre and ancillary pharmacy, community kitchen, children's centre and library	Radstock	Tessa Hampden	Delegate to PERMIT
02	16/04870/FUL 25 August 2017	Bidwell Metals Ltd Bidwell Metals Ltd, Chapel Road, Clandown, Radstock, Bath And North East Somerset Erection of 28 dwellings, public open space, a community building and ancillary works following the demolition of 2 buildings (REVISED DESCRIPTION)	Radstock	Tessa Hampden	Delegate to PERMIT
03	17/02364/FUL 25 August 2017	Mr Tim Warren Sawyers Mill , Hunstrete, Marksbury, Bristol, BS39 4NT Demolition of existing commercial buildings, subdivision of land and erection of three new dwellings with associated access and garden.	Farmborough	Alice Barnes	PERMIT
04	17/01775/FUL 25 August 2017	Stanton Drew Village Hall Stanton Drew Village Hall, Sandy Lane, Stanton Drew, Bristol, Bath And North East Somerset Creation of enlarged access with new wall and increased car parking area	Clutton	Alice Barnes	REFUSE
05	16/05548/MINW 25 August 2017	Messrs Hancock Upper Lawn Quarry, St Winifred's Drive, Combe Down, Bath, Bath And North East Somerset Extension to quarry	Combe Down	Tim Pearce	Delegate to PERMIT

06	17/00329/FUL 25 August 2017	Messrs Hancock Upper Lawn Quarry, St Winifred's Drive, Combe Down, Bath, Bath And North East Somerset Change of use of an area of paddock land for use as allotments	Combe Down	Tim Pearce	Delegate to PERMIT
07	17/00378/FUL 7 July 2017	Mr R Jay Land At Rear Of 69 Haycombe Drive, Whiteway Road, Whiteway, Bath, Erection of 1no 3 bed dwelling with associated driveway and parking	Southdown	Chris Griggs- Trevarthen	PERMIT
08	17/02485/FUL 24 August 2017	Mr Paul May Honey Gaston, Featherbed Lane, Clutton, Bristol, New barn to replace the original barn which was destroyed by fire. Remedial arboricultural works to fire-damaged trees.	Clutton	Chloe Buckingham	Delegate to PERMIT

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

Item No: 01
Application No: 17/01466/FUL
Site Location: Waterloo Road Open Space Waterloo Road Radstock Bath And North East Somerset



Ward: Radstock **Parish:** Radstock **LB Grade:** N/A
Ward Members: Councillor Christopher J Dando Councillor Deirdre Horstmann
Application Type: Full Application
Proposal: Development of a new Healthy Living Centre (1,464 sqm GIA) to provide new health centre and ancillary pharmacy, community kitchen, children's centre and library

Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Contaminated Land, Flood Zone 2, Forest of Avon, Housing Development Boundary, LLFA - Flood Risk Management, SSSI - Impact Risk Zones,
Applicant:	Hope House Surgery
Expiry Date:	28th July 2017
Case Officer:	Tessa Hampden

REPORT

Reason for reporting application to committee

The application has been referred to Committee at the request of the Group Manager due the fact that the development involves the Council and has generated a significant level of public interest. Cllr Dando has also requested that this is heard at Committee and the Town Council has objected to this application with planning reasons given.

Site description and proposal

The site relates to a parcel of land approximately 0.3ha in area located off Waterloo Road in Radstock. The south of the site is bound by residential dwellings at Riverside Mews, at the west by the Waterloo Road car park and Pritchard Mews, and to the east by residential properties at Pine Court. There is a cycle and pedestrian path currently crossing the site from the northeast to southwest.

The site is located within the Radstock Conservation Area and within the Town Centre as defined in the Placemaking Plan. The site is also designated as an open space. The majority of the site falls within Flood Zone 1, with a very small area within the south western part of the site located within Flood Zone 2.

The application seeks planning permission for the development of a new Healthy Living Centre to provide a new health centre and ancillary pharmacy, community kitchen, children's centre and library.

Relevant planning history

There is no planning history directly related to this planning application.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Planning policy -development conflicts with the Development Plan due to the loss of the amenity space but recognises that the benefits of this scheme needs to be considered against this conflict.

Archaeological Officer - No objection subject to conditions

Ecological Officer - No objections subject to conditions

Natural England - No objection subject to conditions

Drainage Officer - No objection subject to conditions

Urban Design Officer - No objection subject to condition

Economic Development - Support the application

Highway Development - No objection subject to conditions

Crime Prevention and Design Advisor - No objection but comments made with regards to security measures

Environmental protection - No objection subject to conditions

Arboricultural Officer - Not acceptable in the current form due the loss of the trees on the site and lack of meaningful replanting.

Public Rights of Way - No objection

Landscape Office - Not acceptable in the current format due to the level of development on the site and the lack of space for landscaping

Historic England - Awaiting the response from the notification

Cllr Dando - Requests that this application is heard at Planning Committee and objects on the grounds of the development being out of character with the Conservation Area. Concerns are raised with regards to the mass, scale and size and the use of the timber cladding.

Radstock Town Council - object to the planning application on the following grounds:

- The application is contrary to Policy NE1 in that the development would not conserve or enhance distinctiveness in the area
- The application is contrary to Policy BH6 in that the development would not contribute to the preservation of the character of Radstock
- That the application is contrary to Policy D4 in that the development's size, mass and scale would not be in keeping with the existing buildings in the proposed location

51 objection comments, 5 general comments and 41 supporting comments have been received. These can be summarised as follows:

Objection/general comments

- Lack of parking provided and lack of capacity in nearby car parks/streets
- Lack of provision of drop off/collection provision within new facility
- The impact upon the future of other public buildings
- Unsafe route from nearest bus stops
- Difficulty accessing Waterloo Road due to traffic
- The site should be more centrally located
- Impact upon Radstock Museum due to lack of parking in the surrounding area
- Loss of green space - visual impact
- Loss of green space - amenity space

- Excessive number of functions in one buildings
- Future growth of building
- Excessive scale of building
- Loss of trees
- Inappropriate design
- Impact upon residential amenity of neighbouring occupiers
- Concerns in relation to the relocation of the cycle/pedestrian route
- Noise and pollution concerns, increase in rubbish
- Ecological matters
- Impact upon sewers
- Library facility too small
- Loss of community space
- Other preferable sites
- Detrimental impact upon the Conservation Area
- Lack of need
- No youth service provision
- Loss of existing Pharmacy in Radstock

The supporting and general comments can be summarised as follows:

- Much needed facility
- Current doctors surgery too small and inadequate
- Threat of closure of the proposed services if they are not re located
- Funding time limited and critical this application is supported
- Concerns in relation to the doctors surgery being located out of Radstock
- Green space rarely used/underused
- Loss of green space preferred to loss of doctors
- Sustainable location
- Better parking provision than existing surgery
- Improved disabled access
- Necessary for increasing population of Radstock
- Positive impact of providing facilities in one building
- Design appropriate and local materials used
- Renewal energy measures incorporated.

POLICIES/LEGISLATION

Policies/Legislation

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
- Policy GDS.1 Site allocations and development requirements (policy framework)
- Policy GDS.1/K2: South West Keynsham (site)
- Policy GDS.1/NR2: Radstock Railway Land (site)
- Policy GDS.1/V3: Paulton Printing Factory (site)
- Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

- o DW1 - District Wide Spatial Strategy
- o SD1 - Sustainable Development
- o SV1 - Somer Valley Spatial Strategy
- o SV3 - Radstock Town Centre Strategy
- o CP2 - Sustainable Construction
- o CP3 - Renewable Energy
- o CP6 - Environmental Quality
- o CP7 - Green Infrastructure
- o CP12 - Centres and Retailing

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

- o Policy SV.1 - Somer Valley Spatial Strategy
- o Policy SV.3 - Radstock Town Centre Strategic Policy
- o Policy SD1 - Presumption in favour of sustainable development
- o Policy CP2 - Sustainable Construction
- o Policy CP3 - Renewable Energy
- o Policy SCR1 - On-site renewable energy requirement
- o Policy SCR2 Roof Mounted/Building Integrated Scale Solar PV
- o Policy SCR5 - Water Efficiency
- o Policy CP5 Flood Risk Management
- o Policy SU1 - Sustainable Drainage Policy
- o Policy H.1 - Historic Environment
- o Policy HE2: Somerset Coal Canal and the Wansdyke
- o Policy D1 - General Urban Design Principles
- o Policy D2 - Local Character and Distinctiveness
- o Policy D3 - Urban Fabric
- o Policy D4 - Streets and Spaces
- o Policy D5 - Building Design
- o Policy D6 - Amenity
- o Policy D10 - Public Realm
- o Policy NE2 - Conserving and Enhancing the Landscape and Landscape Character
- o Policy NE3 Sites, species and habitats
- o Policy NE4 Ecosystem Services
- o Policy NE5 Ecological networks
- o Policy NE6 Trees and woodland conservation
- o Policy CP7 - Green Infrastructure
- o Policy NE1 - Development and Green Infrastructure
- o Policy PCS1 Pollution and nuisance

- o Policy PCS3 Air quality
- o Policy PCS2 - Noise and Vibration
- o Policy PCS5 Contamination
- o Policy PCS7A Foul sewage infrastructure
- o Policy ST1 - Promoting Sustainable Travel
- o Policy ST2A Recreational Routes
- o Policy ST7 - Transport Requirements for Managing Development
- o Policy ST3 Transport infrastructure
- o Policy CP13 - Infrastructure Provision
- o Policy LCR5 Safeguarding existing sport and recreational facilities
- o Policy LCR2 New or replacement community facilities
- o Policy LCR7B Broadband
- o Policy CP12 Centres and Retailing

Consideration will be given to the National Planning Policy Framework and the National Planning Practice Guidance.

Planning Obligations SPD

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 site is located within Radstock Town Centre as identified within the Placemaking Plan (PMP). The strategy for Radstock Town Centre is set out in Core Strategy Policy SV3 and includes the provision of new community facilities. A number of PMP principles are listed, including the enhancement of heritage assets; protection and enhancement of green infrastructure associated with the river; enhancement of areas of visual significance; greater provision for pedestrians and cyclists including secured cycle parking facilities; and high quality of building design, townscape and public realm. The centre is to provide a focus for the neighbouring communities and villages with its local retail offer, job provision and community facilities.

Core Strategy Policy CP12 states that town centres will be maintained and enhanced, and that a variety of uses will be primarily included within them, such as retail and community uses; uses that contribute to maintaining the vitality, viability and diversity of centres are encouraged with the expectation of the inclusion of active frontages; and that retail development will be permitted where it is of a scale and type consistent with the existing retail function and character of the centre and is well integrated into the existing pattern of the centre. The uses proposed, comprising a range of community facilities and a pharmacy are considered to be appropriate uses within the town centre, and are consistent with PMP Policy CP12.

PMP Policy LCR2 supports the development of new or replacement community facilities provided that the proposal is well related to the settlement. As referenced above, the proposal falls within the town centre boundary as designated within the PMP and is

considered to be well related to the settlement and meets the requirements of PMP Policy LCR2.

Loss of the green space

The application site is designated in the PMP as an area of amenity green space; this would be lost though the building of the proposed Healthy Living Centre. Policy LCR.5 states that development involving the loss of open space will only be permitted provided it can meet at least one of a number of criteria. This echoes the advice of the National Planning Policy Framework (NPPF) which highlights how the importance of access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. The development does not meet any of the set criteria and as there is evidenced to be a deficit of this form of open space with the Radstock area, the development conflicts with PMP policy LCR.5. The figures of any surplus/deficit are evidenced through the Green Space Strategy which looks at existing provision and predicted need.

The Planning Agent has responded to the above concerns and has sought to demonstrate that there is not a deficit of amenity space. The information seeks to illustrate that there are areas of amenity space within Radstock that have not been included with the Green Space Strategy. However, this has been reviewed by officers and it is considered that the areas of space put forward are either too small to be counted, are not publically accessible, or are natural green space rather than amenity space. This has therefore not removed the conflict identified above.

There is an acceptance that there is a surplus of natural green space within the Radstock area. There have been discussions with regards to whether there is the potential to convert some of the surplus natural green space to amenity green space to offset that lost through this proposal. However, whilst this is something that could be explored in the future, the application does not include any firm proposals and therefore can only be given limited weight at this stage.

It is also noted that a number of third parties have commented that this amenity space is rarely used; but third parties have also evidenced that this space is used by the public. How it is currently used does not necessarily reflect its future use. Notwithstanding its current use, as noted above, the loss of the amenity space conflicts with the aforementioned PMP policy which seeks to safeguard this land and amenity space. The implications of this conflict will be dealt with in the Planning Balance section of this report.

Highway Safety

The sites highly sustainable location close to Radstock Town Centre and a range of public transport links is acknowledged. The provision of cycle parking facilities for both staff and visitors to the site, together with the proximity of a national cycle network will encourage use of sustainable modes of transport.

Following comments from officers a revised Transport Statement (TS) was submitted and additional drawing that sought to address the concerns raised about traffic generation and car parking.

The industry standard TRICS database has been used to estimate the likely trip generation of the proposal. Based on the 'development specific' peak hours the submission estimates that with a full time equivalent of 3.5 doctors, the development will generate up to 53 two-way movements between 1000 and 1100hrs and 46 two-way trips between 1500 and 1600hrs. The proposed clinic would have capacity to accommodate a future increase to 5 doctors and the TS assessed that this would increase trips to 69 between 1000 and 1100hrs and 59 between 1500 and 1600hrs.

Officers are satisfied that the majority of these trips already travel on the local road network to visit the existing practice, which will relocate to the proposed premises if this application is granted consent and that they will not have a severe impact on the local highway network relative to existing conditions. Additional trips arising from the pharmacy and café/community kitchen are unlikely to be significant. Whilst the proposal will increase vehicular movements in the immediate vicinity of the site it is not anticipated that any impacts of significance on the safety and operation of the public highway that could justify refusal under the tests set out in NPPF.

The main highway concern relates to the potential shortfall in parking provision and the impact this may have on Waterloo Road. Since submission of the application the proposed parking provision has been increased from 22 to 25 spaces. The TS states that these will be allocated as follows:

-Disabled spaces	2 spaces
-On-call medical staff	6 spaces
-Visitors/patients	17 spaces

Parking provision can be assessed against the parking standards of the PMP or by the calculation of a parking accumulation based on trip generation and length of stay at the development. Using the former Local Plan standards provision of between 35 and 38 spaces would be required, 10 to 13 spaces more than the proposed provision.

Based on the trip generation assessment set out in Section 6 of the TS, which includes traffic generated by the library, children's centre, pharmacy and café, parking accumulation for the site has been calculated and indicates when demand might be highest. In the future proof scenario, where up to 5 doctors could be employed at the clinic, there could be a shortfall of 3 spaces between 0900 and 1100hrs.

It has to be accepted that the neither the application of parking standards and/or the assessment parking accumulation are precise science. However, it would be reasonable to assume that the shortfall in proposed parking provision at the site could be within the range of 3 to 13 spaces for 2 peak hours of each day, between 0900 and 1100hrs.

It is most likely that visitors travelling to the site will first aim to park within the site car park and then, failing that, seek the most convenient location either within the adjacent public car park or on Waterloo Road itself. The revised TS now includes an investigation of the impact this overspill may have on the surrounding road network where a 12 hour parking survey of the adjacent public car park was undertaken on Tuesday 21st March, 2017. The aim was to establish if there is capacity in the existing public car park to accommodate the potential overspill. The car park has 32 car parking spaces, two of which are reserved for disabled users, and the surveys showed that (with the exception of the 2 disabled spaces)

the car park was regularly at capacity, particularly between 0900 and 1530hrs. It is therefore highly likely that the car park will not have sufficient capacity to accommodate peak overspill from the proposed development.

Discussion have been held with regards to the creation of three new car parking spaces within the existing council car park by removing existing kerbed grass build outs. These 3 additional spaces would offer a reasonable level of mitigation for the potential overspill parking from the surgery. Funding of these 3 spaces would need to be secured by legal agreement. Current estimates for the provision of the spaces shown is £21,000.00.

If this were secured the average shortfall in parking provision using the two methods of defining parking requirement would be 0 to 10 spaces for a maximum of 2 hours per day. In officers opinion a shortfall of this limited nature could be accommodated on street or in other public car parks and could not in any case be considered a severe impact that would justify a refusal under the test set out in NPPF.

Officers are satisfied with the proposal to divert the cycle path around the northern and western perimeter of the site. A width of 3m shall be maintained to accommodate both pedestrians and cyclists, with usage expected to increase as a result of the proposal. Appropriate signage and road markings will also be required to inform users of the newly diverted route. The applicant will be required to enter into a Section 278 Agreement with the Highway Authority to secure these works and this can be secured by condition.

It is noted that the proposed access affects an existing uncontrolled crossing point over Waterloo Road, which is also the point where cyclists enter or leave the link if coming from or continuing along Waterloo Road to the east. The proposal to re-locate this crossing point further to the east has been acknowledged. However, dropped kerbs shall be provided either side of the proposed vehicular access to accommodate both cyclists entering and departing the cycle path and pedestrians. Furthermore, the existing dropped kerbs on the north side of Waterloo Road shall be raised in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

The provision of a delivery and drop-off/pick-up bay has been acknowledged. It has been specified that refuse will be collected from Waterloo Road thus avoiding the need for refuse vehicles having to enter the site. Further details of this can be secured via condition.

Overall, it is not considered that the development would result in any highway safety issues that would justify a refusal of this application.

Character and appearance

Although the open space to which this application relates appears to be under used, it represents one of the few green open spaces within the centre of Radstock, and provides a welcome relief from the built form. The proposed building therefore needs to be of a high quality and respond to the surrounding built form and the Conservation Area in which the site is located.

The proposal is considered to represent a high quality building whose scale is commensurate with its civic function. The overall scale of the building is considered

appropriate in this context. The main building frontage faces Waterloo Road and addresses a prominent corner which will provide a strong civic presence and transparency. The waiting room area has been located in this corner on the ground floor, which incorporates high levels of glazing to create an active frontage to the street. A void above the waiting room area connects to the library on the first floor, with further natural light provided by roof lights in the roof. The library is located above the waiting room on the prominent corner. The library will benefit from generous amounts of natural light and will have a visual relationship with the street. To make it absolutely clear that the library is incorporated into the building adequate signage needs to be incorporated. This can be secured through planning condition.

The building is set back 2-3 metres from the footpath allowing a landscape strip along Waterloo Road which aid privacy to the clinical rooms and adds visual amenity. It would be preferable if further space was dedicated to the landscaping treatment but the footprint of the building dictates that this is not possible. The elevation to Waterloo Road has been successfully broken up to reduce its mass. The massing of the building is also broken up by the stepping down of the building at the west elevation.

The materials palette includes white Lias stone for the majority of the ground floor areas, laid as square coursed rubble, vertical timber cladding to complement the lias stone on the elevations, stained black to provide durability and consistency of finish whilst contrasting with the white lias; coloured render on the main entrance and infill areas, contrasting with the other materials; slate roof tiles; and pennant stone boundary wall. These represent a high quality palette which responds positively to the character of the Conservation Area whilst delivering a distinctive contemporary building.

As noted above the proposed scheme represents a high quality building which responds positively in most regards to the character and appearance of the Radstock Conservation Area. There is however a lack of space to contain any meaningful landscaping which is to the detriment of the Conservation Area. The NPPF distinguishes between 'substantial harm' and 'less than substantial harm' when referring to the impact upon the significance of a heritage asset. Any harm to the Conservation Area is considered to be less than substantial. When a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. This will be addressed in the Planning Balance section of this report.

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 above requirements have been given due consideration.

Arboricultural Issues

The trees on and adjacent to the site are protected by virtue of the Radstock Conservation Area. The application includes a Tree Survey which officers are in general agreement with. A small Oak has been planted close to T3 which has not been included because of its size. It is understood that this tree was planted to commemorate the life of a young boy who died and to replace the Oak which was removed to facilitate highway improvements

at the junction of the Street and Wells Road. Whilst it is clearly acknowledged the removal of this tree is a sensitive issue due the reason why it was planted, this could not form a planning reason for its retention.

The proposed layout removes all three trees currently growing within the site boundary leaving limited scope to undertake new planting of small, short lived specimens. These are not considered as suitable to consider as compensatory planting. It is also noted that an additional small tree will be removed to facilitate the additional parking spaces within the adjacent car park areas as referenced with the Highways Section of this report. Section 3.5 of the Planning Obligations Supplementary Planning Document provides a mechanism to secure replacement planting off site.

If replacement planting can not be accommodated on site and secured by landscape conditions then the fixed number replacement system adopted means that 9 replacement trees will be required off site. The level of contributions required has been set at:

£735.28 per tree planted in open ground (no tree pit required)

£1,913.08 per tree planted in hard standing (tree pit required)

Residential amenity

The development site is bound by residential properties including those at Pine Court and Riverside Mews, both of which have windows which overlook the site. Currently they look out over open space and clearly their outlook will change as a result of this application proposal. Whilst the development is to be built in relatively close proximity to the neighbouring units, the development would not dominate the outlook of these occupiers or result in a significant loss of light to justify refusal of this application. The element of the proposed building closest to Riverside Mews is stepped down from the main element of the building which aids in reducing the impact. Further, the car park is located adjacent to part of Riverside Mews which aids in providing a visual separation between the eastern part of Riverside Mews and the proposed building. The eastern elevation of the building facing Pine Court is also stepped down and again the car park area provides a visual separation from the southern part of Pine Court and the proposed building. Whilst it is recognised that the development will change the outlook for the residents of these properties, any harm resulting from this is not considered to be significant.

In relation to privacy, the small garden area of Pine Court is open with a lack of privacy with views clearly possible from the open space and Waterloo Road. Similarly the windows of Riverside Mews face directly onto the open space and as such there are little to distinguish between the public and private domain, and as such any privacy is considered to already be compromised. The proposals include boundary fencing and this will aid in reducing any overlooking from the outdoor areas. Any overlooking from the building area is not considered to be significant. Although the development will bring increased activity to the application site, it is not considered to significantly impact upon the loss of privacy for the neighbouring occupiers.

It is noted that the development will bring a significant increase in visitors to the site which is sited adjacent to residential properties. Concerns have been raised by residents of Pritchard Mews, Riverside Mews and Pine Court. However, this is a town centre and some degree of noise and disturbance can be expected. The visitors to the building will

come via both the front entrance and from the car park to the rear which will ensure the impact is not all at one point. The building will generally be used during day time hours and as such any noise and disturbance caused by the coming and goings of the users of the building will not be at unsociable hours and is not considered to result in any significant harm.

Overall, whilst it is recognised that the development will increase the activity on the site and will change the outlook for the neighbouring occupiers, any harm resulting from this is not considered to result in significant harm.

Ecological matters

A completed ecological survey and assessment has accompanied the application. The proposed site does not in itself support features or habitat of significant ecological value. The adjacent woodland and scrub edge to the south east is however of importance.

Whilst there are no objections to the proposal on ecological grounds it is considered that the proposal is capable of achieving more of ecological measures than currently incorporated, and would benefit from a wider buffer zone. However, the revisions do include a proposed fence to screen against light spill, and proposed mixed native hedgerow along the car park section of the southern boundary. This is welcome.

The ecological report makes a number of recommendations which need to be carefully considered and incorporated into the scheme. Sensitive lighting is also required due to the proximity of habitat suitable for use by bats and other wildlife and known horseshoe bat activity in the vicinity of the site.

The above ecological mitigation and enhancement measures can be secured through condition. On the basis of the above, the scheme is considered to be ecologically acceptable.

Archaeological issues

The site falls within historic routes of the Somersetshire Coal Canal, as defined on the Policies Map. However, this particular stretch on the coal canal was very short lived and soon replaced by a tramway and later railway, which is thought to have removed any traces of the earlier canal. Furthermore, since the closure of the railway there has been a considerable amount of residential development to the east of the current site along Waterloo Road, which also lies within former course of the coal canal. As such the Archaeological Officer has raised no objection to the development subject to the inclusion of a Watching Brief condition on any planning permission.

Sustainability

Policy SCR1 explains that developers of major proposals above a threshold of 1,000 square metres will be required to provide sufficient renewable energy generation to reduce carbon emissions from anticipated (regulated) energy use in the building by at least 10%. The submission explains that the proposed building is aiming to attain a BREEAM rating of 'Excellent' and will incorporate a number of energy efficiency features and incorporate enough solar PV to achieve the necessary BREEAM energy credits. A condition can be

included on any permission to ensure that the development meets the above policy requirements.

Contaminated Land

Due to the potentially contaminative historical uses at the site including railway line and sidings and a former mining tip adjacent to the development site and the proposals for the redevelopment and change of use at the site, conditions are suggested on any planning permission.

Flood risk

The site is within Flood Zone 1, with a very small area to the south west of the site within Flood Zone 2. A Flood Risk Assessment (FRA) has been submitted alongside this application. The Environment Agency has not commented on the application and the Council's Drainage Engineers are satisfied with the proposal. A detailed design for the surface water drainage system will be required but this can be secured through the inclusion of a condition.

This FRA has demonstrated that the development will be safe and that it would not increase flood risk elsewhere. The proposed land uses are considered appropriate in flood zone 1 in relation to the flood risk vulnerability classifications. It is noted that a very small part of the site is within Flood Zone 2 but this is outside of the building footprint, and in this regard the FRA does not include a sequential test; this is considered a reasonable approach. It is also noted that a Radstock Town Centre Surgery Relocation and Healthy Living Centre Sites Capacity Analysis submitted with the application, analysed a number of sites and dismissed them for various reasons. It is therefore considered that the site has been sequentially tested.

Planning obligations

The development would trigger planning obligations in relation to targeted training and recruitment, through financial contributions (estimated to be £1320); off site tree replacement through financial contributions; additional parking spaces to be provided in the adjacent Waterloo Road car park as discussed above.

Justification for the proposal

Given officer's concerns with regards to the lack of space for landscaping and the fact that there would be benefits from providing more on site parking on the site, officers have sought to investigate whether the footprint of the building could be reduced. Detailed discussions have been held with the planning agent and the applicant in relation to this issues. Further information has been submitted during the application to fully justify the need of a building this size and on balance, officers accept the justification.

The submission explains that co-location of services is a requirement of the NHS funding (£3.6M) and the building therefore has to include other uses alongside the surgery. The B&NES Clinical Commissioning Group's (CCG) Five Year Strategy 2014/15 to 2018/18 details new models of care that are emerging to create more integrated service provision that produce the best experience for patients whilst also providing value for money.

Nationally there is a shift to providing local hubs with a range of community and health care services.

In relation to the Doctors Surgery, the schedule of accommodation has been prepared in accordance with 'Primary and social care premises: planning and design guidance', and with reference to the current guidance, the prioritisation paper released in July 2014 and health building Note 11 (HBN11). The current patient list of 6,535 is predicted to increase with the growing population. It is anticipated that with this population growth, the patient list would increase to at least 8,705, which equates to an allowable building size of 725 sqm. The submission explains that this is therefore considered to be the minimum requirement for the health care element of the site.

The submission explains that the proposed pharmacy is considered integral to the future of the health centre to provide increased health facilities to patients in the community. In relation to Childrens Services, the application explains that the Radstock centre is one of the four main hubs within Bath and North East Somerset and, therefore, the main administration centre for the Somer Valley area. This requires it to have sufficient space to accommodate staff and the delivery of universal, targeted and specialist services by staff working with children, young people and their families. The current Youth and Children's Centre buildings do not currently enable optimal use of the building affecting resources and overhead costs.

Overall it is considered that the size of the building is commensurate with the needs of the services to be provided.

It is also noted that the applicant has provided details of other sites which were considered prior to this site coming forward within the Radstock Town Centre Surgery Relocation and Healthy Living Centre Sites Capacity Analysis. Officers are satisfied that the applicant has explored other options for this scheme before concluding that this site would be put forward. Notwithstanding this, officers must determine the application submitted.

Planning balance

Due to the loss of the amenity space the development has been assessed to conflict with policy LCR.5. The development therefore results in a recognised harm with the loss of this open space that will reduce the contribution the open spaces in Radstock play to the health and well-being of communities. This is particularly important given the evidenced deficit of amenity space within this area. Further, harm has been identified to the character and appearance of the Conservation Area given the lack of space for landscaping around the site. This harm is considered to be less than substantial and as advised by the NPPF, when less than substantial harm is identified, this should be weighed against any public benefits.

It is considered that this development brings significant public benefits. The relocation of Hope House Surgery to a purpose built facility will provide an opportunity to improve patient services and address the inadequacies of the current accommodation and respond to the growing population in the locality. The existing Hope House Surgery is housed within a Grade II listed building and is no longer fit for purpose and can not expand to meet the changing needs. At present a number of services are at risk due to the lack of space in the current building. The submission explains that if this project does not go

ahead the NHS funding is likely be lost (the building must be complete by early 2019 to meet requirements) and it is likely that the doctor's practice will have to move out of Radstock as the current building cannot meet the needs of a growing population with complex health needs.

The submission explains that the co location of this facility is a mechanism to secure a sustainable future for Radstock library. Having the library in a shared building will enable it to be open for more days each week and for longer each day. This and its visibility at the front of the building, is likely to encourage new users of the service. The library space will also be used for other activities.

The existing children's centre and library sites will be sold to provide a capital receipt which will be used to part fund the cost of the council's part of the building. Both of the buildings are in a poor state of repair and the submission explains that it is unlikely that either service could continue to use the buildings in the long term which could mean a loss of both services to Radstock.

The submission explains that the Big Lottery New Opportunities Fund ran a grant programme which set up healthy living centres throughout the UK. Evaluation of the programme identified that healthy living centres are designed to improve overall health and improve inequalities; they successfully attract their target communities by combining health and social activities; build relationships in communities; improve local partnership working and networks.

Officers have carefully considered all the issues and considered the third party comments received. The provision of these critical services in one hub is considered to provide significant benefits to a growing population. There is a significant concern that if these facilities do not come forward then they will be lost from Radstock. Whilst it is clearly regrettable that the green space will be lost to facilitate this development, and there is limited landscaping setting to the development, it is considered that the benefits of the scheme outweigh the harm. The development is therefore recommended for approval subject to a number of planning conditions and the applicant entering into a S106 agreement to secure the aforementioned planning obligations.

It is noted that the loss of the green space results in a conflict with the Development Plan, and as such the application has been advertised as a departure from the Development Plan.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A Authorise the Head of Legal and Democratic Services to enter a Section 106 Agreement to secure the secure the terms outlined in this report, and

B Subject to the prior completion of the above agreement, and no new planning objections as a result of the Departure Advertisement or objections from Historic England being received, authorise the Group Manager, Development Management, to PERMIT subject to the following 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 Archaeology - Watching Brief (Pre-commencement)

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

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

3 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, finished ground levels, a planting specification to include numbers, density, 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 D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

4 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 D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

5 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)

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

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

(ii) an assessment of the potential risks to:

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

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

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

6 Contaminated Land - Remediation Scheme (Pre-commencement)

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

(i) all works to be undertaken;

(ii) proposed remediation objectives and remediation criteria;

(iii) timetable of works and site management procedures; and,

(iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

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

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

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

7 Contaminated Land - Verification Report (Pre-occupation)

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

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

8 Contaminated Land - Unexpected Contamination (Compliance)

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

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

9 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 scheme shall also specify the sound power levels of the equipment, their location, and proposed mitigation methods to protect residents from noise

and dust. 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 Policy ST7 of the Bath and North East Somerset Placemaking 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 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 ST7 of the Bath and North East Somerset Placemaking Plan.

11 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 ST7 of the Bath and North East Somerset Placemaking Plan.

12 Visibility Splay (Pre-occupation)

The development hereby permitted shall not be brought into use until the visibility splays shown on the submitted plan (drawing no. 0738-004) have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: To ensure visibility is maintained in the interests of highways safety in accordance with Policy ST7 of the Placemaking Plan

13 Details on diverted cycle path (Pre-occupation)

The width of the diverted cycle path shall be no less than 3m throughout to accommodate both pedestrians and cyclists. Appropriate signage and road markings in accordance with the Traffic Signs Manual and TSRGD 2016 will also be required to inform users of the newly diverted route. Details shall be provided prior to first use of the path in a manner to be agreed in writing with Local Planning Authority and fully implemented in accordance with these approved details prior to the occupation of the development hereby approved

Reason: To ensure a safe access is provided for pedestrians and cyclists in the interests of highways safety in accordance with Policy ST7 of the Placemaking Plan.

14 Dropped kerbs (Pre-occupation)

Prior to the development hereby approved being brought into operation, details of the proposed uncontrolled dropped kerb crossing shall be provided to and in agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with these approved details. The existing dropped kerbs on the north side of Waterloo Road shall be raised in accordance with details which have been submitted to and approved in writing by the LPA.

Reason: To ensure a high standard of highway safety in accordance with Policy ST7 of the Placemaking Plan.

15 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.

16 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme which shall be in accordance with the recommendations of the approved Ecology Report by Clarkson and Woods dated May 2016 have been submitted to and approved in writing by the local planning authority. These details shall include incorporation of wildlife friendly planting; provision of nesting locations for swifts onto the fabric of the building, and provision of bat boxes. All proposed measures shall be incorporated to scale into all relevant plans and drawings including soft landscape design. 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.

17 On-site renewable energy requirement (Pre-occupation)

No occupation of the approved development shall commence until a scheme for renewable energy generation to reduce carbon emissions from the approved building by at least 10% has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of reducing carbon emissions in accordance with policy SCR1 of the Placemaking Plan.

18 Library Signage) (bespoke trigger

The construction works shall not commence until drawings have been submitted to and approved in writing by the Local Planning Authority demonstrating how the Library wording shall be incorporated into the fabric of the Building. The development shall be carried out in accordance with these approved details

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

19 Waste collection (Pre-occupation)

The building hereby approved shall not be occupied until a method statement dealing with the collection and storage of waste has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a high standard of highway safety in accordance with Policy ST7 of the Placemaking Plan.

20 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 D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

21 Surface water drainage (Pre-commencement)

No development shall commence, except ground investigations, until written confirmation from the sewerage company (Wessex Water) accepting the surface water discharge into their network including point of connection and rate has been submitted to the Local Planning Authority. If the sewerage company are not able to accept the proposed surface water discharge, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, shall be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy. This is a condition precedent because it is necessary to understand whether the discharge rates are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

22 Drainage strategy (Pre-commencement)

A detailed surface water drainage strategy should be provided to, and approved by, the Local Planning Authority prior to construction.

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.

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

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

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking 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.

24 Arboriculture - Compliance with Arb Method Statement (Pre-occupation)

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. No occupation of the approved development shall commence until a signed certificate of compliance by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. To ensure that the approved method statement is complied with for the duration of the development.

25 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:

01 Aug 2017	003 B	PROPOSED SITE PLAN
27 Mar 2017	004	PROPOSED GROUND FLOOR PLAN
27 Mar 2017	005	PROPOSED FIRST FLOOR PLAN
27 Mar 2017	006	PROPOSED ROOF SPACE
27 Mar 2017	007	PROPOSED ROOF PLAN
27 Mar 2017	008	PROPOSED ELEVATIONS
27 Mar 2017	010	TREES TO BE RETAINED/REMOVED

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.

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

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

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

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

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

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

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

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.

0 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 dropped kerb crossing. The crossing shall not be brought into use until the details have been approved and constructed in accordance with the current Specification.

The existing dropped kerbs on the north side of Waterloo Road shall be raised in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

The applicant should also be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a licence under Section 278 of the Highways Act 1980 for the diversion of NCN 24 and provision of additional parking in the adjacent public carpark. The path and parking spaces shall not be brought into use until the details have been approved and constructed in accordance with the current Specification.

The application relates to Bidwell Metals site which includes the adjacent former school site. The site is located at the end of Chapel Road in Clandown, Radstock. The site sits within the Radstock Conservation Area. Part of the site is within the Housing Development Boundary, with the remainder falling outside of the Housing Development Boundary.

The application seeks planning permission for 28 dwellings, public open space, a community building and ancillary works following the demolition of two buildings. Significant revisions have been made during the application period with the quantum of development reducing from 49 dwellings to 28 in response from concerns by officers and third parties. The dwellings comprise a mixture of terraces, detached dwellings and residential units formed through the conversion of the existing buildings on the site.

Relevant planning history

Appeal - 12/00009/RF - DISMIS - 5 July 2012 - Change of use of premises from Non-Residential Institution formally Clandown Primary School) (Use Class D1) to Storage and Distribution (Sales/Wholesale Distribution Centre of Lilley's Cider Barn) (Use Class B8) (Retrospective)

11/00896/FUL - RF - 28 December 2011 - Change of use of premises from Non-Residential Institution (formally Clandown Primary School) (Use Class D1) to Storage and Distribution (Sales/Wholesale Distribution Centre of Lilley's Cider Barn) (Use Class B8) (Retrospective)

99/02659/FUL - PER - 29 September 1999 - To provide a parking area adjacent to the kitchen and dining room as amended by revised plans received on 2nd August 1999.

06/02747/FUL - WD - 14 September 2006 - Extensions and conversion to provide two dwellings, following demolition of modern extension (WC Block).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Arboricultural Officer - No objection subject to conditions

Highway safety - No objections subject to conditions and S106 to secure highway/pedestrian improvements

Ecologist - No objection subject to conditions

Conservation Officer - Raises concerns with aspects of the development, but does not raise an overall objection to the development

Environment Agency - No objection subject to conditions

Parks and Open Space - objection to the scheme for 49 dwellings as inadequate public open space had been provided

Drainage - No objection subject to condition

Landscape Officer - Objects to the development

Historic England - Awaiting the response from the notification

Public Rights of Way - Objection to the original scheme due to re routing of PROW through an estate road

Cllr Jackson - In view of the local residents' objections, and the town council's strong objection, plus the amount of controversy and public concern about this site since 1991, request that the application is heard at the Development Management Committee. It does not seem that the town council's objections have been properly met at present, and that further issues are raised by the re-configuration of the junction of Chapel Road and the Fosseway by The Lamb Inn. I also believe that the trees adjacent to the Clandown Orchard Project should be removed.

Radstock Town Council - objection on grounds of highway safety (access and egress issues, narrowness of lane and lack of pavement), traffic generation and impact on neighbours.

12 objection comments 4 general comment and 1 supporting comment has been received. These can be summarised as follows:

Supporting comment

- Provision of much needed housing

Objection/general comments

- Highway safety/Additional traffic and resultant impact due to substandard access (including concerns regarding changes to the entrance to Chapel Road
- Lack of parking provision and resultant overspill
- Significant increase in population of small village
- Issues during the construction process
- Overdevelopment of the site
- Detrimental impact upon the character and appearance of the Conservation Area
- Ecological impacts
- Concerns relating to future applications
- Lack of supporting infrastructure
- Safety issues relating to the Batch
- Inappropriate location for community building/public open space

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
- Policy GDS.1 Site allocations and development requirements (policy framework)
- Policy GDS.1/K2: South West Keynsham (site)
- Policy GDS.1/NR2: Radstock Railway Land (site)

- Policy GDS.1/V3: Paulton Printing Factory (site)
- Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- Neighbourhood Plans

RELEVANT CORE STRATEGY POLICIES

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

DW1 - District-wide spatial strategy
 SV1 Some Valley Spatial Strategy
 CP2 - Sustainable Construction
 CP3 Renewable energy
 CP6 - Environmental Quality
 CP7 - Green Infrastructure
 CP9- Affordable Housing
 CP10 - Housing mix

RELEVANT PLACEMAKING PLAN

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

SD1 Presumption in favour of Sustainable Development
 D.1 - D.6 & D.10: General Urban design principles: Local Character & Distinctiveness; Urban Fabric; Streets and Spaces; Building Design; Amenity; Lighting; Public Realm
 D7 - Infill and Backland Development
 H1 - Historic environment
 SU1 - Sustainable Drainage
 NE1 - Development and Green Infrastructure
 NE2 Conserving And Enhancing The Landscape And Landscape Character 105
 NE2A Landscapes setting of settlements
 NE3 - Sites, species and habitats
 NE4 Ecosystem Services 113
 NE5 Ecological networks
 NE6 - Trees
 ST1 - Promoting Sustainable Travel
 ST7 - Transport requirements for managing development
 SCR1 On-site renewable energy requirement
 SCR2 Roof Mounted/Building Integrated Scale Solar PV
 SCR5 Water Efficiency
 H7 Housing Accessibility
 LCR7B Broadband
 PCS1 Pollution and nuisance 128
 PCS2 Noise and vibration 129
 PCS3 Air quality
 PCS5 Contamination
 PCS6 Unstable land
 PCS7A Foul sewage infrastructure

LCR1 Safeguarding local community facilities
CP5 Flood Risk Management
CP13 Infrastructure Provision

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 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

Policy SV1, the Somer Valley Spatial Strategy seeks to prioritise development on brownfield sites focusing on Midsomer Norton and Radstock Centres and the redevelopment of vacant and underused industrial land and factories. Policy SV1 explains that residential development on previously developed sites falling within the scope of Policy ED2B (non strategic industrial sites) adjoining and closely related to the Housing Development Boundary will be acceptable if the requirements of Policy ED2B and other relevant policies are met. The application originally proposed 49 dwellings, but officers raised concerns that this comprised building on an area of land that was not considered to be 'previously developed land' as defined within the National Planning Policy Framework and as such did not conform with the above policy. The scheme has now been reduced to 28 dwellings containing the development within the previously developed land, on land forming Bidwells Metal operational site and the former school site area.

Policy ED2B relates to development on non strategic industrial sites; this explains that applications for residential development or other uses will normally be approved unless there is a strong economic reason why this would be inappropriate. Bidwells Metals are relocating from this site as this use has been considered by the Environment Agency to be incompatible with its residential neighbours. The Council's Economic Development Team does not consider that there are any strong economic reasons to safeguard this site in its current lawful use, and the development is considered to comply with the above policy.

The existing site comprises a snooker/community room which can be classified as a community facility safeguarded under Placemaking policy LCR.1. However the scheme provides a new community building within the site, and as such an alternative facilities of equivalent local community value is being provided as part of the redevelopment of the site. The provision of this community building can be secured through a S106 agreement which will ensure that it is fitted out and provided prior to the occupation of the dwellings. The development also proposes to change the use of the former school building to residential development. Whilst a school can be defined as a community facility, this use has not been in place since around 2005, and this policy should not therefore be applied. The development is therefore compliant with the aforementioned policy which seeks to safeguard community facilities.

Overall, the development is considered to be acceptable in principle.

Character and appearance

Significant changes have been made to the proposal during the application process; the most significant being the reduction in the quantum of development put forward, removing 21 dwellings from the scheme. Whilst this change was primarily undertaken to contain the development within previously development land as explained above, the removal of these units from the undeveloped part of the site also significantly lessens the impact upon the character and appearance of the area by eliminating the most prominent dwellings in an area of land that has a semi rural feel and contributes strongly to the landscape setting of the wider settlement.

It is noted that the Landscape Officer has raised concerns with regards to the development in terms of its impact upon the landscape character with reference to Policy NE2a of the Placemaking Plan which seeks to preserve and enhance the landscape setting of settlements. When considering the landscape impact of the development, it is important to note the existing development and how this can be seen to detract from the areas character and quality. The built form proposed is primarily contained on areas with existing hard standings/buildings in situ.

The landscape and visual setting of Radstock results primarily from a combination of the strong landform and the history of mining and that this has provided the settlement with a very distinct pattern and form resulting in distinctive wooded coal batches and networks of paths. The landscape setting to the north of the whole settlement is dominated by the even line of the undeveloped northern slopes which includes the steep slopes of the valley up to Clandown. The application site is visible from wider views including from the A367 Bath New Road which lies to the east of the site; currently the aforementioned attributes can be seen from this location. Whilst the proposed development will be visible from wider views, the development will generally be contained with the area of land that has been previously developed, and will not encroach onto the undeveloped slopes. Further, it will not reduce the importance of the batch from wider views.

The design and form of the buildings within the scheme has again been revised during the application process. The terrace at the entrance of the site has been amended to remove the onsite parking at the front, and now comprises a terrace with small front gardens defined with boundary walls fronting the street. The majority of the parking for the units has been relocated to the rear. The terrace also benefits from traditional detailing such as chimneys and will be faced at the front with natural stone. This terrace is now considered to more closely resemble the traditional form common in this location which aids in integrating the development with the existing built form, preserving and enhancing this part of the Conservation Area.

The decrease in the number of units has also reduced the number of dwelling types which again helps in ensuring that the development unifies more successfully with the existing settlement and the Conservation Area in which it sits. It is noted that a number of detached dwellings are proposed, but given their siting within the scheme these are not considered to be unacceptable. Whilst traditional terraces are more commonplace, there are other examples of detached buildings within the locality and the detached forms do not appear unduly alien within their context.

The original warehouse building is to be converted to form five dwellings. The building figures in wider views and the treatment of the front elevation of the building will be a defining aspect of the new development impacting upon the character of the Conservation Area. This building is currently an open fronted stone building which is likely to have been used for a function connected to the operation of the colliery and is viewed as a non designated heritage asset. In response to concerns raised by officers, some changes to this building have been made which include the reduction in roof lights and the change to grey metal for the infill material on the principal elevation. These are considered to benefit the aesthetic of the conversion. However, alterations to the industrial fenestration on the rear elevation and the addition of a number of roof lights are not considered to be a strong response in protecting the significance of this heritage asset. However, it is noted that the buildings character will change somewhat as it is converted to a domestic building, and the harmful elements to facilitate this conversion will be considered in the overall planning balance of this report.

The old school building will also be converted to residential units; the number of units proposed has been reduced during the course of the application. This has removed the need for an inserted floor which eliminated the need to cut across the windows and the mullions. The agent has also confirmed that the modern aluminium windows will be replaced with timber windows. Overall this is considered to be a more sensitive approach to this non designated heritage asset within the Conservation Area.

The development will incorporate a number of materials and overall the material palette is considered to be acceptable. A number of the units including those fronting Chapel Road will be constructed from white lias with render to the rear. This will aid in ensuring that the development integrates with the existing built form of the neighbouring dwellings. A number of the dwellings within the scheme will be constructed from render with roman tiles. This is considered to be acceptable given the siting of these units within the site. The Warehouse Building now incorporates zinc cladding to sit alongside the rubble stone; this is considered to be more appropriate than the timber cladding originally proposed, respecting the original character as an industrial/warehouse building.

Overall, whilst some areas of harm have been identified, the overall siting, scale and design of the proposal is considered to be acceptable. 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. The assessment has carefully considered these above requirements.

As noted above the proposed works, when looking at the overall scheme, are considered to preserve the character and appearance of the Conservation Area. Some elements of harm have however been identified. The NPPF distinguishes between 'substantial harm' and 'less than substantial harm' when referring to the impact upon the significance of a heritage asset. When a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The harm in this case is considered to be less than substantial. This will be addressed in the concluding part of this report.

Highway safety

Information has been provided to show that the previous primary school had a potential capacity of 70 students. It is however acknowledged that the school would have operated at a level far below this number of students, and the school has been closed for some time. There is also a significant debate regarding the level of traffic that has been, and could be now generated by the industrial uses that also occur at the site.

It is necessary to consider whether the impact of the proposed development, now 28 dwellings, would have a significant impact as compared with the potential of the existing site permissions. The latest information demonstrates that even if the prediction for the existing uses was overestimated by a factor of two, the proposed residential development would generate fewer vehicle trips across the day. The loss of the industrial uses would also remove (after the construction phase) the heavy goods vehicles that are associated with the site. It is therefore considered unlikely that the proposed development would have a significantly detrimental impact as compared with the potential of the permitted site uses. This does not overcome the need to ensure that pedestrian facilities on Chapel Road are enhanced so that the needs of any future residents could be met. There is therefore the need to ensure that an appropriate financial contribution is secured through a S106 agreement to safeguard these pedestrian improvements to Chapel Road.

It is noted that changes have been recently made to the Chapel Road / Fosseyway junction, and this is currently the subject of a legal review. This is a separate matter and should not influence the planning decision.

A parking schedule has been submitted during the application process and this demonstrates that the proposed parking levels would accord with the Placemaking Plan transport policies. The development is therefore considered to provide adequate on site parking for the proposed development.

Subject to the improvements to the pedestrian links and conditions to include details such as a Travel Plan and Construction Management Plan, it is considered that the development would not have an undue impact upon highway safety.

Arboriculture Issues

The trees on and adjacent to the site are protected by virtue of the Radstock Conservation Area and the woodland to the north east is protected by a Tree Preservation Order. Concerns were originally raised as it was not considered that the layout took account of the surrounding trees and woodland or how the proximity of the new dwellings and living conditions of occupants would be affected by the trees or how the management of the trees would be influenced.

An Arboricultural Report consisting of an Arboricultural Impact Assessment, Tree Protection Plan, Tree Removal Plan and Arboricultural Method Statement was submitted following the above concerns being raised. Further information has also been provided with regards to site ownership in relation to the adjoining land. The layout of the scheme has also been amended in response to these concerns. The revisions included moving the community building to the north of the site to replace the four dwellings whose gardens were considered to be unduly overshadowed by the trees on the batch. The additional information also illustrates that no further felling would be required should the retaining structures adjacent to the bank need to be replaced.

On balance officers are satisfied that whilst some trees will be removed, sufficient alterations and information has been submitted to ensure that there will be no unacceptable harm on the adjoining trees. Any planning permission can secure a landscape scheme to ensure that there is mitigation planting in place.

Residential amenity

The existing use generates a significant amount of noise and disturbance and has been considered incompatible with its residential neighbours. Whilst the development of the site for 28 dwellings will significantly increase the number of people in the surrounding area, this is not considered to result in significant harm. The residential dwellings will be located towards the end of Chapel Road, as a continuation of the existing road. Although the use will clearly generate vehicular movements, this is not considered to generate an unacceptable level of noise and disturbance when compared to the lawful use. Further, the dwellings are set a sufficient distance from neighbouring occupiers to ensure that they will not be harmed by virtue of loss of privacy or any overbearing impact.

Ecological matters

The reduction in the quantum of the development has allowed for a greater retention of existing vegetation and the provision of more substantial buffer zones between the development and adjacent land and habitats including trees. The provision of calcareous grassland within the proposed public open space on the westernmost section of the site is also welcomed. Final details including a method statement for the creation of this habitat and a landscape and ecological management plan detailing the proposed long term maintenance and conservation habitat management prescriptions for the area can be secured via condition.

Additional information has been provided regarding the bat surveys carried out to date. The surveys did not confirm any use of the buildings by bats at that time but did record bat activity in the vicinity by a range of bat species including common and soprano pipistrelle, noctule, serotine, and brown long-eared bat. Given the passage of time the bat emergence / dawn surveys are now one year old and three years old; there is a reasonable risk that new roosts could be present. Pre-commencement checks are therefore required, but following discussions, the Ecologist is satisfied that this can be secured via condition. It has been demonstrated that additional bat mitigation measures including a roof void bat roost can be incorporated into the scheme which would be more than sufficient if any new bat activity is found on site.

Although there is no evidence that a roost being is disturbed, an EPS licence may be required for this proposal following pre commencement checks and therefore the Local Planning Authority should consider the "three tests" of the Habitats Regulations, and be satisfied that they would be met and a licence would be likely to be obtained.

Test 1 - Does the development meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment?

The public benefits should be commensurate with the level of impact. The development will result in 28 new dwellings including 8 affordable homes, contributing to the housing need of the area. Further, the development will result in jobs in the construction phase, and whilst this is only for a short period of time, this can be seen to be an economic benefit to the scheme. The test can be said to be passed.

Test 2 There is no satisfactory alternative

The buildings are in the heart of the development and form part of the overall redevelopment of the site. It would be unreasonable to assume that they would not fall within part of the overall redevelopment of the site.

Test 3 - The action authorised will not be detrimental to the maintenance of the population of the species

The proposed mitigation as detailed in the submitted documents would provide for the requirements of all bat species and uses that could potentially be present, and would satisfy the "third test" of the Habitats Regulations i.e. maintaining favourable conservation status of the affected species; and that an EPS licence application based on the proposed mitigation measures, could be obtained.

Overall, the development is therefore considered to be ecologically acceptable.

Parks and open spaces

The development provides a main area of public open space and smaller areas of public open space. This is considered to be adequate for the proposed level of occupation, and the ongoing management of this space will be secured through the S106 agreement.

Archaeological issues

An Iron Age or Roman-British quern-stone was found immediately to the west of the development site (MBN1138) suggesting possible early occupation in the area. Whilst the site itself contains the former 19th century school building (MBN30428), tramway route from the neighbouring Clandown Colliery and batch (MBN2222), and the other related industrial structures and features and the other related industrial structures and features. Archaeological watching brief and historic building recording conditions are therefore included.

Drainage

The submission includes a flood risk assessment which demonstrates good use of SuDS. The development is considered to be acceptable subject to a condition to secure further details.

Contaminated Land

Given the former use of the site, conditions to deal with the risks associated with contamination of the site shall be secured through condition. Subject to this, there are no objections on these grounds.

Public Rights of Way

Public footpath CL24/135 runs through the site; objections were originally raised due to the lack of provision for public footpath CL24/135 which runs through the existing site. This footpath can be routed through made up estate paths and open space. This is therefore considered to be acceptable. Any diversion will require a Public Footpath Order.

Planning obligations

Affordable housing

The scheme has been amended in light of comments received from the Councils' Affordable Housing Officer. The development will provide 8 affordable housing units which represents 30% of the overall number of units. Discussions have been held with the Housing Affordable Officers in relation to the finer details and these will continue through the S106 negotiations. The units are appropriately pepperpotted within the site and would be tenure blind. Officers are comfortable that the scheme is policy compliant in terms of affordable housing.

As well as affordable housing, any S106 will need to secure the following

- Targeted Training and Recruitment Method Statement and Financial contributions
- Chapel Road pedestrian works
- Financial contributions in relations to Fire Hydrants
- Provision of parks and open spaces/amenity area and management mechanisms
- Provision of a community building

No market residential unit hereby approved shall be occupied until the community building has been built in accordance with the approved details and is ready for occupation. This must be retained as a community use in perpetuity.

Reason: To ensure a replacement community facility is provided on the site

Housing accessibility

PMP policy H7 requires that market housing should have enhanced accessibility standards and should meet the optional technical standard 4(2) in the Building Regulations Approved Document M. Based on evidence available the Council can demonstrate a need for 19% of all new market housing to meet enhanced accessibility standards arising during the Plan period. This scheme would therefore generate a need for four dwellings to meet this enhanced standard. The Planning Agent has confirmed that at least four of the market dwellings will meet the standards as required by the aforementioned policy. This can be secured through the inclusion of a condition on any planning permission.

Planning balance

Overall, whilst small areas of harm have been identified which includes that to the warehouse building and the resultant impact upon the Conservation Area, the benefits of

providing 28 additional houses, including affordable housing outweigh any limited harm. Any considered harm to the Conservation Area is less than substantial, and when weighing this up against the public benefits of the proposal, is considered to be outweighed by these benefits. For the reasons as outlined above, the application is recommended for approval subject to the planning obligations being secured through a S106 agreement, and additional planning conditions.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A Authorise the Head of Legal and Democratic Services to enter a Section 106 Agreement to secure the secure the terms outlined in this report, and

B Subject to the prior completion of the above agreement, authorise the Group Manager, Development Management, to PERMIT subject to the following 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 Drainage (Bespoke trigger)

Prior to construction, ground investigations detailing the infiltration rate of the soil to be undertaken to allow for detailed drainage design, these to conform to BRE digest 365 and at locations relevant to the proposed soakaways. The drainage design is to be submitted and approved by the Local Planning Authority. The design will need to detail the calculations for sizing of the drainage network and should be sized in accordance with the non-statutory technical standards for sustainable drainage.

Reason: to ensure the development does not increase flood risk for neighbouring land & properties and the properties within the development.

3 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)

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

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

(ii) an assessment of the potential risks to:

- human health,

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

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

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

4 Contaminated Land - Remediation Scheme (Pre-commencement)

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

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

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

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

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

5 Contaminated Land - Verification Report (Pre-occupation)

No occupation shall commence until a verification report (that demonstrates the effectiveness of the remediation carried out) has been submitted to and approved in

writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

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

6 Contaminated Land - Unexpected Contamination (Compliance)

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

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

7 Contaminated land - risk to controlled waters. (Bespoke trigger)

No drainage system for the infiltration of surface water drainage into the ground at the former Bidwell Metals site is permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltration of surface water through contaminated ground has the potential to cause pollution of groundwater and therefore must be located in areas where this risk is minimal

8 Wildlife Protection, Mitigation and Enhancement Scheme (pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme, which shall be broadly in accordance with the approved Ecological Impact Assessment by Grassroots Ecology dated May 2017, have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. fenced exclusion zones for the protection of adjacent and retained habitat shall be shown on a scale plan, within which no development activities, excavation, storage of materials or waste disposal shall take place
2. method statements as applicable for all necessary measures to avoid harm to wildlife including but not limited to reptiles, badger, nesting birds and dormouse during site preparation and construction and demolition works
3. findings of pre-commencement checks for protected species and bats, including update dawn and emergence bat surveys, which shall have been carried out by a suitably

experienced ecologist and licenced bat worker, during the active season for bats immediately preceding commencement of works on buildings with identified bat roost potential;

4. details of proposed bat protection and mitigation measures, as required, and proposed enhancements for bats, to include: list of works to be undertaken under ecological supervision of a named licenced bat worker; precautionary working methods and soft strip of buildings; incorporation of a roof void bat roost within the roof of a suitable building on site, as indicated on the approved drawing number 13074/SCH05, with details of the roost and bat access point shown on scale plans and to include details of all necessary specifications, materials and dimensions for construction, including specified use within proposed bat roost space/s of bitumen felt instead of breathable roofing membrane;

5. all other proposed ecological mitigation, compensation and enhancement measures, providing features and habitats within the development for the benefit of wildlife, including, as applicable: proposed additional bat roost and bird box provision; provision of access through boundaries and fences to enable movement of wildlife such as hedgehogs; proposed wildlife-friendly planting

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the site

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.

9 Landscape and Ecological Management Plan (LEMP) (pre-occupation):

No occupation of the development hereby approved shall commence until full details of a proposed Landscape and Ecological Management Plan (LEMP) have been submitted to and approved in writing by the local planning authority. These details shall include:

1 detailed proposals and method statement/s for habitat creation, including creation of calcareous grassland habitat: with details of proposed ground preparation and substrate; locations and boundaries of habitats; specifications for habitat creation including seed mix and planting, species, quantities, numbers, positions and materials, shown to scale on a plan;

2 long term conservation management aims and objectives, and maintenance prescriptions for all habitats and wildlife features at the site, including proposed frequency, duration, seasons and timing of management practices; responsibilities and resourcing of management practices;

3 proposed monitoring, reporting to the LPA, and remediation scheme to secure successful establishment and long term retention of habitat quality

All works within the LEMP shall thereafter be carried out in accordance with approved details

Reason: in the interests of securing long term biodiversity benefit and visual amenity

10 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 Wildlife Protection, Mitigation and

Enhancement Scheme has been 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.

11 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; and details of all necessary measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees, wildlife habitats, boundary 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.

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

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

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking 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.

13 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 D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

14 Arboriculture - Compliance with Arb Method Statement (Pre-occupation)

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. No occupation of the approved development shall commence until a signed certificate of compliance by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. To ensure that the approved method statement is complied with for the duration of the development.

15 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 D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

16 Construction Environmental Management Plan (Pre-commencement)

No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- Arrangements for liaison with the Council's Environmental Protection Team
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.

Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.

-Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To protect neighbouring residents from potential nuisance associated with construction.

17 Archaeology - Watching Brief (Pre-commencement)

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

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

18 Archaeology - Historic Building Recording (Pre-commencement)

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

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

19 Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

20 Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (eg. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

21 Broadband Provision (Pre-occupation)

No occupation of the development shall commence until facilities to accommodate broadband to the properties has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be retained permanently thereafter.

Reason: To secure adequate facilities to provide broadband to the properties in accordance with Pacemaking Plan policy LCR 7B.

22 On-site renewable energy requirement (Pre-occupation)

No occupation of the approved dwellings shall commence until a scheme for renewable energy generation to reduce carbon emissions from the approved dwellings by at least 10% has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of reducing carbon emissions in accordance with policy SCR1 of the Placemaking Plan.

23 Travel Plan (Pre-occupation)

No occupation of the development shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Local Plan.

24 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 Policy ST7 of the Bath and North East Somerset Placemaking 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.

25 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 D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

26 Housing Accessibility (Compliance)

At least 4 market dwelling hereby approved shall meet the optional technical standards 4(2) in the Building Regulations Approved Document M:

Reason: To ensure that the optional technical standards for accessibility are met in accordance with policy H7 of the Bath and North East Somerset Council Placemaking Plan.

27 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:

04 Aug 2017	13074/HTA_3 REV B	HOUSE TYPE A PLANS
04 Aug 2017	13074/HTS_1	HOUSE TYPE S ELEVATIONS
04 Aug 2017	13074/HTS_2	HOUSE TYPE S PLANS
04 Aug 2017	13074/002 REV H	SITE LAYOUT
04 Aug 2017	13074/AFF REV B	AFFORDABLE HOUSING LOCATIONS
04 Aug 2017	13074/HTC_2 REV B	HOUSE TYPE C ELEVATIONS
04 Aug 2017	13074/HTC_3 REV B	HOUSE TYPE C PLANS
04 Aug 2017	13074/MAT REV B	MATERIALS LAYOUT
04 Aug 2017	13074/SCH04 REV B	SCHOOL BUILDING PROPOSED PLANS
05 Jul 2017	13074/002 REV F	RETAINING WALL OFFSET
04 Jul 2017	13074/001	SITE LOCATION PLAN
03 Jul 2017	13074/COM_1 REV A	COMMUNITY BUILDING PLANS & ELEVATION
03 Jul 2017	13074/SCH03 REV A	SCHOOL BUILDING, PROPOSED ELEVATIONS
03 Jul 2017	13074/WHO03 REV B	WAREHOUSE BUILDING, PROPOSED PLANS
03 Jul 2017	13074/WHO04 REV B	WAREHOUSE BUILDING, PROPOSED ELEVATIONS
03 Jul 2017	13074/001 REV B	SITE LOCATION PLAN
05 May 2017	13047_HTA_01	HOUSE TYPE A ELEVATIONS
05 May 2017	13047_HTA_02	HOUSE TYPE A ALTERNATE ELEVATIONS
05 May 2017	13047_HTA_03 REV A	HOUSE TYPE A FLOOR PLANS
05 May 2017	13047_HTC_1 REV A	HOUSE TYPE C ELEVATIONS
05 May 2017	13047_HTC_2 REV A	HOUSE TYPE C ALTERNATE ELEVATIONS
05 May 2017	13047_HTC_3 REV A	HOUSE TYPE C FLOOR PLANS
05 May 2017	13047_HTE_1	HOUSE TYPE E ELEVATIONS

05 May 2017	13047_HTE_2 REV A	HOUSE TYPE E FLOOR PLANS
05 May 2017	13047_HTF_1	HOUSE TYPE F ELEVATIONS
05 May 2017	13047_HTF_2	HOUSE TYPE F FLOOR PLANS
05 May 2017	13047_SCH01	SCHOOL BUILDING EXISTING ELEVATIONS
05 May 2017	13047_SCH02	SCHOOL BUILDING EXISTING PLANS
05 May 2017	13047_SE01 REV A	STREET ELEVATIONS
05 May 2017	13047_WH01 REV A	WAREHOUSE EXISTING PLANS & ELEVATION
05 May 2017	13074_FOG_01	FOG ELEVATIONS
05 May 2017	13074_FOG_02	FOG FLOOR PLANS
03 Oct 2016	13074_SUB	SUBSTATION PLANS AND ELEVATIONS

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 shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

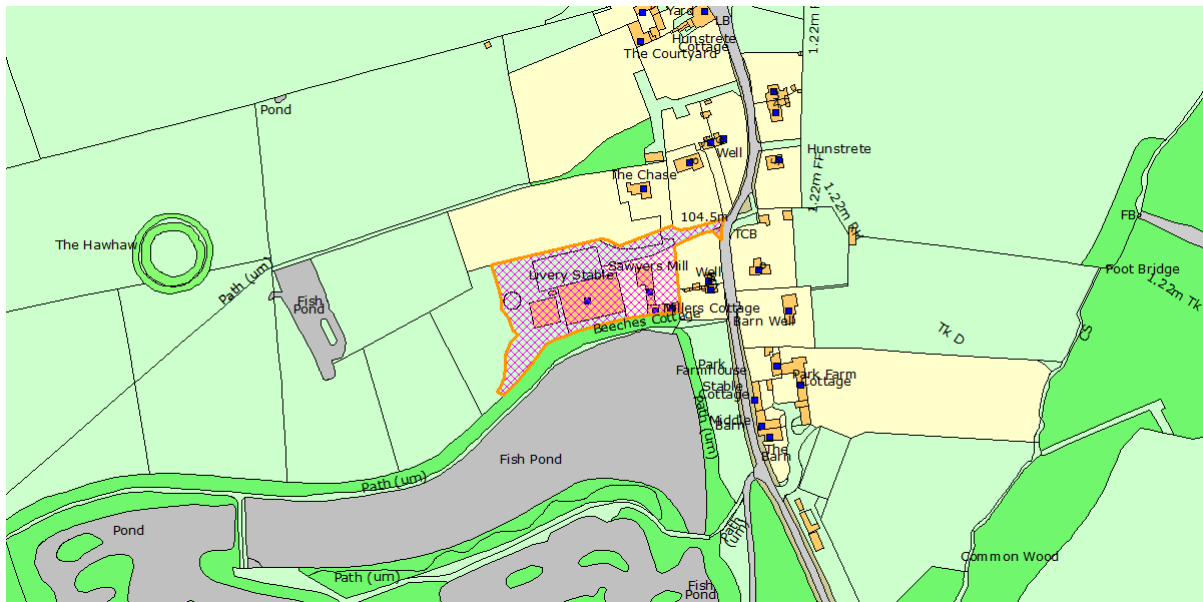
Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

Any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system. The foul drainage should be kept separate from the clean surface and roof water, and connected to the public sewerage system as indicated within the planning submission.

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.

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

Item No:	03
Application No:	17/02364/FUL
Site Location:	Sawyers Mill Hunstrete Marksbury Bristol BS39 4NT



Ward:	Farnborough	Parish:	Marksbury	LB Grade:	N/A
Ward Members:	Councillor S Davis				
Application Type:	Full Application				
Proposal:	Demolition of existing commercial buildings, subdivision of land and erection of three new dwellings with associated access and garden.				
Constraints:	Affordable Housing, Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Contaminated Land, Forest of Avon, Greenbelt, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones,				
Applicant:	Mr Tim Warren				
Expiry Date:	25th August 2017				
Case Officer:	Alice Barnes				

REPORT

Reason for referring the application to the committee

The application has been submitted by Councillor Tim Warren who is a Member and Leader of Bath and North East Somerset Council.

Description of site and application

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

The site is bordered by Hunstrete fishing lake to the south, and the open countryside to the west. The site is set back from the road behind numbers 10 and 11 and is accessed from an access drive from the main road.

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

This is a resubmission following permission being granted for the construction of two dwellings in 2015.

Relevant History

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

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

DC - 15/00100/FUL - PERMIT - 13 March 2015 - Erection of 2no five bed dwellings and detached garages following demolition of existing commercial buildings and subdivision of land.

DC - 16/00504/FUL - PERMIT - 7 April 2016 - Erection of barn with stabling and creation of 20m x 40m outdoor riding arena.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Marksbury Parish Council: This application was previously discussed and supported and is done so again by members, as this was a brownfield site when the plan for two houses was submitted and now noted this is for three and would note that it would increase traffic flow.

Highways: While the addition of 1 no. dwelling will result in an increase in vehicular movements to and from the site, this increase is likely to be negligible and will not have a significant impact on the safety and operation of the adjacent public highway relative to that already approved under refs 15/00100/FUL and 16/00504/FUL. It is also acknowledged that the access from Hunstrete Lane once served an equestrian centre and

livery and thus is well established and possibly accommodated even a greater number of vehicular movements.

Highways DC are satisfied with the level of parking provided for each dwelling alongside turning areas to ensure all vehicles can exit in a forward gear.

The applicant shall be mindful of an existing PROW (BA15/35) which runs along the southern boundary of the site adjacent to the fish pond. This shall remain unobstructed at all times during and after construction works.

Drainage: No objection. The applicant has stated that surface water will be managed on site by soakaways. Should this be the case infiltration results will need to be submitted and approved by the LPA. Should infiltration not deem suitable for the site an alternative method of managing surface water will need to be submitted and approved.

Ecology: No objection, subject to condition.

The site lies immediately adjacent to a designated Site of Nature Conservation Interest (SNCI) "Lords Wood and Hunstrete Plantation complex" which incorporates the lake and mature trees alongside the southern boundary of the site. An update ecology report has been submitted; the current condition of the site is described, with the main ecological changes resulting from demolition on part of the site, being emerging new habitat value and vegetation on the remaining hardstanding, and the increased potential now for reptiles.

The report makes appropriate recommendations for vegetation clearance and working methods to avoid harm to reptiles and other wildlife, which should be adhered to; this can be secured by condition.

The report also provides recommendations for a range of ecological measures to provide additional wildlife benefit. This would include avoidance of close board fencing, or provision of space/s or raised height along fencelines, to enable free movement of wildlife such as hedgehogs. At this stage the scheme does not include any specific proposals for wildlife provision or wildlife friendly landscaping. Incorporation of new wildlife measures and planting for wildlife into the scheme would be appropriate especially in view of the location of the site adjacent to an SNCI. In this case I would accept details of such measures to be secured by condition, with a requirement for a post completion follow-report by a suitably experienced ecologist, to confirm the ecological measures that are in place, and demonstrate they have been correctly installed and are in accordance with ecological advice.

Contaminated land: Due to the sensitive nature of the development (i.e. residential dwellings) and the potentially contaminative historical use of the site conditions should be attached.

Representations: No representations have been received

POLICIES/LEGISLATION

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP6 Environmental Quality
CP8 Green Belt
DW1 - District wider spatial Strategy

National Policy

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

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D.2 - Local character and distinctiveness
D.3 - Urban Fabric
D.5 - Building design
D.6 - Amenity
RE.4: Essential dwellings for rural workers.
GB.1 - Visual amenities in the green belt
ST.7 - Transport requirements for managing development
N3 - Nature and conservation biodiversity
H7 - Housing accessibility
SCR5 - Water efficiency
LCR9- Increasing the Provision of Local Food Growing

OFFICER ASSESSMENT

This is an application for the demolition of the existing livery and the construction of three dwellings within the site. The application site is located within Hunstrete Village and is currently occupied by a livery. The existing livery comprises a large main building measuring 7.4m in height, a stable, a number of smaller outbuilding, a menage and horse exerciser. The site is located within the Green Belt.

The main issues to be considered here are:
Principle of development in the green belt
Design
Highways
Drainage
Ecology
Amenity
Contaminated land

Principle of development in the green belt

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

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

One form of development that need not be inappropriate development is limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Previously developed land is defined with the NPPF as land which was occupied by a permanent structure and any associated fixed infrastructure.

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

In this case the proposal is to create three dwellings which would appear to be of a smaller scale to the existing stable buildings. The proposed buildings would replace the large livery building along with various outbuildings and a manège. This would reduce the amount of the developed foot print within the site by approximately 50%. The existing livery building is 7.4m in height. The proposed dwellings would be of a similar height to the existing buildings therefore not increasing the height of the built form at the site. The surrounding land being given over to garden land would reduce the amount of developed land within the site. Overall the proposed development is not considered to result in a

development which will have a materially greater impact on the openness of the Green Belt. It is therefore considered to comply with paragraph 89 of the NPPF.

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

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

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

Employment

Policy RE.6 of the Placemaking Plan seeks to secure a commercial re-use of rural buildings however in this case, as the buildings are intended to be demolished, this policy would not apply. The guidance within the NPPF is supportive of the rural economy however there is no restriction within planning policies to protect the existing use as a stables.

Design

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

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

Highways

The highways officer has raised no objection to the application. Adequate on site parking has been provided and vehicles will be able to enter and leave the site in forward gear. Whilst the provision of one further dwelling will result in an increase in car movements this would be negligible and will not have a significant impact on the safety and operation of the adjacent public highway relative to that already approved under ref 15/00100/FUL.

Drainage

The flood risk and drainage team have raised no objection to the application. The applicant has stated that the surface water will be managed by soakaways. The drainage officer has advised that infiltration results will need to be submitted and can be required by condition.

Ecology

The site lies immediately adjacent to a designated Site of Nature Conservation Interest (SNCI) "Lords Wood and Hunstrete Plantation complex" which incorporates the lake and mature trees alongside the southern boundary of the site. An update ecology report has been submitted.

The report makes appropriate recommendations for vegetation clearance and working methods to avoid harm to reptiles and other wildlife, which should be adhered to; this can be secured by condition.

The report also provides recommendations for a range of ecological measures to provide additional wildlife benefit. This would include avoidance of close board fencing, or provision of space/s or raised height along fencelines, to enable free movement of wildlife such as hedgehogs. Therefore permitted development rights for the provision of a fences should be removed.

At this stage the scheme does not include any specific proposals for wildlife provision or wildlife friendly landscaping. Incorporation of new wildlife measures and planting for wildlife into the scheme would be appropriate especially in view of the location of the site adjacent to an SNCI. In this case such measures can be secured by condition.

Amenity

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

Other Matters

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

Planning balance

The application site is located within a settlement that does not include local shops and services and is considered to be in an unsustainable location. However the development site is classed as being brownfield land. The development of the site will result in a reduction of traffic movements to the site and would have a reduced impact on the openness of the surrounding green belt. There are some further benefits through the provision of housing. Therefore in this case weighing up the benefits and harm of the

development, the provision of housing at this site is on balance considered to be acceptable.

Other matters

Policy H.7 of the placemaking plan requires residential development to have enhanced accessibility standards and meet the optional technical standard 4(2) in the Building Regulations Approved Document M. This policy is applied to all market housing developments but in accordance with recent Council Guidance as only 19% of the proposed housing (rounded to the nearest whole number) needs to meet Part M, in this instance plot 1 will meet the required standard.

Policy SCR5 of the placemaking plan requires development to make provision for rainwater harvesting such as water butts. This can be required by condition.

Policy LCR9 seeks to provide opportunities for food growing within residential development. In this case gardens have been provided within the development.

Conclusion

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

RECOMMENDATION

PERMIT

CONDITIONS

1 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 Drainage (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 Investigation and risk assessment (pre-commencement)

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

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

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

4 Remediation scheme (pre-commencement)

No development shall commence until a detailed remediation scheme to bring the site to a condition

suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out. The remediation scheme shall ensure that the site will not qualify as contaminated land under

Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

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

5 Verification report (pre-occupation)

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

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

6 Unexpected contamination (compliance)

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

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

7 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.

8 Wildlife protection measures (compliance)

Site preparation including demolition work and vegetation removal for the development hereby permitted shall be carried out only in accordance with the wildlife protection measures and working methods described section 7.5 of the approved Ecological Survey report by Clarkson and Woods dated Oct 2014 updated June 2017.

Reason: To avoid harm to wildlife and protected species including nesting birds and reptiles

9 Wildlife protection and enhancement (pre-occupation)

1. No occupation of the development hereby approved shall commence until ecological measures

as described in sections 7.5 and 7.6 of the approved Ecological Survey report by Clarkson and

Woods dated Oct 2014 updated June 2017, have been incorporated into the development and installed on site in accordance with advice and specifications provided by a suitably experienced ecologist; and

2. a brief post-completion report and photographs, produced by a suitably experienced ecologist, have been submitted to and approved in writing by the Local Planning Authority, demonstrating completed installation of such ecological features, including the following:

a. provision of new bird nesting sites

b. provision of bat roosting opportunities

c. provision of additional features to benefit wildlife, to include as applicable, hedgehog homes; access points through fencing for wildlife; wildlife friendly-planting and habitat creation;

All such measures and features shall be retained and maintained thereafter for the purposes of providing wildlife habitat

Reason: To avoid net loss to biodiversity and to provide biodiversity gain in accordance with NPPF

10 Sensitive lighting (Compliance)

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the LPA; details to include lamp specifications, positions,

numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees and boundary 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 other wildlife

11 Removal of Permitted Development Rights - No means of enclosure (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 fences, gates, walls or other means of enclosure shall be erected or placed on the site without a further planning permission being granted.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and policies D1, D2, D3 and D4 of the Bath and North East Somerset Placemaking Plan and to safeguard the measures for wildlife protection and enhancement required by condition no.9 of this permission.

12 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 D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

13 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 D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

14 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

15 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

16 Housing Accessibility (Compliance)

The following dwelling hereby approved shall meet the optional technical standards 4(2) in the Building Regulations Approved Document M: Plot 1

Reason: To ensure that the optional technical standards for accessibility are met in accordance with policy H7 of the Bath and North East Somerset Council Placemaking Plan.

17 Plans List (Compliance)

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

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

PLANS LIST:

Site location plan
Existing site location and layout plan 001
Existing site sections 003
Proposed site sections 004
Site survey 01
Plot 1 floor plan 03
Plot 1 elevations 04
Plot 2 floor plans 05
Plot 2 elevations 06
Plot 3 floor plans 07
Plot 3 elevations 08
Block plan 09 B
Plot 1 Garage 09 A

Condition Categories

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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.

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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: 04
Application No: 17/01775/FUL
Site Location: Stanton Drew Village Hall Sandy Lane Stanton Drew Bristol Bath And North East Somerset



Ward: Clutton	Parish: Stanton Drew	LB Grade: N/A
Ward Members:	Councillor Karen Warrington	
Application Type:	Full Application	
Proposal:	Creation of enlarged access with new wall and increased car parking area	
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:	Stanton Drew Village Hall	
Expiry Date:	25th August 2017	
Case Officer:	Alice Barnes	

REPORT

Reason for reporting application to committee

The application is being referred to the committee as the parish council have supported the application contrary to the case officer recommendation to refuse.

Description of site and application

The application site is located within the centre of Stanton Drew Village. The village hall is located within the housing development boundary but the application site is located outside of the housing development boundary. The existing car park is located to the rear south elevation of the building. The site is not located within the Conservation Area.

This is an application for the creation of enlarged access with a new wall and increased car parking area. The proposed car park would provide 17 parking spaces to the south of the hall. The applicant intends to surface the car park partly in a grasscrete surface to allow for some grass growth to remain. The central access will be surface in a compact material.

Relevant History

There is no relevant history relating to this application.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways:

The car park is to be extended southwards and will cover an area of 46m x 14.5m while the access will be splayed using natural stone. The new car park will accommodate up to 17 no. vehicles with adequate space available for manoeuvring to and from each space.

Highways DC do not anticipate any impacts of significance on the adjacent public highway as a result of the proposed development. It is acknowledged that the amendments to the access will, if anything, improve the operation and safety of the highway while the

provision of additional parking will also free up space within the existing carpark for disabled parking, drop-offs/pick-ups and turning. It is also unlikely that the extension to the car park will result in a significant increase in vehicular movements at the access as the site is currently used as a temporary carpark.

Stanton Drew Parish Council: The Stanton Drew Parish Council fully support this application, a highly desirable asset to the community and long overdue. We would make comment on the materials mentioned in the application form and on the site plan drawing, namely 'Gravel Finish'. The central access to the proposed car parking area, shown as 7.2 metres wide, obviously needs to be of a substantial base and a 'Gravel Finish' would be acceptable. The area identified with parking spaces, shown as 6.0 metres wide, we consider should not be 'Gravel Finish' as well, but should be constructed of box sections which can be installed just below the ground level and will then allow the grass to grow through them. We believe that this method would be more acceptable within the Conservation Area. Any improvement to the dangerous access/egress entrance to and from the road, again is long overdue and the proposed materials are perfectly acceptable.

Archaeology: Stanton Drew sits within a nationally important prehistoric landscape, with a complex of visible Neolithic to Bronze Age monuments in and around the village, all of which have been designated scheduled monuments. The proposed extension to the village hall car park would take up a small area of the neighbouring field to the south. Usefully the adjacent land has recently been investigated by the Bath and Camerton Archaeological Society using geophysical survey techniques.

This work has identified a number of anomalies that appear to represent earlier field boundaries, along with some anomalies that may be of greater archaeological interest. Relevant conditions should be attached.

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

The site could be enhanced using geogrid which would allow for the grass to grow. SUDS will be acceptable and the visual impact more pleasing.

The development will result in the loss of a green field and turn it into a car park.

The field is part of the green belt.

This would spoil the view from the pub

POLICIES/LEGISLATION

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality
CP8 - Green Belt

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

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D.2 - Local character and distinctiveness
D.3 - Urban Fabric
D.5 - Building design
D.6 - Amenity
GB.1 - Visual amenities in the green belt
ST.7 - Transport requirements for managing development

OFFICER ASSESSMENT

This is an application for the creation of enlarged access with a new wall and increased car parking area. The application site is located within Stanton Drew Village. The existing village hall backs onto an open paddock.

The main issues to be considered here are:

Principle of development in the green belt
Impact on the openness of the green belt
Highways
Amenity
The case for very special circumstances

Principle of development in the green belt

The application site is located within the green belt. Paragraph 90 of the NPPF outlines the forms of development which are not considered to be inappropriate development in the green belt. The list includes engineering operations but does not include a change of use of the land. The site visit has shown that the site appears to be a paddock but some cars have been parked within the field.

The lawful use of the site is considered to be an agricultural field rather than a car park and the proposed works constitute a change of use of land within the green belt. Therefore as the change of use is not listed within paragraph 90 the works are considered to be inappropriate development within the green belt. The proposal is therefore, by definition harmful to the Green Belt.

Impact of the development on the openness of the green belt.

Paragraph 80 of the NPPF outlines the five purposes of including land within the green belt. Most relevant in this case is to safeguard the countryside from encroachment. The proposed car park will extend south from the existing hall into an area of open land.

The applicant has revised the surface of the car park to ecogrid which is an open grid structure which allows for grass to grow through the surface. The applicant still intends to cover the central access in a gravel surface.

The proposed surfacing which will reduce the visual impact of the car park surface on the surrounding countryside. However the provision of a change in the surface will nonetheless alter the appearance of the site and therefore the provision of the car park will have visual harm on the surrounding area.

The development is therefore in conflict with paragraphs 80 and 90 of the NPPF.

Highways

The highways officer has raised no objection to the application. Vehicles will be able to enter and leave the site in forward gear and the alterations to the access will improve vehicle movement to and from the site.

The existing boundary wall will be largely retained and there is not objection to the alterations to the access.

Amenity

The proposed car park will not be located directly adjacent to any residential properties and will not impact on residential amenity.

The case for very special circumstances

The following harms have been identified

The change of use of land within the green belt is inappropriate development, paragraph 87 states that inappropriate development is harmful by definition.

Harm to openness

The proposed car park will conflict with the aims of paragraph 80.

The applicant has submitted documentation in support of the application outlining the case for very special circumstances.

The applicant has submitted a statement stating that additional parking is required for the hall to support its activities. The applicant has submitted a list of activities that occur at the hall. However the applicant has submitted few details of the frequency of these activities or how many people are using the hall during these activities. No details have been provided as to the possible generation of traffic from each activity.

The operators of the hall have indicated that their income relies of the hiring of the hall for activates. However, no information has been submitted to support this statement.

Therefore the need for additional parking has not been demonstrated.

The applicant has stated that the field has been used for car parking for a number of years. The applicant has submitted letters from local residents stating that the land was fenced off in 1995 and the fencing extended in 2005. However the land in question appears as a field within the surrounding landscape rather than a permanent car park.

The fact that the field may have been used for informal parking in the past does not mean that its authorised use is a car park and does not overcome the fact that the proposed development will result in visual harm to the surrounding green belt.

Officers have also noted that the proposal should improve highway safety. However, this and the limited information submitted in support of the proposal is not considered to amount to very special circumstances.

Therefore the submitted information has not demonstrated that there are very special circumstances which will outweigh the harm to the green belt.

Conclusion

The provision of a car park within the green belt outside of the development boundary is considered to be inappropriate development in the green belt and is harmful to the openness of the surrounding green belt.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development by reason of its siting, scale and design will result in inappropriate development in the Green Belt and will result in visual harm to the openness of the Green Belt. The proposed development will conflict with the purposes of including land within the green belt. The proposal is therefore contrary to policy CP8 of the Core Strategy, GB.1 of the Bath and North East Somerset Placemaking Plan and Paragraphs 80 and 90 of the National Planning Policy Framework

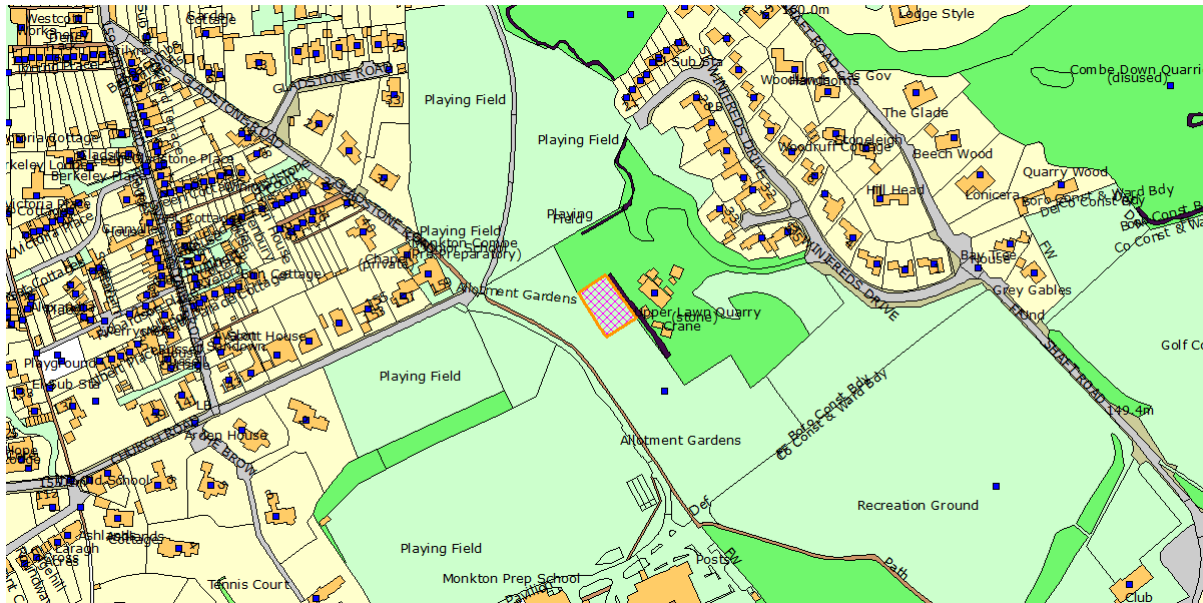
PLANS LIST:

Site location plan
Block plan 2217
Proposed plans 2217/1

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

to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No: 05
Application No: 16/05548/MINW
Site Location: Upper Lawn Quarry St Winifred's Drive Combe Down Bath Bath And North East Somerset



Ward: Combe Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Cherry Beath Councillor Bob Goodman
Application Type: Minerals and Waste application
Proposal: Extension to quarry
Constraints: Affordable Housing, Agric Land Class 3b,4,5, Article 4, Existing Mineral Working, Forest of Avon, Hotspring Protection, Preferred Area for Mineral Extraction, MOD Safeguarded Areas, Regionally Important Geological Site RIG, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,
Applicant: Messrs Hancock
Expiry Date: 25th August 2017
Case Officer: Tim Pearce

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Councillor Cherry Beath has requested that this Application be determined by the Development Management Committee as it is of public concern and effects an important amenity in the Community. Details of her concerns are provided in the report below.

In accordance with the Council's Scheme of Delegation, the application was referred to the chairman of Development Management Committee who has decided that the application should be determined by Committee as the proposals include changes to community facilities.

PROPOSAL: Extension of Quarry

SITE LOCATION: Upper Lawn Quarry, St Winifred's Drive, Combe Down, Bath

DESCRIPTION OF SITE AND APPLICATION:

The application site comprises a parcel of land of approximately 0.15 hectares located adjacent to the existing Upper Lawn Quarry, on the south-western side of St Winifred's Drive, on the outskirts of Combe Down. The land is currently part of an allotment garden with the existing quarry bordering its north west and north eastern boundaries, with the remainder of the allotment gardens bordering its south west and south eastern boundaries.

It is proposed to extend Upper Lawn Quarry westwards into a small area measuring 35 metres by 44 metres, similar to the previous extension to the north west approved in 2001. The proposed new working area lies adjacent to the current extraction area where stone is removed from a working face over 30 metres high.

The extension will be worked in two phases, moving from north-east to south-west. In entering each phase the top and subsoils will be removed separately and used to restore worked out land in the southern part of the existing quarry.

It is proposed that the commencement of soil stripping and extraction will be preceded by the translocation of the existing quarry perimeter hedge, where feasible, to encompass Phase 1. The hedge will be supplemented by hawthorn transplants to maintain the integrity of the hedge. A post and wire fence will be erected for security.

Phase 2 will be developed in the same way as Phase 1. Between two and three years before the commencement of Phase 2 a new hedge will be planted on the southern and western boundaries. This hedge, supplemented by a post and wire fence will act as both a visual screen and as a security barrier.

The site is located within a Mineral Safeguarding Area (Policy M1 of the Adopted Placemaking Plan) as well as a Minerals Allocations Area (Policy M2 of the Adopted Placemaking Plan) and is identified as a preferred area for mineral extraction. The land where the quarry extension is proposed is currently part of allotment gardens operated by BANES Council which are protected under Policy LCR8 of the Adopted Placemaking Plan.

The application site also lies within a Regionally Important Geological Site (Policy NE3), the World Heritage Site (Policy HE1), Bath Hot Springs Protection Area (Policy PCS8) and a Water Source Protection Area (Policy PCS7). The site is also within proximity of Conservation Areas (Policy HE1), the Cotswolds AONB (Policy NE2), as well as sites used as playing fields, subject to Policy LCR5 and land protected as Green Belt (Policy CP8).

The application is supported by the following additional information:

- o Planning Statement

Given the protection afforded the site for both mineral extraction under Policies M1 and M2 of the Adopted Placemaking Plan and allotment gardens under Policy LCR8 of the Adopted Placemaking Plan the applicant has agreed to prepare and submit a separate planning application for replacement allotments. This application should be considered in association with the allotments application that has also be referred to this Development Management Committee.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS AND REPRESENTATIONS:

A summary of consultation responses to the application has been provided below:

ENVIRONMENT AGENCY: No objection but provides informative advice to reduce the risk of contamination.

LANDSCAPE ARCHITECT: No objection, subject to conditions regarding a scheme of restoration and the submission of planting scheme to be agreed.

CONSERVATION OFFICER: No comment in relation to Heritage.

ECOLOGICAL OFFICER: No objection, subject to conditions regarding the implementation of recommendations in the submitted Ecological Assessment and the submission of a lighting scheme, to be agreed, should new lighting be proposed.

HIGHWAY DEVELOPMENT OFFICER: No objection but recommended consultation with PRow Officer regarding the potential impact on PRow - Officer Note: This issue is being dealt with by Condition 9 detailed below.

ENVIRONMENTAL HEALTH OFFICER: No comment in relation to Environmental Health.

PARKS AND GREEN SPACES: Raised objection to the application in its original form, stating the need to replace the allotment land being lost. They have subsequently raised no objection, subject to conditions regarding allotment construction specification and the timing of works, to planning application 17/00329/FUL which proposes the replacement of the allotments subject to this application.

PLANNING POLICY: No objection, subject to condition.

MONKTON COMBE PARISH COUNCIL: The Parish Council recognise that the quarry should be supported as a going concern providing high quality stone to maintain and repair prestigious buildings all over the country and as a source of local skilled employment. However, they also feel that, in line with the Placemaking Plan, BANES should seek to make provision of an alternative site for allotments to replace those lost by this further development.

OTHER REPRESENTATIONS / THIRD PARTIES

90 consultation responses were received consisting of 77 objections, 9 general comments and 4 comments of support. With regard to the reasons for objection the main issues of concern can be summarised as follows:

1. The applicant has failed to prefer the use of land of a lesser environmental value i.e. mineral reserves lying under the Monkton School playing fields to the north where damage to the overall playing fields would be slight in comparison to the loss of allotments or the restoration completed working areas within the quarry itself. The lesser environmental impact has not been considered.
2. The application represents poor conservation of a limited mineral resource. Application does not comply with National Policy on conserving minerals as far as possible.
3. Failure by the applicant to comply with conditions to previous extension permissions including the provision of replacement allotments and the preparation of a restoration plan.
4. There is a lack of biodiversity consideration in the proposed hedgerow planting.
5. The application has failed to comply with the requirements of a development that impacts on a RIG i.e. pre-app consultation with local RIGS group.
6. Concerns over the address for the application site being misleading.
7. Concerns over the failure to submit a Geological Assessment.
8. Concerns over the absence of a restoration plan within the application that reflects the plans for the whole quarry site and a failure to consider aftercare.
9. Failure to seek a EIA screening opinion or provide an Environmental Statement.
10. Failure to consider the loss of a community space / amenity and make alternative provision for the allotments that provide community benefits including health and wellbeing, local food economy and educational and social benefits.
11. Failure to consider the historical significance of the allotments and their importance for public health both past and present.
12. Insufficient community engagement and no evidence of pre-application discussions.
13. Concerns over the proximity of the PRoW to the quarry extension.
14. Inadequate Landscape and Visual Impact Assessment and concerns over the loss of Local Green Space status.
15. Inability to provide timely reinstatement of the quarry due to the instability of fill material adjacent to working areas.
16. Site location plan is not fit for purpose.
17. Poor Ecological Assessment that underestimates the bio-diversity of the allotments.
18. Concerns regarding the ability of Council Officers to determine the scale of allotments to be lost.
19. Concerns that the proposed fencing and hedgerow planting are insufficient to provide an adequate and secure boundary.
20. Local Plan policy M2 states that on current levels of extraction the quarry should be sufficient for the Plan period.
21. Bath stone is available at other quarries without the need for further extraction at Upper Lawn.
22. Mineral extraction with unacceptable impact on the environment, climate change, local community, transport routes or the integrity of European Wildlife sites which cannot be mitigated should not be permitted.
23. Concerns that any change in quarrying methods would result in further noise and traffic disturbance for the local community.

24. Concerns that approval of the application will set a precedent for all the allotments to be developed with there already pressure on allotment land from further residential development.
25. Concerns that the proposals will undermine and devalue homes in the area.

9 general comments have been received and the main points can be summarised as follows:

1. There is an identifiable need to both continue extraction at the quarry as well as to ensure the provision of allotments is maintained, a careful balance should be struck in achieving both.

4 comments of support have been received and the main points can be summarised as follows:

1. This is a historic quarry that provides stone of a unique quality and employs local people. It should be allowed to expand if alternative provision for the allotments can be found.

AVON REGIONALLY IMPORTANT GEOLOGICAL AND GEOMORPHOLOGICAL SITES (RIGS) GROUP: Has raised no objection to proposals but has outlined the need I to preserve as much of the quarry face as possible, in terms of height and length, as part of any restoration strategy, with access available. They advised that the site provides the best exposures of the Combe Down Oolite in the area, which is why it is designated as a RIGS, and will be very important for geologists in the future.

LOCAL MEMBER: Councillor Cherry Beath has stated that this is a controversial application and that a number of residents were wishing to object. She advised that no planning notices have been posted, which has caused a delay for some residents in making their comments. She has requested that the application be determined by the Development Management Committee as it is of public concern and effects an important amenity in the Community. She has also raised concerns regarding the application's lack of addressing the impact on the Community, and making no reparation of lost Allotment spaces and private buildings (sheds/greenhouses) and plants.

RELEVANT PLANNING HISTORY:

00/00384/MINW

Approval of planning conditions for continued operation of the quarry

APPROVED - 17 May 2000

00/02251/MINW

Extension of Bath Stone Quarry

APPROVED - 31 January 2001

17/00329/FUL

Change of use of an area of paddock land for use as allotments

Pending Consideration

POLICIES/LEGISLATION

POLICY CONTEXT:

NATIONAL POLICY: National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight. Of particular relevance to this planning application are:

- o Paragraph 144 of the National Planning Policy Framework NPPF; and
- o Planning Practice Guidance: Minerals

LOCAL POLICY:

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - o Policy GDS.1 Site allocations and development requirements (policy framework)
 - o Policy GDS.1/K2: South West Keynsham (site)
 - o Policy GDS.1/NR2: Radstock Railway Land (site)
 - o Policy GDS.1/V3: Paulton Printing Factory (site)
 - o Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
 - o Neighbourhood Plans

CORE STRATEGY: The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

DW1 District Wide Spatial Strategy
SD1 Presumption in favour of Sustainable Development
CP2 Sustainable Construction
CP6 Environmental Quality
CP7 Green Infrastructure
CP8a Minerals

PLACEMAKING PLAN: The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

SU1 Sustainable Drainage
D6 Amenity
HE1 Historic Environment
NE1 Development and Green Infrastructure
NE2 Conserving and enhancing the landscape and landscape character
NE3 Sites, species and habitats
NE4 Ecosystem services
NE5 Ecological networks
NE6 Trees and woodland conservation
PCS1 Pollution and nuisance
PCS2 Noise and vibration

PCS5 Contamination
PCS6 Unstable Land
LCR1 Safeguarding local community facilities
LCR2 New or replacement community facilities
LCR6a Local green spaces
LCR8 Protecting allotments
LCR9 Increasing the Provision of Local Food Growing
M1 Mineral safe-guarding areas
M2 Minerals Allocations
M4 Winning and working of minerals
ST7 Transport requirements for managing development

OFFICER ASSESSMENT

OFFICER ASSESSMENT:

The main issues to consider are:

1. Background
2. Principle of development
3. Loss and replacement of allotments
4. Minerals development
5. Amenity
6. Landscape
7. Ecology
8. Highways
9. Heritage
10. Other Matters
11. Conclusion

1. BACKGROUND

Upper Lawn Quarry has operated as a family business for over 150 years and is one of only two sites allocated for minerals extraction within Bath and North East Somerset. It is currently worked in an open cast manner and it is the intention of the applicant to continue to work the quarry and any subsequent extensions in this way.

Planning Permission has been granted for the quarry's previous extension and growth in 1980, 1984, 1994 and most recently 2001. The most recent extended area of land measured 35m by 44m and comprised approximately 1500m² and was intended to produce 100,000 tonnes of high quality Bath Stone. The production rate was intended to continue up to 5000 tonnes per year.

In May 2000 a scheme of operational conditions was approved by BANES Council in accordance with the Review of Old Mineral Planning Permissions (ROMP), under the Environment Act 1995. Those established and accepted parameters continue to be in place and will ensure the appropriate operation of the quarry moving forward.

As detailed above, when considering the impact of the proposed development on the existing allotments, following submission of the planning application, the applicant agreed to prepare and submit a separate planning application for replacement allotments. This

application should be considered in association with the allotments application that has also been referred to this Development Management Committee.

It should be noted that during the application the proposals were subject to an EIA Screening which determined that an Environmental Impact Assessment would not be required in this instance.

2. Principle of Development

The application site is located within land allocated as a Mineral Safeguarding Area (Policy M1 of the Adopted Placemaking Plan) as well as a Minerals Allocations Area (Policy M2 of the Adopted Placemaking Plan) and is identified as a preferred area for mineral extraction. Given that the proposals are for the extension of a quarry for mineral extraction and that the site lies within the minerals allocation area identified by Policy M2 the proposed development would accord with the principles of these policies and the principle of development is established on that basis.

3. Loss and replacement of allotments

Whilst the principle of minerals development has been established for the application site it is acknowledged that the site is also protected as allotment land under Policy LCR8 of the Adopted Placemaking Plan. However, criterion 1(b) states that:

"1) Development resulting in the loss of land used for allotments (or land evidenced as last used as allotments) will not be permitted, unless:

b) the site is allocated for another use in the Placemaking Plan and suitable, equivalent and accessible alternative provision is made in line with LCR9."

When considering that the site has a dual allocation within the Adopted Placemaking Plan the proposals subject to application 17/00329/FUL are integral to the acceptability of the proposed quarry extension in the context of Policies LCR8 and LCR9. The acceptability of the proposed allotments is considered in more detail in the associated Committee report, however, it should be noted that the proposed allotment site has been assessed as a suitable, equivalent and accessible alternative provision, subject to conditions that will ensure that the criteria contained within Policy LCR9 are met and is in accordance with Policy LCR8.

It is also considered that the principles outlined above would demonstrate very special circumstances, as detailed in Policy LCR6a of the Adopted Placemaking Plan, that justify the loss of the area designated as Local Green Space for development in this instance.

4. Minerals Development

Within the context of Policy CP8a of the Adopted Placemaking Plan, Policy M4 outlines the criteria against which applications for the winning and working of minerals will be assessed and are considered in turn as follows:

a. The need for Bath stone has been demonstrated and established through the allocation of the site as a minerals safeguarding area and minerals allocation area through

policies M1 and M2 of the Adopted Placemaking Plan respectively, as well as through the limited number of minerals extraction sites within the BANES area to serve the needs of the development sector within the World Heritage Site;

b. The scale and nature of the proposed development is consistent with previous extensions to the quarry and continues a working practice that has been part of the area for 150 years. It should be noted that whilst the quarry extension will require a greater resource it is for the continuation of the existing operation and not an intensification of its existing use;

c. Through appropriate planning conditions the ecological and landscape impacts of the proposals are deemed to be acceptable, as assessed by the Council's Landscape and Ecological officers. It should also be acknowledged that the Council's Environmental Health Officer made no comment with regard to Environmental Health issues.

d. An appropriate condition has been attached ensuring the future restoration of the site which will maintain or enhance its value to the environment and/or community; and

e. The Highways Officer has considered the proposals and raised no objection. Given that the scale of operation and method of working would remain the same no traffic impacts over and above the existing are anticipated.

In view of the above it is felt that the proposed quarry extension would be in accordance with the criteria outlined in Policy M4 in relation to the winning and working of minerals.

5. Amenity

As discussed above the existing operational intensity at the quarry will remain unchanged and as such it is not anticipated that there would be any further impacts on the residential amenity of sensitive premises in the surrounding area than the existing situation. It should also be noted that the Environmental Health Officer has made no comment regarding Environmental Health issues.

In terms of visual amenity the Council's Landscape Officer has stated that the current site is visually contained due to the open cast and mostly below surrounding ground level nature of the extraction; the surrounding flat topography; and the intervening vegetation and buildings. As a consequence the visual impact of the proposals is likely to be minimal and temporally limited to periods when the working face is at or close to the surface.

In terms of the visual impact during stone extraction it is felt that this can be mitigated by screen planting and appropriate conditions have been attached to ensure that a detailed planting screen is submitted and agreed with the Council prior to the commencement of works for Phase 1 and that planting works are carried out prior to the commencement of operations on site.

As such it is considered that, subject to conditions, the proposals are in accordance with Policy D6 of the Adopted Policymaking Plan.

6. Landscape

With regard to landscape impacts the Council's Landscape Officer has commented that the stone extraction will have a marked landscape impact during the working phase, however, this is considered to be temporal in nature provided that a suitable restoration

scheme is conditioned. As with previous applications for extensions to the quarry conditions have been attached that require the restoration of the quarry and that specify the nature in which the quarry should be restored. This will place a requirement on the applicant to ensure the site is restored in accordance with these conditions and within the specified time frame.

It is therefore considered that any harm caused to the World Heritage Site would be less than substantial and that the landscape impacts would be temporary in nature provided that the land is restored to its original levels and uses on the completion of extraction operations.

When considering the temporal nature of the landscape impacts associated with the development and the ability for the site to be restored to a proposed after use (allotments) it is felt that, over time, the development would be able to conserve the local landscape character and features and would adequately mitigate any adverse impact on the landscape. This would be in accordance with Policy NE2 of the Adopted Placemaking Plan.

7. Ecology

An Ecological and Bat Survey and Assessment was submitted in support of the application which concluded that the proposal is not capable of having a "likely significant effect" on the nearby Bath and Bradford on Avon Bats Special Area of Conservation (SAC). The report includes survey findings for bat roost potential in the existing rock face that would be affected by the proposal.

The Council's Ecology Officer has assessed the proposal and considered the submitted Ecological and Bat Survey and Assessment and concluded that no significant ecological constraints are identified and that the proposal is not capable of harming the SAC or the bats of the SAC.

Conditions have also been attached that require the submission of new lighting details to be submitted and agreed as well as a detailed lighting scheme to ensure that adequate biodiversity measures are included.

Given the limited impact of the proposals on identified protected species and their habitats it is felt that the proposed development would be in accordance with Policy NE3 of the Adopted Placemaking Plan.

8. Highways

Given that quarry operations will remain the same the quarry extension is expected to result in no increase in staffing and a negligible increase in existing site generated traffic. This is supported by the Council's Highways Officer who did not raise any objection to the extension proposal on highway grounds. It should also be noted that no conditions in respect of highway matters were previously imposed on the Application 00/02251/MINW. In view of the above it is considered that the proposals are in accordance with Policy ST7 of the Adopted Placemaking Plan.

The Highways Officer also noted that the south-eastern corner of the proposed works area would extend close to public right of way (BC62/3). In order to ensure that this route is maintained and not destabilised by the adjacent works, and appropriate protection measures put in place to protect footpath users, a condition has been attached requiring the submission of a detailed scheme of works for this location to ensure that public safety is maintained.

9. Heritage

When consulted on the application the Conservation Officer made no comment in relation to Heritage, whilst as detailed above the Landscape Officer considered that any harm caused to the World Heritage Site would be less than substantial. However, it should be noted that as a quarry that extracts Bath stone the application site plays an important role in the conservation and enhancement of heritage assets within the World Heritage Site. When considering all the above it is felt that the proposals are therefore in accordance with Policy HE1 of the Adopted Placemaking Plan.

10. Other Matters

In terms of the consideration of alternative sites it should be noted that the Council's Officers must assess the application that is in front of them based on its own individual merits and set of circumstances. Should the environmental impacts prove to be within acceptable limits and the overall development in accordance with both national and local planning policy and guidance then the Council is duty bound to approve the application.

With regard to the conservation of a limited mineral resource it should be noted that the NPPF states that minerals are essential to support sustainable economic growth and there is no suggestion that the minerals that are being extracted are not being put to good use.

Failure of the applicant to comply with conditions relating to previous consents is a matter raised by objectors and arrangements are being made for this will be looked into further by Officers.

It is considered that the application site address gave a true reflection of the location of the proposed development and its association with Upper Lawn Quarry and that the supporting documents would have reaffirmed this to those that viewed them.

Whilst it is good practice to consult the local community prior to the submission of an application it is not a requirement in this instance. The Council's own consultation as part of the planning application, including the erection of site notices and the sending of individual consultation letters, complies with development management procedures and is considered acceptable and sufficient in this instance.

It should be noted that Avon RIGS Group were consulted on the application and raised no objection on geological grounds.

With regard to the setting of a precedent it should be noted that each application is considered on its own individual merits and set of circumstances.

It should be noted that the devaluation of homes is not a material planning consideration.

Finally, it should be noted that the Secretary of State has received a request to consider calling in this application. In general, they consider that it is inappropriate in these cases to consider whether intervention at Government level is appropriate until the Council has reached a clear recommendation, taking into account the views expressed by consultees and the local community. Should the Development Management Committee be minded to approve the application the Secretary of State will then consider the call in request along with any other issues raised by the application against the call-in policy set out in the Ministerial Statement of 26 October 2012. They would then need a period of time to assess the call in request, post Committee, preventing the issuing of planning permission until a formal decision has been issued.

11. Conclusion

When considering that the principle for minerals development at the site has already been established through its allocation in the Adopted Placemaking Plan the principle of development is therefore found to be acceptable. In assessing the application all Consultees found the proposals acceptable, subject to conditions, and the development was considered to accord with the relevant local and national planning policies.

As this application is to be considered alongside application 17/00329/FUL the remaining point for consideration is the acceptability of the new allotment land subject to that application. It should be noted that the principle of development for the allotments proposals has also been found to be acceptable and in assessing the allotment application all Consultees found the development acceptable, subject to conditions, and the proposals were considered to accord with the relevant local and national planning policies.

In summary, should the Development Management Committee consider application 17/00329/FUL acceptable, the application for the quarry extension can be considered to accord with the relevant policies of the Bath and North East Somerset Core Strategy, the Bath and North East Somerset Placemaking Plan and, in accordance with paragraph 17 of the National Planning Policy Framework. Subject to the Secretary of State not calling in the application it is recommended that the Group Manager be authorised to grant permission subject to the following conditions:

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 Subject to the Secretary of State not calling in the application authorise the Group Manager, Development Management to PERMIT with the following 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 permissions.

2 Winning and Working of Minerals (Compliance)

The winning and working of minerals at the site shall take place in accordance with conditions appended to planning permission reference 00/00384/MINW, as amended or supplemented by planning permission reference 00/02251/MINW, and as supplemented or varied by conditions 3 -15 below.

Reason: To enable the Local Planning Authority to control the development and to ensure that the impact on the amenities of the surrounding area is minimised, in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

3 Approved Details (Compliance)

The development shall be carried out fully in accordance with the application dated 14th November 2016 together with the supporting statement and drawings (including revisions) except where varied by conditions attached to this permission and to permissions ref. 00/00384/MINW and 00/02251/MINW.

Reason: To enable the Local Planning Authority to control the development and to ensure that the impact on the amenities of the surrounding area is minimised, in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

4 Allotments Condition (Compliance)

The development shall not commence until the allotments approved under planning permission 17/00329/FUL have been constructed and completed in accordance with the approved scheme and any relevant conditions.

Reason: To enable the Local Planning Authority to control the development and to ensure that allotments being lost as part of the proposed development are replaced in advance of works commencing, in accordance with Policies LCR8 and LCR9 of the Bath and North East Somerset Placemaking Plan.

5 Planting Scheme (Pre-commencement)

Phase one of the proposed extension of the current working area shall not commence until a detailed planting scheme for the south western and south eastern perimeters of the proposed extension site has been submitted to and approved in writing by the Local Planning Authority. The plan should show details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; maintenance proposals for a three year period post planting; and a programme of implementation.

Reason: To ensure the provision of an appropriate visual screen to the proposed working area extension, in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

6 Planting Works (Pre-commencement)

All planting works shall be carried out in accordance with the approved details. The works shall be carried out prior to the commencement of any operations on the proposed extension site. A 0.5m area either side of the hedgerow planting and 1m diameter area around tree planting shall be maintained in a weed and grass free condition for a period of 3 years after planting. Any trees or plants indicated on the approved scheme which, within

a period of five years from planting, 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.

Reason: To ensure that the landscape scheme is implemented and maintained, in accordance with Policy NE2 of the Bath and North East Somerset Placemaking Plan.

7 Restoration Specification (Compliance)

On completion of stone extraction operations restoration of the extension area shall take place as follows:

- (1) The material profile of the area shall match, as far as practicable, the material profile of adjoining undisturbed areas;
- (2) The material shall be consolidated as it is laid to ensure that there is no post-restoration settlement;
- (3) The final 1000mm of the restoration area shall comprise 800mm of subsoil overlain by 200mm of topsoil;
- (4) Prior to laying topsoil and subsoil shall be ripped and all stones and other debris on the surface exceeding 100mm in diameter shall be removed. All glass, stone and other debris on the surface exceeding 100mm in diameter shall be removed. All glass, stone or other debris on the surface of the topsoil which exceeds 50mm in diameter shall be removed;

Reason: To ensure the land is restored to a condition suitable for the proposed after use, in accordance with Policy M4 of the Bath and North East Somerset Placemaking Plan.

8 Restoration Scheme (Pre-commencement)

No development shall commence until a restoration scheme detailing the layout of allotment plots and grass paths has been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure the land is restored to a condition suitable for the proposed after use, in accordance with Policy M4 of the Bath and North East Somerset Placemaking Plan.

9 Ecology Recommendations (Compliance)

The development hereby permitted shall be carried out only in accordance with the recommendations of section 5.5 of the approved Ecological Survey and Appraisal report dated June 2016 by AD Ecology.

Reason: To secure adequate ecological protection during the course of development, in accordance with Policy NE3 of the Bath and North East Somerset Placemaking Plan.

10 External lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of the proposed lighting design being first submitted and approved in writing by the LPA; details to include lamp specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent light spill onto bat roost access points, bat flight routes, 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 other wildlife, in accordance with Policy NE3 of the Bath and North East Somerset Placemaking Plan.

11 PRoW Protection (Pre-commencement)

The development shall not commence until a detailed scheme of protection measures to the boundary with public right of way BC62/3 has been submitted and agreed in writing with the Mineral Planning Authority. Public right of way BC62/3 shall remain accessible by the public at all times.

Reason: In the interests of public access and public safety, in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

12 Drainage (Pre-commencement)

Prior to the commencement of development details of existing surface water drainage shall be submitted for the approval of the Local Planning Authority. If deemed necessary, the development shall not begin until a scheme for the provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the method of collection and disposal of surface water and the maintenance thereof.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal, in accordance with Policy SU1 of the Bath and North East Somerset Placemaking Plan.

13 Depths of working (Pre-commencement)

Prior to the commencement of development the maximum depths of working in Phases 1 and 2 of the site shall be submitted for the approval of the Local Planning Authority. The development shall be undertaken in accordance with the agreed details.

Reason: To control the development in the interests of amenity and groundwater protection, in accordance with Policies D6 and PCS8 of the Bath and North East Somerset Placemaking Plan.

14 Operational limitations (Compliance)

Apart from the preparation and restoration of the site, there shall be no operations above natural or restored ground levels connected with the winning, working or processing of minerals at the site.

Reason: To control the generation of noise in the interests of amenity in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

15 Stripping of topsoil (Compliance)

Topsoil shall only be stripped from the site when in a dry and friable condition. Stripped topsoil shall be stored separately and spread on the restoration area only when in a dry and friable condition.

Reason: To ensure that the structure of topsoil is maintained in the interests of proper restoration of the site in accordance with Policy M4 of the Bath and North East Somerset Placemaking Plan.

16 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 is based on the following drawings and information:

Topographical Survey 2257-500-01 and Planning Statement received 14/11/2017; and Location Plan and Site Plan received 18/01/2017.

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.

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.

Advice from the Environment Agency:

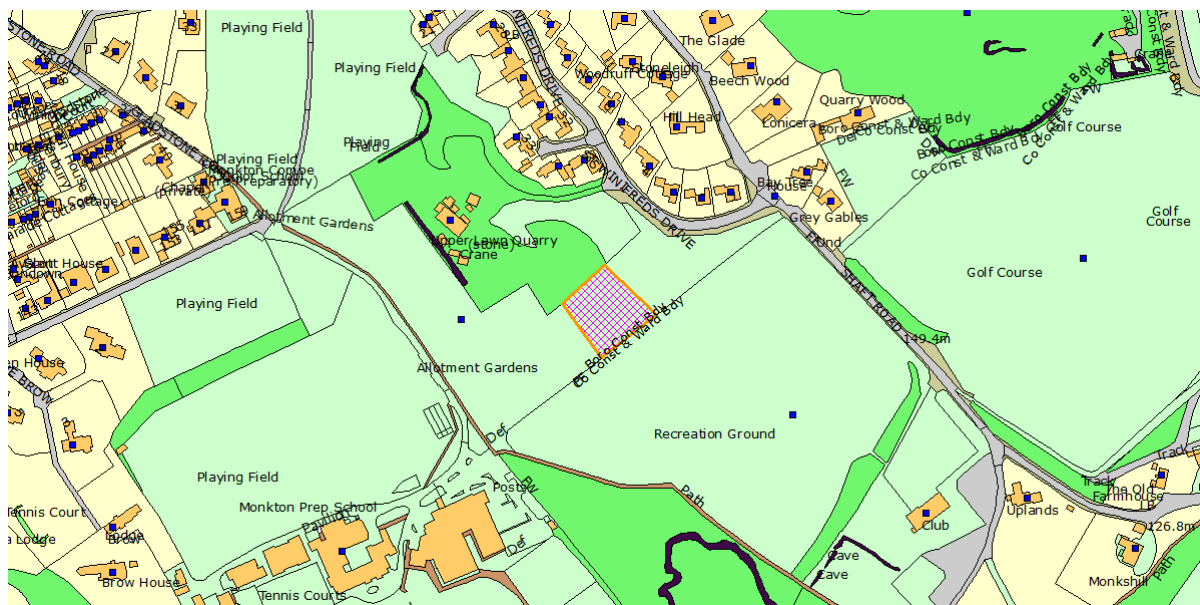
Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

This is a requirement of the Control of Pollution (Oil Storage) (England) Regulations 2001.

Any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system. There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters whether direct or via soakaways.

The proposed development lies 150 metres to the north-west of Old Quarry and Land Adjoining Shaft Road, former landfill sites that accepted inert waste material. The proposed development would not appear however, to increase the risk of landfill gas intrusion into property and the Agency would therefore have no objections in principle. The applicant should however, be advised of the presence of the former sites as they may wish to carry out their own risk assessment. Additionally, your Council's own Building Control section may also wish to address the issue of subsurface gas when finalising the construction details of any new or modified structures on the site.

Item No: 06
Application No: 17/00329/FUL
Site Location: Upper Lawn Quarry St Winifred's Drive Combe Down Bath Bath And North East Somerset



Ward: Combe Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Cherry Beath Councillor Bob Goodman
Application Type: Full Application
Proposal: Change of use of an area of paddock land for use as allotments
Constraints: Affordable Housing, Agric Land Class 3b,4,5, Article 4, Existing Mineral Working, Forest of Avon, Hotspring Protection, Mineral Construction Area, MOD Safeguarded Areas, Regionally Important Geological Site RIG, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,
Applicant: Messrs Hancock
Expiry Date: 25th August 2017
Case Officer: Tim Pearce

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

This application is associated with the proposed quarry extension at Upper Lawn Quarry (Application No: 16/05548/MINW) and the subsequent loss of allotment land as a result of the proposed development. This application seeks to provide adequate replacement allotment land to satisfy the requirements of Policy LCR8 of the Adopted Placemaking Plan for Bath and North East Somerset. As such the application should be considered alongside application 16/05548/MINW which has also been submitted to this Development Management Committee for consideration following a request from Councillor Cherry Beath.

Councillor Beath has requested that Application 16/05548/MINW be determined by the Development Management Committee as it is of public concern and effects an important amenity in the Community. Details of her concerns are provided in the associated Committee report.

In accordance with the Council's Scheme of Delegation, the application was referred to the chairman of Development Management Committee who has decided that the application should be determined by Committee along with application 16/05548/MINW as the proposals are closely linked and application 16/05548/MINW would impact upon community facilities..

PROPOSAL: Change of use of an area of paddock land for use as allotments

SITE LOCATION: Upper Lawn Quarry, St Winifred's Drive, Combe Down, Bath

DESCRIPTION OF SITE AND APPLICATION:

The application site comprises an area of paddock land of approximately 1800m² located adjacent to the south-eastern side of the existing Upper Lawn Quarry, on the south-western side of St Winifred's Drive, on the outskirts of Combe Down. The land is currently part of a paddock with the existing quarry bordering its north-west boundary, the existing allotments bordering its south-western boundary, playing fields bordering its south-east boundary with the remainder of the paddock bordering its north-eastern boundary.

The site is located within a Mineral Safeguarding Area (Policy M1 of the Adopted Placemaking Plan) and borders the Cotswolds AONB (Policy NE2) to the south-east. The application site also lies within the World Heritage Site (Policy HE1), Bath Hot Springs Protection Area (Policy PCS8) and a Water Source Protection Area (Policy PCS7). The site is also within proximity of a Regionally Important Geological Site (Policy NE3), Conservation Areas (Policy HE1), the Cotswolds AONB (Policy NE2) as well as sites used as playing fields, subject to Policy LCR5 and land protected as Green Belt (Policy CP8).

The application is supported by the following additional information:

- o Covering Letter;
- o Ecological Survey and Appraisal; and
- o Preliminary Risk Assessment.

Given the protection afforded the site for Mineral Safeguarding under Policy M1 of the Adopted Placemaking Plan and allotment gardens under Policy LCR8 of the Adopted Placemaking Plan this application should be considered in association with the Upper Lawn Quarry extension application that has also been referred to this Development Management Committee.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS AND REPRESENTATIONS:

A summary of consultation responses to the application have been provided below:

ECOLOGICAL OFFICER: No objection, subject to a condition requiring the submission of a lighting design should new external lighting be proposed.

HIGHWAY DEVELOPMENT OFFICER: No objection subject to the details submitted and agreed in accordance with application 16/005548/MINW.

ENVIRONMENTAL HEALTH OFFICER: Raised no objection regarding contaminated land, subject to a condition requiring the reporting of any unexpected contamination.

PARKS AND GREEN SPACES: Raised no objection, subject to conditions regarding allotment construction specification and the timing of works - Officer Note: With regard to criterion (m) of the proposed Allotment Construction Specification condition, when applying the six tests for planning conditions, it is not considered that the provision of assistance in relocating allotment equipment or the provision of new equipment would be enforceable, precise or reasonable. As such this criterion has been removed from the proposed condition.

OTHER REPRESENTATIONS / THIRD PARTIES

18 consultation responses were received, consisting of 1 objection, 13 general comments and 4 comments of support. These comments can be summarised as follows:

The main reasons for objection consist of the following:

1. The application should not be separate to 16/05548/MINW - the company is not accountable for providing replacements for allotment tenants affected by the extension.
2. The pony paddock has a thin layer of poor topsoil and its condition should be enhanced before the area can be deemed suitable for use as allotments.

General comments on the proposal can be summarised as follows:

1. Allotments can be unsightly, therefore a condition if approved should consist of a screen to reduce the visual impact for residents.
2. A further fence to protect allotments from deer and to add to security should be erected.
3. Ground Investigation & Risk Assessment should be undertaken to assess potential contamination of land to ensure the land is suitable for intended horticultural use.
4. As a condition the proposed area should be designated as green space.
5. New land should be prepared in advance in conjunction with requirements of the Parks Department of BANES Council (Grampian condition).

Comments of support on the proposal consist of the following:

1. The replacement of land allocated to allotments is welcomed, providing the effect of relocation on tenants is minimal.
2. Application a welcome departure from the previous application 16/05548/MINW due to mitigation of loss to allotment land with an alternative plot on the site.

RELEVANT PLANNING HISTORY:

00/00384/MINW

Approval of planning conditions for continued operation of the quarry

APPROVED - 17 May 2000

00/02251/MINW

Extension of Bath Stone Quarry

APPROVED - 31 January 2001

16/05548/MINW

Extension to quarry

Pending Consideration

POLICIES/LEGISLATION

POLICY CONTEXT:

NATIONAL POLICY: National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight. Of particular relevance to this planning application are:

- o Paragraph 70 of the National Planning Policy Framework NPPF; and
- o Planning Practice Guidance: Open space, sports and recreation facilities, public rights of way and local green space.

LOCAL POLICY:

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
- o Policy GDS.1 Site allocations and development requirements (policy framework)
- o Policy GDS.1/K2: South West Keynsham (site)
- o Policy GDS.1/NR2: Radstock Railway Land (site)
- o Policy GDS.1/V3: Paulton Printing Factory (site)
- o Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Neighbourhood Plans

CORE STRATEGY: The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

DW1 District Wide Spatial Strategy

SD1 Presumption in favour of Sustainable Development

CP2 Sustainable Construction

CP6 Environmental Quality

CP7 Green Infrastructure

CP8a Minerals

PLACEMAKING PLAN: The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D6 Amenity
HE1 Historic Environment
NE1 Development and Green Infrastructure
NE2 Conserving and enhancing the landscape and landscape character
NE3 Sites, species and habitats
NE4 Ecosystem services
NE5 Ecological networks
NE6 Trees and woodland conservation
PCS5 Contamination
LCR1 Safeguarding local community facilities
LCR2 New or replacement community facilities
LCR6a Local green spaces
LCR8 Protecting allotments
M1 Mineral safe-guarding areas
ST7 Transport requirements for managing development

OFFICER ASSESSMENT

OFFICER ASSESSMENT:

The main issues to consider are:

1. Background
2. Principle of development
3. Provision of new allotments
4. Contamination
5. Highways
6. Parks and Green Spaces
7. Landscape
8. Amenity
9. Ecology
10. Other Matters
11. Conclusion

1. BACKGROUND

This application for the provision of new allotments has been submitted in association with application 16/05548/MINW which is seeking to extend Upper Lawn Quarry on land that is currently used for allotment gardens.

As detailed above, given the protection afforded the site for both mineral extraction under Policy M1 of the Adopted Placemaking Plan and allotment gardens under Policy LCR8 of the Adopted Placemaking Plan this application is considered in conjunction with the minerals extraction application that has also been referred to this Development Management Committee.

2. PRINCIPLE OF DEVELOPMENT

The application site is located within land allocated as a Mineral Safeguarding Area (Policy M1 of the Adopted Placemaking Plan). Policy M1 states that:

"Non-mineral development within Mineral Safeguarding Areas as shown on the Policies Map will be permitted provided:

- 1) It will not sterilise or unduly restrict the extraction of mineral deposits which are, or may become, of economic importance and which are capable of being worked; and
- 2) It will not adversely affect the viability of exploiting a mineral resource or be incompatible with an existing or potential minerals development;"

In view of the fact that allotment land has been developed for extensions of the quarry in the past it is not considered that the proposed allotments would sterilise or unduly restrict the extraction of mineral deposits in the future, or adversely affect the viability of exploiting a mineral resource, or be incompatible with the existing or potential minerals development at Upper Lawn Quarry. As such the proposals are considered to be in accordance with this policy.

3. PROVISION OF NEW ALLOTMENTS

With regard to the provision of new allotments Policy LCR9 of the Adopted Placemaking Plan states that:

"1) The identification of all new allotments sites must comply with the B&NES Allotments Site Selection Criteria and must:

- a) Be suitable for productive use.
- b) Be accessible to the area they are intended to serve.
- c) Be suitable for use as allotments through appropriate design (e.g. considering ecology and landscape).

2) New allotments must be well designed and managed in line with the B&NES Allotments Management Plan & B&NES Allotment Design Guide and must have a site Management Plan."

The acceptability of the proposed allotments is considered in more detail below, however, it should be noted that the proposed allotment site has been assessed as a suitable, equivalent and accessible alternative provision, subject to conditions that will ensure that the criteria contained within Policy LCR9 are met.

4. CONTAMINATION

The application is supported by a Preliminary Risk Assessment that considered the potential contamination linkages which could affect the development and it was concluded that none of them are likely to be significant. The site is therefore considered suitable for the proposed use without further assessment or investigation. The Environmental Health Officer (Contaminated Land) has assessed the application and the submitted assessment and has raised no objection subject to a condition regarding the reporting of unexpected contamination. On this basis and subject to a condition that requires the land to be made suitable for allotment use and equivalent to the existing allotment land to be quarried, the application site is considered suitable for productive use and therefore in accordance with Policy LCR9 of the Adopted Placemaking Plan.

5. HIGHWAYS

With regard to accessibility the proposed allotments are adjacent to the existing allotment gardens and will be served by the existing public right of way following the removal of the existing fence, subject to condition. As such the allotments are considered accessible to the area they serve and would not generate any further traffic impacts. This is in accordance with policies LCR9 and ST7 of the Adopted Placemaking Plan.

6. PARKS AND GREEN SPACES

In terms of appropriate design and management of the allotments the Parks and Green Spaces Officer has requested that a condition be attached that requires the applicant to: improve the ground profile and soil content; provide adequate boundary treatments; provide an extension of the water utilities provision; agree the layout of the allotments, remove waste from the site; and provide assistance in relocating allotment equipment. These measures will ensure that the land subject to the application is suitable for allotment use and equivalent to the existing allotment land to be quarried. As such subject to conditions the proposals are considered in accordance with Policy LCR9 of the Adopted Placemaking Plan.

It should be noted that a condition has also been attached that requires the replacement allotments to be completed prior to the commencement of works of the quarry extension and the loss of the existing allotments.

7. LANDSCAPE

The application site is boarded by playing fields to its south-eastern boundary that are also part of the Costwold AONB. Given the recreational nature of the existing playing fields and both the existing and proposed allotment gardens it is considered that the development would conserve the landscape character of the AONB, whilst incorporating green space within the scheme that positively contributes to creating a high quality environment by enhancing landscape character and biodiversity, through the additional hedgerow planting. The proposals are therefore in accordance with Policy NE2 of the Adopted Placemaking Plan.

8. AMENITY

With regard to visual and residential amenity, given the nature of allotment garden use and the attached condition requiring appropriate boundary treatments to be erected, the proposals are considered to at the very least maintain the status quo if not improve the existing situation when compared to the existing paddock use. Therefore the proposals, subject to condition, are in accordance with Policy D6 of the Adopted Placemaking Plan.

9. ECOLOGY

An Ecological and Bat Survey and Assessment was submitted in support of the application which was assessed by the Council's Ecology Officer who accepted the report's findings. The Ecology Officer concluded that there was no objection on ecological grounds and that they did not consider the proposal capable of significant impact on the

nearby SAC or bats using the SAC. This is on the provision that any new external lighting proposed is submitted to the Council for approval.

Given the limited impact of the proposals on identified protected species and their habitats it is felt that the proposed development would be in accordance with Policy NE3 of the Adopted Placemaking Plan.

10. OTHER MATTERS

Despite being a separate application to application 16/05548/MINW the two are intrinsically linked. As such a condition has been proposed for application 16/05548/MINW that requires the completion of the new allotment gardens prior to the commencement of works associated with the extension of Upper Lawn Quarry.

With regards to the provision of a deer fence to add security to the allotments it should be noted that the Council's Parks and Green Spaces Officer has recommended that the allotments be enclosed by a mixture of chain link fencing and hedgerows. It is considered that this level of boundary treatment is acceptable in this instance.

It should be noted that the designation of a Local Green Space can only be achieved through the local plan or neighbourhood plan process and not via a planning condition.

11. CONCLUSION

With regard to the principle of development the proposed allotments are considered an acceptable non-minerals development that would not sterilise or unduly restrict the extraction of mineral deposits in the future. Moreover, it has been established that, subject to conditions, the proposed allotment site is suitable for productive use and a suitable, equivalent and accessible alternative provision to that being lost to the Upper Lawn Quarry extension.

In assessing the application all Consultees found the proposals acceptable, subject to conditions, therefore the proposed allotments can be considered to accord with the relevant policies of the Bath and North East Somerset Core Strategy, the Bath and North East Somerset Placemaking Plan and, in accordance with paragraph 17 of the National Planning Policy Framework. However, as this application is so closely linked to application no.16/05548/MINW it is recommended that the Group Manager be authorised to grant permission subject to the conditions if the Secretary of State decides not to call in that application.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 Subject to the Secretary of State not calling in planning application no. 16/05548/MINW authorise the Group Manager, Development Management to Permit subject to the following 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 permissions.

2 Approved Scheme (Compliance)

The development shall be carried out fully in accordance with the application dated 23rd January 2017 together with the supporting statement and drawings (including revisions) except where varied by conditions attached to this permission.

Reason: To enable the Local Planning Authority to control the development and to ensure that the impact on the amenities of the surrounding area is minimised, in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

3 Allotment construction specification (Compliance)

The development hereby approved shall be constructed in accordance with the following construction specification:

- (a) the ground material profile of the area shall match, as far as reasonably practicable, the material profile of adjoining undisturbed areas;
- (b) the ground material shall be consolidated as it is laid to ensure that there is no postconstruction settlement;
- (c) the final 1000mm of any previously restored areas shall comprise 800mm of subsoil overlain by 200mm of topsoil;
- (d) prior to laying topsoil the subsoil shall be ripped of all stones and other debris on the surface exceeding 100mm in diameter shall be removed. All glass or other debris on the surface of the topsoiled site which exceeds 50mm in diameter shall be removed;
- (e) the allotment plots shall be spread with a 100mm layer suitable organic material with a balanced pH, or spent mushroom compost, which shall be cultivated into the top 100mm of topsoil;
- (f) the fence on the south-west boundary, that backs on to the allotment plots is to be removed;
- (g) the fence on the north-east boundary, to be 1.8m high chain-link with a mixed species double row hedge planted along its length.
- (h) the fence on the south-east boundary, to be 1.8m high chain-link.
- (i) the quarry boundary treatment shall be otherwise agreed by the Council;
- (j) all wastes and all rubbish shall be removed from site and there shall be no risk to health and safety from any installation.

Reason: To ensure that the land is in a condition suitable for allotment use and equivalent to the existing allotment land to be quarried, in accordance with Policy LCR9 of the Bath and North East Somerset Placemaking Plan.

4 Water Supply and Troughs Provision (Pre-occupation)

Prior to first occupation the approved allotments shall be provided with a water supply and water troughs in accordance with details to first be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that suitable replacement allotment amenities are provided, LCR9 in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan

5 Allotment scheme (Pre-commencement)

No development shall commence until a scheme detailing the layout and size of the allotment plots and grass or other suitable substrate paths has been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure the land is restored to a condition suitable for the proposed after use. in accordance with Policy LCR9 of the Bath and North East Somerset Placemaking Plan

6 Timing of works (Compliance)

The replacement allotments are to be completed prior to the commencement of the development associated with planning permission 16/05548/MINW - Extension to Quarry.

Reason: To enable the Local Planning Authority to control the development and to ensure that allotments being lost as part of the proposed development are replaced in advance of works commencing, in accordance with Policies LCR8 and LCR9 of the Bath and North East Somerset Placemaking Plan.

7 Reporting of Unexpected Contamination (Bespoke Trigger)

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

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

8 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 LPA; details to include lamp specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent light spill upwards and onto adjacent land and vegetation that is suitable for use by bats, including bats associated with the nearby Bath & Bradford on Avon Bats Special Area of Conservation (SAC) 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 other wildlife, in accordance with Policy NE3 of the Bath and North East Somerset Placemaking Plan

9 Plans List (Compliance)

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

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

PLANS LIST:

This decision is based on the following drawings and information:

Covering letter and location plan received 23/01/2017; Ecological Survey and Appraisal 14/03/2017; and Preliminary Risk Assessment received 06/06/2017.

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.

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.

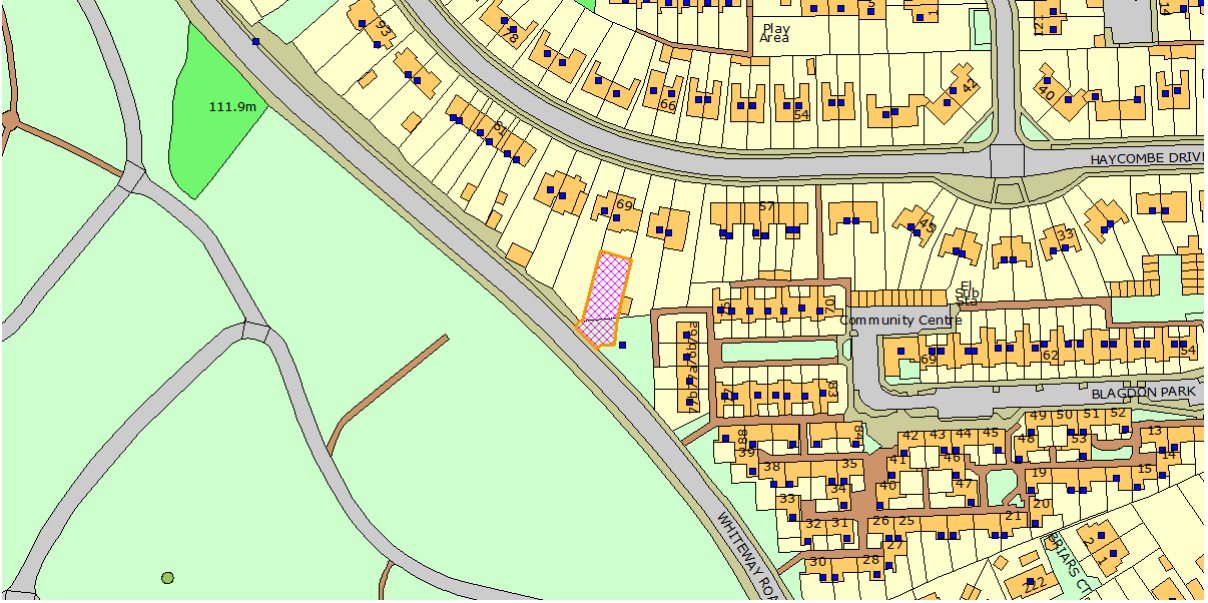
Please note all conditions should be read fully as these headings are intended as a guide only.

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.

Comments of the Parks and Green Spaces Officer:

The construction of the replacement allotments will provide a cost effective opportunity for the applicant to also fulfil the requirement of application 00/02251/MINW Condition 9 to restore Area B as allotments. The Council would welcome the combined construction of

these planning application requirements to minimise disruption to existing tenants and assist in meeting the high demand for allotments in the Combe Down ward.

Item No:	07	
Application No:	17/00378/FUL	
Site Location:	Land At Rear Of 69 Haycombe Drive Whiteway Road Whiteway Bath	
		
Ward:	Southdown	Parish: N/A
Ward Members:	Councillor P N Crossley	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 1no 3 bed dwelling with associated driveway and parking	
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
Applicant:	Mr R Jay	
Expiry Date:	7th July 2017	
Case Officer:	Chris Griggs-Trevarthen	

REPORT

REASON FOR REPORTING TO COMMITTEE

Councillor Dine Romero has requested that the application be brought to committee if the officer is minded to approve. Details of Cllr. Romero's objections are provided in the report below.

In accordance with the Council's Scheme of Delegation, the application was referred to the chair of the Development Control Committee who has decided that the application should be determined by committee.

DESCRIPTION

The application site was part of the rear garden area associated with 69 Haycombe Drive and also includes a landscaped area that fronts Whiteway Road, adjacent to bungalows on Blagdon Park. The area directly to the rear of No 69 forms a separate parcel of land and there is a line of conifers along the boundary. The landscaped area contains a number of substantial trees and seven of them (Alders) are covered by a Tree Preservation Order (TPO).

The site falls within Bath World Heritage Site, but is not part of the Conservation Area.

The proposal is to erect a 3 bedroom dwelling with an associated driveway and parking. Access is proposed from Whiteway Road to the south.

The application site has been the subject of several recent applications and appeals. Notably, a smaller site comprising just the rear garden area formerly associated with 69 Haycombe Drive was granted outline planning permission on appeal for the erection of a detached two storey dwelling in 2012 (Ref: 11/03987/OUT). This permission has since lapsed.

PLANNING HISTORY

Planning permission reference 15/02884/FUL

Erection of 1 no. dwelling with detached garage and associated works

Application status - REFUSED - 16th September 2015

Appeal status - DISMISSED - 1st July 2016

Inspector's comments

Taking into account all of the above I conclude that the proposal would result in the removal of protected trees and a cramped form of development that would significantly harm the character and appearance of the appeal site and its surroundings.

Decision letter, paragraph 8

In conclusion the development would be harmful to the living conditions of the occupiers of no 69 and the future occupiers of the development with regard to privacy and the occupiers of no 76a with regard to outlook.

Decision letter, paragraph 12

Planning permission reference: 11/03987/OUT

Erection of a detached 2 storey dwelling on land to the rear of 69 Haycombe Drive (Outline Planning permission)

Application status - REFUSED - 20th December 2011

Appeal status - ALLOWED - 28th June 2012

Inspector's comments

For the purposes of granting outline planning permission, there is in my judgement nothing so fundamentally wrong with the appeal site as to mean that no possible dwelling design could be acceptable in terms of its impact upon adjoining properties.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A summary of consultation responses to the application have been provided below.

HIGHWAYS OFFICER: No objection, subject to conditions.

ARBORICULTURE: No objection, subject to conditions.

ECOLOGY: No objection, subject to conditions.

COUNCILLOR DINE ROMERO: Objection

1. The proposed windows will look into the back-garden and property of 69 Haycombe Drive;
2. The Previous Appeal Inspector put a specific requirement to provide and maintain on-site parking and turning spaces;
3. The turning area involves the removal of two unprotected trees, but this is not in their ownership;
4. The proposals will put at risk 2no. TPO alder trees from traffic manoeuvres; and,
5. The tree listed as T2 could also become a hindrance to road visibility, particularly uphill and may end up being removed once the development is complete.

THIRD PARTIES/NEIGHBOURS: One letter of OBJECTION has been received. The main issues raised were:

The house is on land which was formerly part of the garden of 69 Haycombe Drive. It was sectioned off and sold separately.

Proposed dwelling will severely impede the view and light received by 69 Haycombe Drive. It will cause a considerable breach of privacy for 69 Haycombe Drive being overlooked so closely.

Potential for accident from vehicles pulling out onto Whiteway Road on the brow of the hill. It has been declined previously and don't see how a 3 bedroom dwelling should be granted as nothing has changed.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan

RELEVANT CORE STRATEGY POLICIES

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

SD1 Presumption in favour of Sustainable Development
B1 Bath Spatial Strategy
B4 Bath World Heritage Site
CP2 Sustainable Construction
CP6 Environmental Quality

RELEVANT PLACEMAKING PLAN POLICIES

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

SU1 Sustainable Drainage
D1 General Urban Design Principles
D2 Local Character and Distinctiveness
D3 Urban Fabric
D4 Streets and spaces
D5 Building Design
D6 Amenity
D7 Infill and Backland Development
HE1 Historic Environment
NE3 Sites, species and habitats
NE6 Trees and woodland conservation
PCS2 Noise and vibration
H7 Housing accessibility
LCR7B Broadband
LCR9 Increasing the provision of local food growing
ST1 Promoting sustainable travel
ST7 Transport requirements for managing development
SCR5 Water Efficiency

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

OFFICER ASSESSMENT

The main issues to consider are:

1. Background
2. Principle of development
3. Character and appearance
4. Residential amenity
5. Highways and parking
6. Trees and woodland
7. Ecology
8. Housing Supply, Community Infrastructure Levy and New Homes Bonus
9. Other matters
10. Conclusion

1. BACKGROUND

A smaller site comprising part of the rear garden area associated with 69 Haycombe Drive was first considered for residential development in 2011 when an outline application for

the erection of a two storey, detached dwelling was refused due to harm to highways safety and residential amenity. However, the proposal was allowed on appeal with the appeal inspector overturning the Council's decision and stating that:

"For the purposes of granting outline planning permission, there is in my judgment nothing so fundamentally wrong with the appeal site as to mean that no possible dwelling design could be acceptable in terms of its impact upon adjoining properties."

In respect of highways safety the Inspector stated:

"I am satisfied that the proposed development would meet the objectives of Policy T.24 of the Local Plan, which aims to secure development that provides a high standard of highway safety, with safe and convenient access for pedestrians, cyclists and vehicles."

They also stated that:

"an appropriately designed dwelling on this site, of modest scale and sympathetic materials, could be accommodated without any harmful effect upon the character and appearance of the surrounding area."

A reserved matters application was never submitted in respect of this outline planning permission which has now lapsed.

In 2015 a new application seeking full planning permission for the erection of a large, 5 bedroom, detached dwelling and a detached garage was submitted. This submission included land from the landscaped area that fronts Whiteway Road within the application site. This was refused due to the impact of the proposed dwelling and garage upon the protected trees, its cramped appearance, lack of information about ecology and its impact upon the amenities of the surrounding occupiers. These reasons for refusal stemmed from the size and siting of the proposed dwelling, which was considered to be excessively large for the site.

This application was taken to appeal and was dismissed in 2016 in line with the reasons for refusal given by the Council, with the exception that the Inspector considered that the dwelling would not be overbearing or oppressive to the occupiers of 67 or 71 Haycombe Drive.

These previous appeal decisions are important material considerations to take into account when determining the current application. The current application seeks to address the previous reasons for refusal and has been amended accordingly to remove the detached garage and reduce the size of the proposed dwelling.

2. PRINCIPLE OF DEVELOPMENT

The site falls within the built up area of Bath where the principle of new residential development is acceptable in accordance with policy B1 of the Core Strategy.

Furthermore, the principle of residential development on this site has previously been accepted under the previous outline planning permission granted on appeal in 2012, although this has now lapsed.

3. CHARACTER AND APPEARANCE

The previous scheme refused on appeal in 2016 was a very large, detached, storey dwelling with 5 bedrooms. It had a large footprint measuring 12.6m by 8.4m and was a full two storeys in height with a pitched roof.

The current proposal is for a chalet style, two storey dwelling with the first floor accommodation situated within the roof. The footprint of the proposed building has also been reduced so that it now measures 9.2m by 8.7m and is positioned further back in the site. This approach reduces the overall height and bulk of the proposed building compared to that of the previous scheme and helps it sit more comfortably within the street scene.

The proposed dwelling would be situated approximately 1m away from the side boundaries of the site and, as such, would visually occupy the majority of the width of the site. However, given the reduction to the building's size and bulk, and it's set back from the street scene, it is not considered to appear cramped or overdeveloped.

These changes to the scheme are considered to overcome the concerns of the Inspector in the 2016 appeal in respect of the character and appearance of the proposal.

The design of the building is a relatively simple, traditional design incorporating dormer windows into the front and rear roof slopes of the chalet style building.

The front facing dormers are relatively well proportioned in relation to the roof and contain a small pitched roof design which compliments the main dwelling. The rear facing dormer is a larger, box style dormer which does not particularly add to the overall appearance of the dwelling. However, it does not dominate the roof slope and its position on the rear of the building means that it will not be prominent from public vantage points

The use of reconstituted stone for the proposed elevations is acceptable in this context where other buildings are primarily constructed from reconstituted stone. However, to ensure that that appropriate quality of reconstituted stone is used samples will need to be required by condition.

The driveway, parking and turning areas positioned at the front of the site are kept to a minimum and do not result in a parking or hardstanding dominated design. Furthermore, when approaching from the south the mature alder trees on the retained landscaped land will provide some screening for the dwelling and its parking area.

The landscape area containing the protected alder trees makes a significant contribution towards the character and appearance of the surrounding area. If this area were to be enclosed within a residential garden then this would reduce the contribution which the open landscape makes to the street scene and may prejudice the long term viability of the protected trees.

Whilst all of the land comprising this landscaped area is shown as being within the ownership of the applicant, the red line of the application site only includes a small part of this area to provide the access and driveway. The use of this part of the site for the access and driveway does not prejudice the overall contribution which the landscaped area makes to the street scene and is considered acceptable. Further expansion of the site to incorporate the landscaped area into the residential garden of the proposed dwelling would need planning permission in its own right and would be unlikely to be viewed favourably.

The impact of the proposed development upon specific protected trees is discussed in more detail in the sections below.

In light of the above, it is considered that the previous reason for refusal, in terms of design, has been overcome and that the proposed dwelling will not adversely affect the character or appearance of the area.

4. RESIDENTIAL AMENITY

The proposed dwelling would be situated adjacent to the rear garden of 71 Haycombe Drive to the west and 67 Haycombe Drive to the east. 67 and 71 Haycombe Drive both have long rear gardens that adjoin the application site. The present outlook from the dwellings and their gardens has a relatively open aspect. The previous appeal inspector in 2016 considered that, although the open aspect would be reduced by the development, when taking into account that the proposed dwelling would not be directly behind No 67 nor No 71 and that the proposed dwelling would be alongside the rear portion of their gardens, the proposal would not be overbearing or oppressive to the occupiers of those dwellings.

Given that the current proposal is now smaller in terms of footprint and overall bulk than the previously appeal proposal, it is considered that the judgement of the inspector remains applicable to the current application. It is therefore considered that the proposed dwelling will not be overbearing or oppressive to the occupiers of 67 nor 71 Haycombe Drive.

There are first floor windows located on each side elevation of the proposed dwelling. These windows have the potential to offer views over the gardens of 67 and 71 Haycombe Drive and further adjoining gardens. However, the first floor in the west elevation is a secondary window serving a bedroom and the first floor window in the east elevation serves a bathroom. It is therefore considered appropriate for these two windows to be obscurely glazed and fixed shut. This can be secured by condition and will prevent any harmful overlooking of 67 and 71 Haycombe Drive.

The rear elevation of the proposed dwelling would be directly facing no. 69 Haycombe Drive. The separation distance at ground floor level between no. 69 and the proposed dwelling is approximately 17m and at first floor level this increases to 19.5m.

At ground floor level views from the proposed dwelling will be screened by vegetation in the garden of 69 Haycombe Drive. However, the long term future of this vegetation cannot be guaranteed and it is therefore necessary to secure the erection of a fence along the

boundary with 69 Haycombe Drive via a planning condition. This will ensure that no significant overlooking occurs at ground floor level.

The first floor dormer windows will offer some views over the garden of 69 Haycombe Drive and towards the rear of the property. However, the separation distance in combination with the reduced size of the windows compared to the previously refused proposal, means that the extent of this overlooking will not be significantly harmful. One of the two dormer windows serves a workroom which is considered to be a non-habitable room and can be obscurely glazed to further lessen the impact of any overlooking. This can be secured by condition.

The separation distance with 69 Haycombe Drive combined with its reduced size and bulk means that the proposed dwelling will not be overbearing or oppressive to the occupiers of 69 Haycombe Drive.

In light of the above, it is considered that the proposed development will not significantly harm the amenities of any adjoining occupiers and will provide an adequate residential environment for the future occupiers. However, given the tight constraints of the site, it is considered reasonable and appropriate to remove permitted development rights for any further extension or alterations to the building in order to ensure that the residential amenities of adjoining occupiers remains protected.

5. HIGHWAYS AND PARKING

The principle of achieving access to the site via Whiteway Road has been accepted by the previous appeal Inspectors. The previous inspector noted that the access would have visibility to the left of at least 70m and to the right of more than 100m. This comfortably exceeds the minimum visibility of 43m found within *Manual for Streets*, for an access emerging on to a road with a 30mph speed limit. The proposed access is therefore considered acceptable.

The proposal provides 2 on-site parking spaces which accords with the Placemaking Plan parking standards for a 3bedroom dwelling set out in schedule 2 of policy ST7.

The Highways Officer has reviewed the current proposed site layout and parking arrangements and is satisfied that they are sufficient and would allow cars to turn and leave in a forward gear.

Subject to conditions requiring the parking and turning areas to be kept clear of obstruction, it is considered that the proposal does not harm highways safety and provides an appropriate level of on-site parking in accordance with policy ST7.

6. TREES AND WOODLAND

A Tree Preservation Order protects seven Alder trees within the landscape area adjacent to the application site. None of the protected trees are proposed to be removed to accommodate the proposed dwelling or parking area.

The arboriculturalist has confirmed that they have no objection to the loss of a single apple shown as being removed in the submitted arboricultural report.

The parking area is located within the root protection areas of several of the protected alders. However, it is proposed to use no-dig solutions for the creation of the parking area to avoid potential harm to any of the protected trees. Following clarification about site levels and the feasibility of this approach the Council's Arboriculturalist is satisfied that the development can be undertaken without harm to the protected trees.

Concern has also been raised about potential damage to the protected trees arising from vehicle manoeuvres on the site, i.e. possible contact between vehicles and the protected trees. Vehicle speeds on the site are likely to be very slow and therefore the chances of contact are relatively low. However, to provide certainty about the protection of the trees it is considered that a kerb or posts will be provided to act as a barrier for any vehicles using the parking spaces. This exact formulation of this will be required as part of the detailed arboricultural method statement which is to be secured by condition.

Concern has also been raised that the protected trees may impede visibility from the access. However, the positions of the all of the protected trees do not interfere with the visibility splays recommended by the Highways Officer. It is therefore considered that achievement of the necessary visibility will not require the removal of any of the protected trees.

Subject to the conditions suggested by the arboriculturalist, it is considered that the proposals will not harm the long-term health or retention of the protected trees.

7. ECOLOGY

An ecological survey has been submitted with the application. This indicates that the site supports reptile habitat. The recommendation of the report is for no further survey for reptiles. This is not in accordance with relevant guidance nor the UK Government/ Natural England Standing Advice for reptiles.

The Council's ecologist has therefore requested a reptile survey to confirm the presence or absence of these animals on the site, and if present to establish the population and provide appropriate mitigation. This survey can be secured by a condition which has been recommended by the Council's ecologist.

Subject to the proposed condition, it is considered that the proposals will not result in any significant harm to ecology.

8. HOUSING SUPPLY, COMMUNITY INFRASTRUCTURE LEVY AND NEW HOMES BONUS

The proposed development represents a windfall site which would generate a single dwelling towards meeting the housing supply in Bath in accordance with policy B1.

The proposed dwelling would be liable for Community Infrastructure Levy (CIL) chargeable at £100 per square metres.

The proposed dwelling will also generate additional income for the Council arising from the New Homes Bonus.

9. OTHER MATTERS

Comments have been received suggesting that the applicant does own some of the land. However, the applicant has signed certificate A on the application forms and confirmed that they do own all of the red and the blue land indicated on the site location plan. In any case, planning permission runs with the land and ownership is not a material consideration in this case.

Policy SCR5 of the Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. These standards and this can be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g. water butts). These measures can be incorporated into the proposed scheme although no details have yet been provided. These matters can be secured by a relevant planning condition.

10. CONCLUSION

In light of the above, it is considered that the proposal has overcome the previous reasons for refusal given by the Inspector.

Furthermore, it is considered that the proposals accord with the above listed relevant policies of the Bath and North East Somerset Core Strategy and the Bath and North East Somerset Placemaking Plan and, in accordance with paragraph 17 of the National Planning Policy Framework, should be approved without delay.

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 (Pre-commencement)

Notwithstanding the submission of the Arboricultural Method Statement dated 12th January 2017, no development shall take place until a Detailed Arboricultural Method Statement with scaled Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan and CP7 of the Core Strategy. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

3 Wildlife Protection and Enhancement (Pre-commencement)

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

- (i) Completed pre-commencement reptile survey, carried out in accordance with current published best practice guidance
- (ii) a proposed reptile mitigation scheme with details of all necessary measures that shall be implemented to avoid harm to reptiles and to provide compensatory replacement habitat of equivalent value to habitat that will be removed
- (iii) proposed method statements for the avoidance of harm during site preparation and construction works to nesting birds and other wildlife as applicable
- (iv) 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.

Reason: To avoid harm to reptiles and other wildlife, to achieve "no net loss" to biodiversity and provide net gain for biodiversity in accordance with policy NE.3 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because the commencement of development may result in harm to any reptiles present on the site without appropriate mitigation in place.

4 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 D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy

5 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, full implementation of the Wildlife Protection and Enhancement Scheme has been 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 policy NE.3 of the Bath and North East Somerset Placemaking Plan.

6 Arboricultural Compliance (Pre-occupation)

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

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

7 Boundary Fencing (Pre-occupation)

No occupation shall commence until a fence has been erected along the boundary between the application site and 69 Haycombe Drive in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

8 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

9 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

10 Obscure Glazing and Non-opening Window(s) (Compliance)

The proposed first floor rear elevation window serving the workroom, the first floor window on the west elevation serving bedroom 1 and the first floor window on the east elevation serving the bath (as shown on drawing number 3) shall be obscurely glazed and non-opening unless the parts of the windows which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the windows shall be permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

11 Parking and turning areas (Compliance)

The area 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 ST.7 of the Bath and North East Somerset Placemaking Plan.

12 Surfacing material (Compliance)

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 ST.7 of the Bath and North East Placemaking Plan.

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration (including the insertion of new windows) or enlargement of the dwelling hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: The site is tightly constrained in terms of privacy and amenity. Permitted development rights for extensions and alterations are therefore removed because any further extensions require detailed consideration by the Local Planning Authority to ensure that the amenity of adjoining occupiers is preserved and the character and appearance of the area is maintained in accordance with policies D1, D2, D3, D5 and D6 of the Bath and North East Somerset Placemaking Plan.

14 Visibility splays (Compliance)

Before the dwelling hereby permitted is first occupied the area between the nearside carriageway edge and lines drawn between a point 2.4m back from the carriageway edge along the centre line of the access and points on the carriageway edge 43m from and on

both sides of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 600mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: To ensure visibility is maintained in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

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:

- Drawing 1 Existing Site survey
- Drawing 2 Proposed Site Plan / Location Plan
- Drawing 3 A Floor Plans / Elevations
- Drawing 4 Proposed Site Plan / Tree Protection Plan

DECISION MAKING STATEMENT

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

Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens

after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk 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

Item No: 08
Application No: 17/02485/FUL
Site Location: Honey Gaston Featherbed Lane Clutton Bristol



Ward: Clutton **Parish:** Clutton **LB Grade:** N/A
Ward Members: Councillor Karen Warrington
Application Type: Full Application
Proposal: New barn to replace the original barn which was destroyed by fire. Remedial arboricultural works to fire-damaged trees.
Constraints: Affordable Housing, Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Neighbourhood Plan, Public Right of Way, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, Tree Preservation Order,
Applicant: Mr Paul May
Expiry Date: 24th August 2017
Case Officer: Chloe Buckingham

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The applicant is Councillor Paul May, who is a Member of Bath and North East Somerset Council.

DESCRIPTION OF SITE AND APPLICATION:

This application relates to a site located in extensive farmland and Green Belt land in Clutton. The application is for a replacement barn which will be situated on the site of the original barn within woodland as well as remedial arboricultural works to fire-damaged trees. The site currently contains the destroyed barn and a concrete outbuilding, as well as a number of trees which were also damaged by the fire.

Relevant Planning History: There is no relevant planning history for the site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Clutton Parish Council: Support

Arboriculture: No objection subject to one condition.

Highways: No comment

Ecology: The ecologist has been consulted and the response will be made available at the committee meeting.

OTHER REPRESENTATIONS / THIRD PARTIES

Objection comment received from The Bothy, Featherbed Lane, Clutton. The main points being:

- o Precedent would be set if planning permission was granted.

Objection comment received from Woodland Trust. The main points being:

- o The development must fit in the footprint.
- o Indirect impacts in terms of dust, noise and soil/root compaction.
- o Operational phase may also result in harmful light pollution.
- o Protective fencing with dust control screening should be in place during the construction phase.
- o Where soil or roots of nearby trees would be compacted by construction vehicles there should be ground protection layering in place to prevent this.
- o Any lighting should be sensitively located and limited during low-light periods when nocturnal species would be most affected.

POLICIES/LEGISLATION

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)

- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

Relevant Core Strategy Policies:

CP6 - Environmental Quality
 CP2 - Sustainable construction
 CP8 - Green Belt

Relevant Placemaking Plan Policies:

D1 General urban design principles
 D2 Local character and distinctiveness
 D3 Urban Fabric
 D5 Building Design
 D6 Amenity
 ST1 Promoting sustainable travel
 GB1 Visual Amenities of the Green Belt
 GB2 Development in Green Belt Villages
 ST7 Transport Access and Development Management
 GB3 Extensions and Alterations to buildings in the Green Belt

Supplementary Planning Documents: Existing Dwellings in the Green Belt SPD (October 2008)

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK, MARCH 2014

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

NATIONAL PLANNING PRACTICE GUIDANCE

Due consideration has been given to the recently published NPPG

OFFICER ASSESSMENT

PRINCIPLE OF PROPOSED USE:

The site is located outside of a defined settlement boundary within the designated Green Belt land. The proposal is to replace fire-damaged barn with a new barn with a smaller footprint but a similar height. The Green Belt SPD (2008) states that the replacement of an existing building will only be allowed where the replacement would not be materially larger and would not have a materially greater impact on the countryside or the openness of the

Green Belt than that to be replaced. Therefore the principle of the proposal is acceptable subject to compliance with all other policies.

DESIGN OF THE DEVELOPMENT AND IMPACT ON THE STREET SCENE AND SURROUNDING AREA:

The proposal is to replace the fire-damaged barn with a new barn within the same position within woodland. The fire-damaged barn was constructed from timber cladding with a corrugated metal roof. The original proposed barn was to be constructed from concrete blocks with metal roofing and a garage door. However, the appearance of the new barn was considered to be overly domestic and not in-keeping with the rural character of the surrounding area. Therefore the applicant submitted revised plans showing the barn clad in timber and the removal of the garage door to be replaced with more traditional wooden doors. As the new barn is now considered more in-keeping with the rural character of the site the proposal is considered acceptable.

The proposal also includes plans for remedial works to fire damaged trees which is considered acceptable subject to a tree protection plan being submitted prior to works commencing.

Comments received from the Woodland Trust have explained that the proposal has the potential to cause harmful light pollution and issues with soil compaction as well as explaining that protective fencing with dust control screening should be in place during the construction phase. However, these issues should be covered within the conditioned tree protection plan that will be needed prior to commencement of the development. It must also be noted that the council's ecologist has been consulted and the response will be made available at the committee meeting.

IMPACT ON RESIDENTIAL AMENITY AND HIGHWAYS ISSUES:

Due to the distance residential dwellings are away from the site and as the site is positioned within woodland and does not propose any transport access the proposal is acceptable in terms of residential amenity and highway safety.

OTHER ISSUES

The objection comment received explains that there is concern that a precedent would be set if planning permission was granted here. However, it must be noted that the assessment can only be made on the current planning application. The proposal is for a more secure replacement barn and is considered acceptable. Any further applications for development would need to be assessed on their own merit.

CONCLUSION:

For the reasons set out above, it is recommended that this application is allowed permission subject to conditions as outlined and subject to no adverse comments received from the Council's ecologist.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 Subject to no adverse comments being received from the Council's Ecologist, authorise the Group Manager to PERMIT subject to the following 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 Tree Protection Plan (Pre-commencement)

No development shall take place until an annotated tree protection plan following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures) to protect the trees to be retained has been submitted to and approved in writing by the Local Planning Authority. 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 and 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 the trees are protected from potentially damaging activities in accordance with policy NE.6 of the Placemaking Plan and CP7 of the Core Strategy. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

3 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:

Site Location Plan (003) received 24th May 2017.

Existing Plans and Elevations (001B) and Proposed Plans and Elevations (002B) received 26th May 2017.

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.

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:

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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.

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Bath & North East Somerset Council		
MEETING:	Development Management Committee	
MEETING DATE:	23 August 2017	AGENDA ITEM NUMBER
TITLE:	Quarterly Performance Report April – June 2017	
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 April – 30 June 2017.

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>

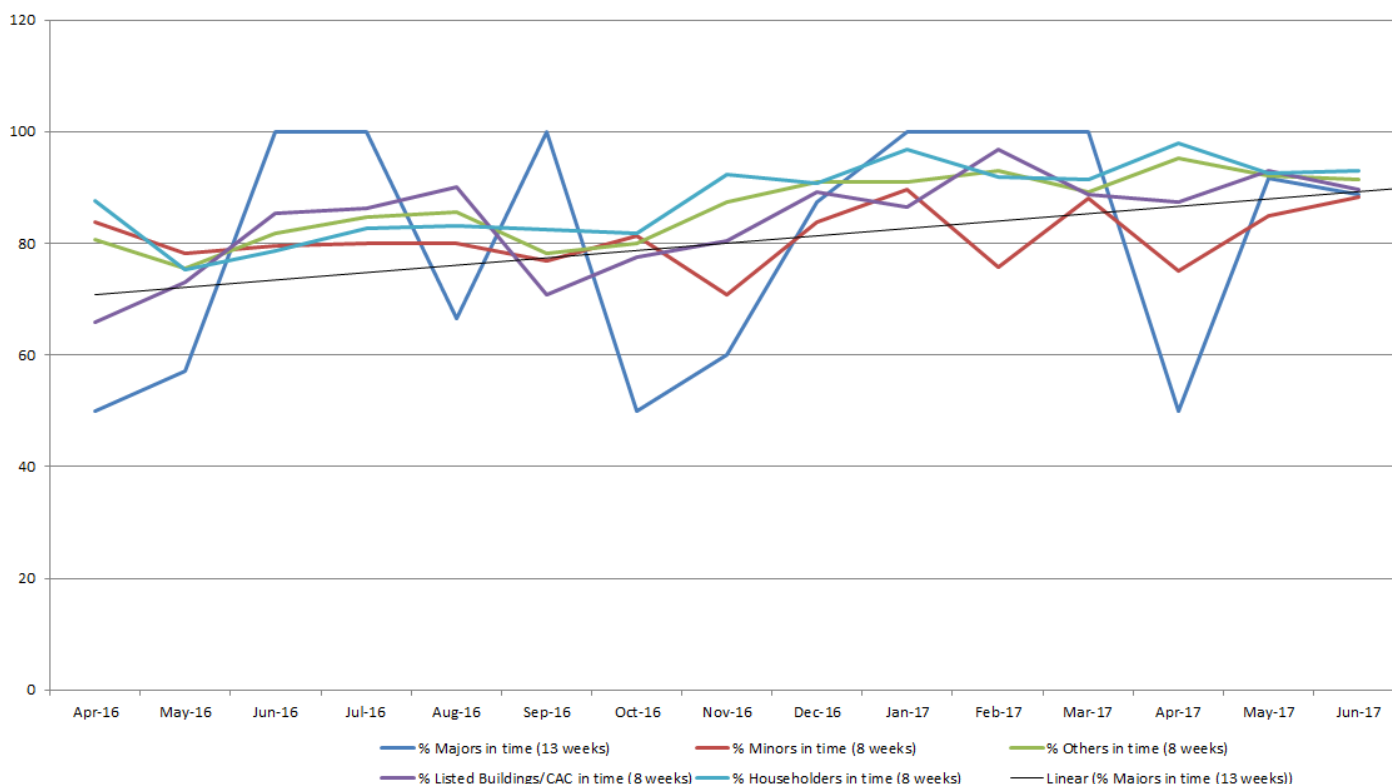
2 RECOMMENDATION

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	2016/17				2017/18			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
% Majors in time	71%	89%	73%	100%	87%			
% Minors in time	81%	79%	79%	85%	83%			
% Others in time	80%	83%	86%	91%	93%			

Highlights:

- The chart and table above shows excellent performance on all three of the planning application categories. Majors and Minors particularly have been above target consistently every quarter for over two years.

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.	2016/17				2016/17			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Received	740	671	630	729	719			
Withdrawn	56	55	75	50	56			
Delegated no. and %	601 (95%)	643 (96%)	560 (95%)	520 (96%)	603 (95%)			
Refused no. and %	59 (9%)	56 (8%)	59 (10%)	53 (10%)	52 (8%)			

Highlights:

- B&NES have shown a 4% rise in planning application numbers when compared to the previous 12 month period which is slightly above the national trend (up 3%).
- The current delegation rate is marginally above the last published England average of 94% (Year to Mar 2017).
- Percentage of refusals on planning applications remains very low when compared with the last published England average of 12% (Year ending Mar 2017).

3 – Dwelling Numbers

Dwelling numbers	2016/17				2016/17			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Major residential (10 or more dwellings) decisions	2	6	4	5	12			
Major residential decisions granted	1	6	4	4	9			
Number of dwellings applied for on Major schemes	203	640	952	260	438			
Number of dwellings permitted on schemes	116	537	110	147	579			
Number of dwellings refused on schemes	80	32	10	26	105			

Highlights:

- Numbers of major residential planning decisions (10 or more dwellings) has risen in the last quarter and were mostly permitted. Number of dwellings permitted is up on the last four quarters.

4 - Planning Appeals

	Jul – Sep 2016	Oct – Dec 2016	Jan – Mar 2017	Apr – Jun 2017
Appeals lodged	27	24	31	31
Appeals decided	20	25	43	17
Appeals allowed	2 (10%)	3 (12%)	15 (36%)	4 (25%)
Appeals dismissed	18 (90%)	22 (88%)	27 (64%)	12 (75%)

Highlights:

- In the year to June 2017 there has been a 35% rise in appeal numbers. There was a particular spike in January.
- Over the last 12 months our performance on appeals allowed is very good and within the national average at 20% (national average approx. 33%).

5 - Enforcement Investigations

	Jul – Sep 2016	Oct – Dec 2016	Jan – Mar 2017	Apr – Jun 2017
Investigations launched	166	145	165	194
Investigations in hand	351	330	350	408
Investigations closed	168	136	147	125
Enforcement Notices issued	0	4	1	3

Planning Contravention Notices served	11	17	1	9
Breach of Condition Notices served	0	0	0	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.

	Jul – Sep 2016	Oct - Dec 2016	Jan – Mar 2017	Apr – Jun 2017
Other types of work	565	486	594	583

Highlights:

- Noticeable increase in numbers for the last two quarters.

7 – Works to Trees

The number and percentage of determined tree applications and notifications

	Jul – Sep 2016	Oct – Dec 2016	Jan – Mar 2017	Apr – Jun 2017
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	20	24	27	16
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	100%	96%	96%	100%
Number of notifications for works to trees within a Conservation Area (CA)	183	232	162	157
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	97%	100%	99%	99%

Highlights:

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

8 – Corporate Customer Feedback

Customer Feedback	Jul – Sep 2016	Oct – Dec 2016	Jan – Mar 2017	Apr – Jun 2017
Compliments received	47	24	15	18
Complaints received	15	3	7	18
Complaints upheld	1	0	2	0
Complaints Not upheld	6	3	4	9
Complaints Partly upheld	0	0	0	0

Highlights:

- There were no upheld complaints 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	Jul – Sep 16	Oct – Dec 16	Jan – Mar 17	Apr – Jun 17
Complaints received	0	0	2	1
Complaints upheld	0	0	0	0
Complaints Not upheld	1	2	0	0

Highlights:

- There have been no upheld complaints for over a year.

10 – Working With Our Customers

[‘Latest News’](#) is still up and running on the council website with a new collection of articles from Development, including the Policy & Environment and Building Control teams. It has proved popular with both formal and informal content.

Planning Performance Agreements are moving to an upfront charge in July 2017, largely as a response from developers who wanted more certainty about the costs of development. We are hopeful this will have a positive impact on the number of schemes with a Planning Performance Agreement.

Recently we conducted research on our customers’ views of our website and whether they thought planning should use social media. Views on our website were mixed and there are some steps we can take to reduce complexity and make it easier to use. On the other hand there was resounding negativity towards planning using any form of social media, a view which we will consider.

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. CIL financial overview sums will be refreshed for every quarterly report.

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

Section 106 and CIL	Apr – Jun 2017	Jul – Sep 2017	Oct – Dec 2017	Jan – Mar 2018	Annual running total (fin year)
S106 Funds agreed	£759,642.96				£759,642.96
S106 Funds received	£962,090.49				£962,090.49
CIL sums overview Potential to date	£8,684,616.33 (since April '15)				
CIL sums overview Collected to date	£2,657,911.08 (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.***

	Jul – Sept 2016	Oct – Dec 2016	Jan – Mar 2017	Apr – Jun 2017
Chair referral delegated	25	22	8	25
Chair referral to DM Committee	12	15	12	19

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
B	Built over years 1-5	11/12 - 15/16	2,971
C	Plan requirement for years 1-10 (5 years hence)	11/12 - 20/21	7,220
D	5 year Supply Requirement (100%)	16/17 - 20/21	4,249
E	5 year Supply Requirement (with 5% buffer)	16/17 - 20/21	4,461
F	5 year Supply Requirement (with 20% buffer)	16/17 - 20/21	5,099
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
J	Deliverable Supply (#) over 105% requirement	16/17 - 20/21	1,265
K	Deliverable Supply (#) over 120% requirement	16/17 - 20/21	627

Between 2016 and 2021 BANES needs to deliver 4,249 dwellings and be able to identify a deliverable supply of 5,099 dwellings. 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. 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
17/00944/FUL	Lansdown Golf ClubLansdown RoadCharlcombeBathBath And North East SomersetBA1 9BT	Erection of tarmac hardstanding and timber post & rail fencing with native hedge and tree planting to perimeter for parking and storage of golf buggies (Regularisation).	COMMDC	04-May-17	PERMIT	Agent is connected with the Planning Service.
17/01459/FUL	53 Milton AvenueBear FlatBathBath And North East SomersetBA2 4RA	Loft conversion with rear dormer, single storey rear and side extension, and conversion of existing garage (Revision)	COMMDC	08-May-17	PERMIT	Applicant is a Bath and North East Somerset Councillor.
17/00413/LBA	Land And Buildings To Rear Of 1-7 High StreetMill HillWellowBathBath And North East Somerset	Internal and external alterations to facilitate conversion of former farm buildings to 1 no. dwelling. (Resubmission with revisions of 14/01867/LBA).	COMMDC	06-Apr-17	CON	Applicant is a Councillor at Bath and North East Somerset Council.
17/00417/FUL	Land And Buildings To Rear Of 1-7 High StreetMill HillWellowBathBath And North East Somerset	Conversion of former farm buildings to form 1 no. dwelling with associated works. (Resubmission with revisions of 14/01866/FUL).	COMMDC	06-Apr-17	PERMIT	Applicant is a Councillor at Bath and North East Somerset Council.
16/04819/REG13	Bath Quays South Development SiteRiverside Business ParkWestmorelandBath	Internal and external alterations to Newark Works (including West Machine Shop and Smithy) and demolition of Foundry and Boiler House.	COMMDC	10-May-17	CON	Application submitted by the Council's Project Delivery team.
16/04818/ERE03	Bath Quays South Development SiteRiverside Business ParkWestmorelandBath	Mixed-use development of land bounded by Lower Bristol Road, Riverside Court, River Avon and Maritime House with vehicular access via Riverside Road and Lower Bristol Road comprising: (1) Detailed Application for the erection of an office building (Use C	COMMDC	10-May-17	PERMIT	Application submitted by the Council's Project Delivery team.
17/00912/FUL	16 Breachwood ViewOdd DownBathBath And North East SomersetBA2 2TX	Erection of a rear balcony.	CHAIR	04-Apr-17	PERMIT	Chair referral delegated decision
16/04714/RES	Parcel 6781Cobblers WayWestfieldRadstock	Approval of reserved matters with regard to outline application 14/04003/OUT for the erection of 81 no. residential dwellings and associated works on land at the former St Peter's Factory, Cobblers Way, Westfield, Radstock	CHAIR	06-Apr-17	APP	Chair referral delegated decision
17/00138/FUL	CarinyaTennis Court RoadPaultonBristolBath And North East SomersetBS39 7LU	Erection of a patio, steps, walkway and a garage (Retrospective)	CHAIR	07-Apr-17	PERMIT	Chair referral delegated decision
17/00679/FUL	TanglinLyncombe HillLyncombeBathBath And North East SomersetBA2 4PQ	Change of use from a three bedroom single family home (C3) to a four bedroom HMO property (C4).	CHAIR	12-Apr-17	PERMIT	Chair referral delegated decision
17/00852/FUL	Trout Cottage9 High StreetPristonBathBA2 9EB	Erection of home office and workshop building following demolition of existing garage.	CHAIR	12-Apr-17	RF	Chair referral delegated decision
17/00273/FUL	The Old Mortuary Church StreetRadstockBA3 3QQ	Change of use of ground floor offices from financial services (Use Class A2) to dwelling (Use Class C3) and retrospective planning permission for erection of a single storey front extension and external alterations to erect a stairway and door to the firs	CHAIR	19-Apr-17	PERMIT	Chair referral delegated decision
17/00276/FUL	The Old Mortuary Church StreetRadstockBA3 3QQ	Retrospective change of use of first floor offices (Use Class A2) to a one bedroom apartment (Use Class C3) and retrospective planning permission for erection of a single storey front extension and external alterations to erect a stairway and door to the	CHAIR	19-Apr-17	PERMIT	Chair referral delegated decision
17/00962/FUL	33 Albany RoadTwertonBathBath And North East SomersetBA2 1BW	Change of use from residential (C3) to a HMO (C4)	CHAIR	26-Apr-17	PERMIT	Chair referral delegated decision
17/01209/VAR	28 Albany RoadTwertonBathBath And North East SomersetBA2 1BP	Variation of condition 2 (increase in number of occupants) of application 15/04750/FUL (Change of use of 2no bed dwelling (Use Class C3) to 3no bed house in multiple occupation (HMO) (Use Class C4))	CHAIR	10-May-17	PERMIT	Chair referral delegated decision
17/01535/FUL	1 Dymboro AvenueMidsomer NortonRadstockBath And North East SomersetBA3 2QR	Erection of a two storey side extension with two rear dormer windows and erection of a single storey rear extensions.	CHAIR	11-May-17	RF	Chair referral delegated decision
17/00564/FUL	Bay Tree HouseThe BartonCorstonBathBath And North East SomersetBA2 9AJ	Conversion and extension to ancillary building, porch extension, erection of detached double garage and alterations to reposition an existing vehicular access.	CHAIR	12-May-17	PERMIT	Chair referral delegated decision

17/01023/FUL	9 St Anne's AvenueKeynshamBristolBath And North East SomersetBS31 2EJ	Erection of a stepped 2 storey rear extension following demolition of existing single storey extension (Resubmission)	CHAIR	15-May-17	PERMIT	Chair referral delegated decision
17/00948/FUL	44 St Clement's RoadKeynshamBristolBath And North East SomersetBS31 1AF	Erection of two storey side extension to facilitate the erection of 1no new dwelling following demolition of part of existing garage. (Resubmission)	CHAIR	17-May-17	PERMIT	Chair referral delegated decision
17/00975/FUL	Bubblers DytchHigh StreetWellowBath	Erection of a single storey stepped dwelling and associated landscaping and services as an alternative design approach to the consented scheme 15/00549/FUL.	CHAIR	19-May-17	PERMIT	Chair referral delegated decision
17/00383/VAR	Chewton Place Chewton RoadChewton KeynshamKeynshamBS31 2SX	Variation of condition 8 (plans list) of application 14/05746/VAR (Variation of condition 8 (plans list) of application 14/02775/VAR. (Variation of condition 8 (plans list) of application 13/04273/FUL (Demolition of existing training and conference centre	CHAIR	23-May-17	PERMIT	Chair referral delegated decision
16/05980/VAR	The LaurelsWaterfall WayHigh StreetMidsomer NortonBA3 2FA	Variation of condition 7 (plans list) of application 15/01144/FUL(Erection of detached dormer bungalow on land at Longras, Midsomer Norton)	CHAIR	26-May-17	PDE	Chair referral delegated decision
17/00307/LBA	2 Market PlaceRadstockBath And North East SomersetBA3 3AE	Internal alterations for the conversion of the ground floor cafe/shop into 2no one-bedroom flats and conversion of the first floor four-bedroom flat to 2no one-bedroom flats	CHAIR	30-May-17	CON	Chair referral delegated decision
17/00306/FUL	2 Market PlaceRadstockBath And North East SomersetBA3 3AE	Conversion of the ground floor cafe/shop into 2no one-bedroom flats and conversion of the first floor four-bedroom flat to 2no one-bedroom flats	CHAIR	30-May-17	PERMIT	Chair referral delegated decision
17/01617/FUL	Land At Rear Of Thornbank PlaceThornbank GardensWestmorelandBath	Erection of split level residential development on an existing brownfield site, to provide a single 3 bedroom dwelling.	CHAIR	30-May-17	PERMIT	Chair referral delegated decision
17/01273/FUL	37 St George's RoadKeynshamBristolBath And North East SomersetBS31 2HW	+Erection of detached three bed dwelling and access.	CHAIR	30-May-17	PERMIT	Chair referral delegated decision
17/01792/FUL	110 North RoadCombe DownBathBath And North East SomersetBA2 5DJ	Change of use from a family household (Use class C3) to a House of Multiple Occupancy (Use class C4) for three people.	CHAIR	06-Jun-17	PERMIT	Chair referral delegated decision
17/01473/FUL	Cranleigh FarmCranleighSouth StokeBath	Erection of an agricultural barn.	CHAIR	08-Jun-17	PERMIT	Chair referral delegated decision
17/01931/FUL	36 Second AvenueOldfield ParkBathBath And North East SomersetBA2 3NN	Dormer extension to existing loft.	CHAIR	12-Jun-17	PERMIT	Chair referral delegated decision
17/01825/AR	Unit AOld MillsPaultonBristol	Erection of 1no illuminated sign and 2no non-illuminated signs to front of shop premises and a double-sided tenant sign (Retrospective)	CHAIR	14-Jun-17	CON	Chair referral delegated decision
17/00421/FUL	Feltham LodgeThe CoombeCompton MartinBristolBath And North East SomersetBS40 6JD	Erection of new detached garage (resubmission)	CHAIR	23-Jun-17	PERMIT	Chair referral delegated decision
16/06234/FUL	Eastwick Farm Wick LaneStanton WickBristolBS39 4BX	Replacement Barn Dwelling (Retrospective)	COMMD	05-May-17	PERMIT	Chair referral to committee. I have looked at this application carefully and note support from SDPC, Ward Cllr and Stanton Drew residents. The reason why this application is retrospective is clearly explained within the report presented to me. The Officer has addressed the application in relation to planning policy however I feel this application should be determined by the DMC so the impact on the Greenbelt can be debated fully as this is clearly a controversial point and fundamental to the final decision.

17/01581/FUL	22 Uplands RoadSaltfordBristolBath And North East SomersetBS31 3JJ	Erection of a single storey dwelling & garage	COMMD C	30-Jun-17	PERMIT	Chair referral to committee. I have studied the application noting third party objections which are recorded in the report presented to me, I have also read statutory consultee comments who do not object to the application & note the Ward Cllr request that the proposal be referred to the DMC. The Officer has assessed the application in line with planning policy & the difference of opinion relates to the impact on the area & having looked at the location of the development I recommend the application be determined by the DMC.
16/05888/FUL	3 StreamsideChew MagnaBristolBath And North East SomersetBS40 8QZ	Erection of front and side extension to create house access from road level, rear single storey extension and associated works	COMMD C	06-Apr-17	RF	Chair referral to committee. I note PC support and Ward Cllr's DMC request and having studied the report I know the Officer has assessed this application against Planning Policy. However I recommend the application be heard by DMC allowing for the PC view, in light of their Neighbourhood Plan, and material considerations to be fully discussed as I think the report makes impact on the openness of the Greenbelt debatable.
17/01316/FUL	Willow Glade 17 Scobell RiseHigh LittletonBristolBS39 6JY	Erection of detached bungalow on land at 17 Scobell Rise and erection of detached garage for existing dwelling. (Revised Scheme)	COMMD C	29-Jun-17	PERMIT	Chair referral to committee. I have looked carefully at this application & I note the PC support for this application as they did with the previous one. This application has been reduced in height & therefore does not dominate the street scene so much however third party objections remain while statutory consultees have not raise any objections. I recommend the application be determined by the DMC so the points raised can be debated in public as some of the reasons for its previous refusal have been addressed.

17/00299/OUT	Land Between Homelands And 10Camerton HillCamertonBath	Outline Planning Application for the erection of 1no. single storey dwelling (Resubmission).	COMMDC	29-Jun-17	APP	Chair referral to committee. I have studied the application carefully including the planning history of the site and I note the PC objections, local community concerns and Ward Cllr request. The report presented to me has analysed the points raised in relation to planning policy, comments from the Inspector following the appeal of the previous application and includes relevant conditions from the statutory consultees comments, however it remains controversial within the community and should be debated by the DMC who will then have the opportunity to consider all views.
16/05505/FUL	10 Entry HillCombe DownBathBath And North East SomersetBA2 5LZ	Erection of 1no.dwelling (Revised proposal)	COMMDC	06-Apr-17	PERMIT	Chair referral to committee. I have studied the application noting the comments from statutory consultees and the objections raised by residents and Ward Cllrs. I am aware of the planning history of the site and this application remains controversial in planning terms linked to its location. I therefore recommend the application be determined by the DMC.
17/00067/FUL	Courtney House 14 Van Diemen's LaneLansdownBathBA1 5TW	Erection of detached dwelling with associated underground parking, drainage and hard and soft landscaping following demolition of existing dwelling	COMMDC	11-Apr-17	PERMIT	Chair referral to committee. I have studied the application noting the detailed design & access statement which includes details of pre-application advice, I note the third party comments & consultee responses which have been carefully assessed in relation to relevant planning policy including the impact on the area. I feel the application remains controversial & should be heard by the DMC as requested by the Ward Cllr.
17/01208/FUL	Avonlea HouseStation RoadFreshfordBathBath And North East SomersetBA2 7WQ	Erection of single storey side extension	COMMDC	29-Jun-17	RF	Chair referral to committee. I have studied the application noting the PC and third party objections which relate residential amenity on the character of the area. These points have been addressed in the report presneted to me however I recommend the application be determined by the DMC as I feel the issues raised should be debated fully.

17/01031/OUT	Chris Madden Cars85 Bristol RoadWhitchurchBristolBS14 0PS	Outline application for the erection of 4no terraced 3 storey town houses and 6no semi-detached 2.5 storey houses following demolition of existing car showroom.	COMMDC	29-Jun-17	PERMIT	Chair referral to committee. I have studied the application, noting PC & Ward Cllr objections as well as third party & statutory consultee comments. The application has been assessed in relation to relevant planning policy, which is evident in the report presented to me, however I feel this application should be determined by the DMC where issues such as parking, loss of employment & whether it is overdevelopment of the site can be debated in the public arena.
17/00568/FUL	Hartley Farm Cottage Hartley LaneSwainswickBathBA1 8AF	Erection of side and rear extensions (Revised proposal)	COMMDC	01-Jun-17	PERMIT	Chair referral to committee. I have studied the application, the planning history of the site & note the proposed extension is much higher than our Greenbelt guidance. Consultee & third party comments support the application & it is evident that the application is acceptable to the neighbourhood I therefore recommend the application be determined by the DMC as requested by the Ward Cllr as it is clearly controversial.
16/05632/FUL	Cleveland Bath Cleveland RowHampton RowBathwickBathBath And North East SomersetBA2 6QR	Restoration of historic open-air public swimming pool and associated facilities.	COMMDC	06-Apr-17	PERMIT	Chair referral to committee. I have studied the information linked to this short report & agree with the Ward Cllr that with the amount of community interest registered and with some justifications and solutions still to be clarified relating to some of the key issues with this application it should be determined by the DMC where it can be debated in public.
16/05633/LBA	Cleveland Bath Cleveland RowHampton RowBathwickBathBath And North East SomersetBA2 6QR	Internal and external alterations for restoration of historic open-air public swimming pool and associated facilities	COMMDC	06-Apr-17	CON	Chair referral to committee. I have studied the information linked to this short report & agree with the Ward Cllr that with the amount of community interest registered and with some justifications and solutions still to be clarified relating to some of the key issues with this application it should be determined by the DMC where it can be debated in public.

16/01365/FUL	Hillside Garage 243 Englishcombe LaneSouthdownBathBath And North East SomersetBA2 2ER	Erection of 3No. new dwellings following demolition of 11No. lock-up garages.	COMMDC	07-Apr-17	RF	Chair referral to committee. I have studied the report presented to me noting the third party comments, consultee observations and Ward Cllr DMC request. The application has been assessed in line with relevant planning policy however I feel some aspects remain controversial including the space for manoeuvring vehicles and recommend the application be determined by the DMC.
16/06196/FUL	100 North RoadCombe DownBathBath And North East SomersetBA2 5DJ	Erection of a single storey side extension to provide disabled facilities and access into the extension.	COMMDC	07-Apr-17	PERMIT	Chair referral to committee. I have studied this application carefully noting all the pre-app advice & changes made as a result of this advice although not all concerns are solved particularly in relation to the door proposed to link the dwelling to the extension. I note in Cllr Beath's DMC request she refers to there being strong evidence that it was a previously connected building & therefore to allow this issue to be debated fully I recommend the application be determined by the DMC.
16/06197/LBA	100 North RoadCombe DownBathBath And North East SomersetBA2 5DJ	Erection of a single storey side extension to provide disabled facilities and access into the extension.	COMMDC	07-Apr-17	CON	Chair referral to committee. I have studied this application carefully noting all the pre-app advice & changes made as a result of this advice although not all concerns are solved particularly in relation to the door proposed to link the dwelling to the extension. I note in Cllr Beath's DMC request she refers to there being strong evidence that it was a previously connected building & therefore to allow this issue to be debated fully I recommend the application be determined by the DMC.
16/05845/FUL	East BarnWhitecross FarmBristol RoadWest HarptreeBristol	Conversion of an existing barn to office accommodation (Use Class B1)	COMMDC	29-Jun-17	PERMIT	Chair referral to committee. I have studied this application carefully which I note has mixed comments from third party consultees, as have statutory consultees the WHPC object while Highways have no issues. There have been some amendments to the proposals however I recommend the application be determined by the DMC so all views cab be fully debated.

17/01965/FUL	1 Wellow LanePeasedown St. JohnBathBath And North East SomersetBA2 8JQ	Erection of single storey side extension with replacement garage and widened driveway access following demolition of existing garage.	COMMDC	29-Jun-17	RF	Chair referral to committee. I note the PC support and Ward Cllr request that this application be heard by the DMC due to the revisions made from that which was previously refused. The report presented to me explains the amendments made but it's the impact on the area that remains controversial and for this reason I recommend the application be determined by the DMC.
17/00955/FUL	Wansdyke Business CentreOldfield LaneOldfield ParkBath	Demolition of the existing buildings and structures (partial retention of façade fronting/adjoining Monksdale Road) and mixed-use redevelopment to provide 126 student studios (Sui Generis), commercial units (B1, B8), fitness centre (D2), coffee shop (A3),	COMMDC	01-Jun-17	RF	Chair referral to committee. I have studied this application, Ward Cllrs DMC request reasons, third party & statutory consultee comments. These have all been assessed in the report presented to me in relation to planning policy but as is evident there are still some areas of debate & for this reason I recommend the application be determined by the DMC.
16/06188/FUL	Hinton Garage Bath Ltd Hinton GarageAlbion PlaceKingsmeadBathBath And North East SomersetBA1 3AD	Demolition of the former Hinton Garage Showroom and Workshop and erection of an Assisted Living Development comprising apartments and integrated communal and support facilities; landscaped resident's gardens; staff areas; basement residents car and bicycl	COMMDC	20-Jun-17	PDE	Chair referral to committee. I have studied the report presented to me carefully noting the Ward Cllrs & third party objections & although revisions have been made to the scheme I feel the decision should be taken by the DMC as it remains controversial regarding the impact it may have on the character of the area & for thus reason I believe it should be debated fully in the public arena.
16/06062/FUL	Closed Public ToiletsClaverton StreetWidcombeBathBath And North East SomersetBA2 4LE	Erection of 2 storey office building following demolition of existing former WC Block.	COMMDC	06-Apr-17	PERMIT	Cllr Gilchrist, Ward Member, has requested that if this application is to be recommended for permission it is first considered by Committee. There is concern with regards to the height of the building and the impact this has on the area. For this reason, the Chair of Committee has agreed to this request.

16/05772/FUL	40 Bloomfield ParkBloomfieldBathBath And North East SomersetBA2 2BX	Erection of eight apartments with associated parking and landscaping following demolition of existing detached house and garage (Resubmission)	COMMD C	04-May-17	RF	Cllr. Mark Shelford has requested that the application be determined by committee if the officer is minded to approve. Cllr. Shelford's comments are summarised in the representations and consultations of the committee report. In accordance with the scheme of delegation, the application has been referred to the chair of the Development Management Committee who has decided that the application should be determined by committee.
16/04249/FUL	Agricultural Haulage Building And YardPinkers FarmMiddle StreetEast HarptreeBristol	Demolition of Agricultural buildings and erection of 8no dwellings	COMMD C	14-Jun-17	PERMIT	Cllr. Tim Warren has requested that the application be determined by committee if the officer is minded to approve and East Harptree Parish Council have objected to the proposals.
16/02055/FUL	Land East Of The MeadQueen Charlton LaneWhitchurchBristol	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.	COMMD C	12-Apr-17	PERMIT	Councillor Paul May has requested that the application is considered by Development Control Committee for the following reasons: The site together with the other two developers will increase the village by approximately 50 % and has been controversial. The impact on the local community, roads, ecology, design etc needs to be assessed to best integrate this strategic development into the community effectively. The application has not been referred to the Chair but is being reported to Committee at the request of the Group Manager, Development Manager.
17/01029/LBA	Ground Floor 30 Grosvenor PlaceLambridgeBathBath And North East SomersetBA1 6BA	Internal alterations to remove part of the modern timber partition walling between the kitchen and living room.	COMMD C	04-May-17	CON	The applicant's agent is Cllr Bob Goodman.
15/05152/FUL	Church HallSchool LaneBatheastonBathBath And North East SomersetBA1 7EP	Erection of a new single storey Village Hall including activity rooms, kitchen, toilets, stores and associated external works following demolition of the existing Church Hall. (Resubmission)	COMMD C	02-Jun-17	PERMIT	The application has been brought to Development Management Committee as the Development Manager considers that the application should be considered by Committee due to the planning history of the site.
17/00504/REG03	Private Parking Area East Of Horstman Defence BuildingLocksbrook RoadNewbridgeBath	Provision of vehicle parking and erection of 2no secure storage containers, office & staff amenity building, road sweeper & street litter bay, waste storage skips, vehicle wash down area and associated landscaping, lighting and security fixtures following	COMMD C	01-Jun-17	PERMIT	The application has been referred to committee at the request of the Local Ward Councillors, Cllr Pearce and Cllr Furse.

16/06124/FUL	14 Audley GroveLower WestonBathBath And North East SomersetBA1 3BS	Erection of 1 no. dwelling, car parking and associated landscaping in rear garden of existing dwelling.	COMMDC	27-Apr-17	PERMIT	The application is being referred to the Committee because Councillor Bob Goodman has called in the application if Officers are minded to recommend approval. The application has been referred to the Chair who agrees that the application should be considered by the Committee.
16/04615/FUL	HorseworldStaunton LaneWhitchurchBristolBath And North East SomersetBS14 0QJ	Residential development of 97no dwellings with land reserved for early years provision and alterations to the front boundary wall of Staunton Manor House, Staunton Lane, Whitchurch.	COMMDC	13-Jun-17	PERMIT	This application forms part of the strategic housing site allocated under Policy RA5 of the Core Strategy and the Masterplan submission and the adjoining application at Lane East of The Mead, Queen Charlton Lane, Whitchurch (Ref: 16/02055/FUL) were considered by Development Management Committee. It is therefore considered appropriate for this application to also be considered by Committee at the request of the Development Group Manager.
16/00850/OUT	Land Parcel 7200Bath RoadKeynsham	Residential and related development comprising approximately 250 dwellings, new Primary School with associated outdoor playing facilities, means of access thereto, associated open space, landscaping, access roads, footways/cycleways and infrastructure wor	COMMDC	13-Jun-17	PDE	This application has been referred to committee by the Group Manager, Development Management due to the large number of third party comments and the quantum of development proposed.
16/05504/OUT	34 - 35 Lower Bristol RoadWestmorelandBathBath And North East SomersetBA2 3AZ	Erection of two buildings to provide residential accommodation for students (up to 204 bedrooms) with ancillary accommodation and facilities and external courtyards, alterations to existing pedestrian and vehicular access, and associated infrastructure fo	COMMDC	04-May-17	RF	This application has been referred to the committee by the Group Manager due to the conflict between the officer's recommendation and the objection to the application received from the Council's Economic Development Team.
17/00651/FUL	14 Union StreetCity CentreBathBath And North East SomersetBA1 1RR	Conversion to 14 - 15 Union Street of existing ancillary retail upper floors to form 4 No. flats, erection of a roof extension to form 1 No. flat, associated internal and external works, replacement upper storey windows, and new external door and railings	COMMDC	02-Jun-17	PERMIT	This application was referred to the Chair following a request from the local Ward member Councillor Peter Turner, the Chair has agreed in light of the Ward member support and previous applications on the site to refer the item to Committee.
17/00652/LBA	14 Union StreetCity CentreBathBath And North East SomersetBA1 1RR	Conversion to 14 - 15 Union Street of existing ancillary retail upper floors to form 4 No. flats, erection of a roof extension to form 1 No. flat, associated internal and external works, replacement upper storey windows, and new external door and railings	COMMDC	02-Jun-17	CON	This application was referred to the Chair following a request from the local Ward member Councillor Peter Turner, the Chair has agreed in light of the Ward member support and previous applications on the site to refer the item to Committee.

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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: 16/03579/FUL
Location: 12 Morris Lane Batheaston Bath BA1 7PP
Proposal: Erection of 1no. detached dwelling with associated works
Decision: REFUSE
Decision Date: 29 December 2016
Decision Level: Delegated
Appeal Lodged: 6 July 2017

Case Ref: 13/00006/UNDEV
Location: Crossway Stables Bath Road Farmborough BA2 0HJ
Breach: Without planning permission, the unauthorised erection of a timber glazed link building, workshop and basement.
Notice Date: 2 June 2017
Appeal Lodged: 12 July 2017

App. Ref: 16/03094/LBA
Location: First Floor 84 Wells Road Lyncombe Bath
Proposal: Internal alterations to split one existing bedroom into two by use of a stud partition wall.
Decision: REFUSE
Decision Date: 14 December 2016
Decision Level: Delegated
Appeal Lodged: 21 July 2017

App. Ref: 17/01066/FUL
Location: The Round House The Avenue Claverton Down Bath
Proposal: Internal and external alterations to erect single storey extension to north elevation and reinstate former doorway on east elevation to create entrance hall.
Decision: REFUSE
Decision Date: 4 May 2017
Decision Level: Delegated
Appeal Lodged: 21 July 2017

App. Ref: 17/01067/LBA
Location: The Round House The Avenue Claverton Down Bath
Proposal: Internal and external alterations to erect single storey extension to north elevation and reinstate former doorway on east elevation to create entrance hall.
Decision: REFUSE
Decision Date: 4 May 2017
Decision Level: Delegated
Appeal Lodged: 21 July 2017

App. Ref: 16/05601/FUL
Location: 1 Fairview New Road High Littleton Bristol
Proposal: Erection of 1no. bungalow with associated works to the rear of No.1 Fairview (Resubmission)
Decision: REFUSE
Decision Date: 11 January 2017
Decision Level: Delegated
Appeal Lodged: 28 July 2017

App. Ref: 16/05824/FUL
Location: 46 Frome Road Radstock BA3 3LF
Proposal: Erection of a 4bed dwelling in rear garden
Decision: REFUSE
Decision Date: 20 January 2017
Decision Level: Delegated
Appeal Lodged: 2 August 2017

APPEALS DECIDED

App. Ref: 16/05395/FUL
Location: Basement Flat 6 Walcot Buildings Walcot Bath BA1 6AD
Proposal: Subdivision of Basement Flat to create 2no. dwellings
Decision: REFUSE
Decision Date: 13 January 2017
Decision Level: Delegated
Appeal Lodged: 3 May 2017

Appeal Decision: Dismissed 6 July 2017

Case. Ref: 16/00503/CONSRV
Location: 8 Wells Square Westfield Radstock BA3 3UF
Breach: Without planning permission, the removal of a wall in a conservation area
Notice Issued: 25 November 2016
Appeal Lodged: 7 April 2017

Appeal Decision: Dismissed 7 July 2017

App. Ref: 16/02942/OUT
Location: New Barn Farm Norton Lane Whitchurch Bristol
Proposal: Outline application for erection of an agricultural workers dwelling (Resubmission)
Decision: REFUSE
Decision Date: 4 August 2016
Decision Level: Delegated
Appeal Lodged: 7 April 2017

Appeal Decision: Dismissed 14 July 2017

App. Ref: 16/04880/FUL
Location: 540 Bath Road Saltford Bristol BS31 3JL
Proposal: Creation of a driveway and drop kerb access
Decision: REFUSE
Decision Date: 24 November 2016
Decision Level: Chair Referral - Delegated
Appeal Lodged: 5 June 2017

Appeal Decision: **Allowed 14 July 2017**

App. Ref: 16/03247/FUL
Location: Pilgrims House Pilgrims Way Chew Stoke Bristol BS40 8TZ
Proposal: Replacement of an outbuilding providing a home office, garden store and wood store ancillary to the existing house
Decision: REFUSE
Decision Date: 15 February 2017
Decision Level: Delegated
Appeal Lodged: 22 May 2017

Appeal Decision: **Allowed 20 July 2017**

App. Ref: 16/05453/FUL
Location: Box Bush Bromley Road Stanton Drew Bristol
Proposal: Erection of 2 storey annexe and single storey extension following demolition of existing single storey annexe
Decision: REFUSE
Decision Date: 9 February 2017
Decision Level: Planning Committee
Appeal Lodged: 9 June 2017

Appeal Decision: **Allowed 20 July 2017**

App. Ref: 17/00357/FUL
Location: 103 West Avenue Oldfield Park Bath BA2 3QB
Proposal: Installation of rear dormer window.
Decision: REFUSE
Decision Date: 21 March 2017
Decision Level: Delegated
Appeal Lodged: 8 June 2017

Appeal Decision: **Dismissed 20 July 2017**

App. Ref: 16/02429/FUL
Location: 121 Mount Road Southdown Bath BA2 1NH
Proposal: Division of existing dwelling into 2no apartments and erection of two storey side extension to form three bedroomed house.
Decision: REFUSE
Decision Date: 15 February 2017
Decision Level: Delegated
Appeal Lodged: 2 May 2017

Appeal Decision: **Dismissed 3 August 2017**

App. Ref: 16/06246/FUL
Location: 9 Wells Square Westfield BA3 3UF
Proposal: Creation of access and parking area on to classified highway (retrospective).
Decision: REFUSE
Decision Date: 14 March 2017
Decision Level: Delegated
Appeal Lodged: 12 June 2017

Appeal Decision: **Dismissed 3 August 2017**

App. Ref: 17/00279/FUL
Location: Somerset House 1 Church Street Widcombe Bath
Proposal: Erection of single storey garden extension to the basement flat
Decision: REFUSE
Decision Date: 17 March 2017
Decision Level: Delegated
Appeal Lodged: 3 May 2017

Appeal Decision: **Allowed 3 August 2017**

App. Ref: 16/02474/FUL
Location: Moret Hursley Hill Publow Bristol
Proposal: Erection of 1no. self build dwelling for use as starter home
Decision: REFUSE
Decision Date: 11 July 2016
Decision Level: Chair Referral - Delegated
Appeal Lodged: 22 February 2017

Appeal Decision: **Dismissed 4 August 2017**

App. Ref: 16/05423/AR
Location: 57 - 59 Walcot Street Bath BA1 5BN
Proposal: Identification of business operation and building number, hand painted on principal elevation. (Resubmission)
Decision: REFUSE
Decision Date: 7 April 2017
Decision Level: Delegated
Appeal Lodged: 27 June 2017

Appeal Decision: **Dismissed in part, allowed in part 4 August 2017**

App. Ref: 16/01412/FUL
Location: 103 Fairfield Park Road Fairfield Park Bath BA1 6JR
Proposal: Erection of 2 semi-detached dwellings following demolition of existing garages on land rear of 103 and 105 Fairfield Park.
Decision: REFUSE
Decision Date: 30 August 2016
Decision Level: Delegated
Appeal Lodged: 27 April 2017

Appeal Decision: **Dismissed 8 August 2017**

App. Ref: 16/04717/FUL
Location: 12 Claremont Road Larkhall Bath BA1 6LX
Proposal: Erection of 1 no. detached dwelling with single garage and one single garage on land to the rear of No.12 Claremont Road (Resubmission)
Decision: REFUSE
Decision Date: 15 February 2017
Decision Level: Delegated
Appeal Lodged: 27 April 2017

Appeal Decision: **Dismissed 8 August 2017**

App. Ref: 16/06186/VAR
Location: 40 Moorland Road Oldfield Park Bath BA2 3PN
Proposal: Variation of condition 3 attached to application 15/04912/FUL (Change of use from Opticians (Class A1) to Hot Food Takeaway (Class A5) and external alterations including the installation of extraction and ventilation equipment and the erection of a single storey 17.1 sq m rear extension).
Decision: REFUSE
Decision Date: 14 February 2017
Decision Level: Delegated
Appeal Lodged: 27 April 2017

Appeal Decision: **Dismissed 8 August 2017**

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