Bath & North East Somerset Council

Development Management Committee

Date: **Wednesday, 15th November, 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.

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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.

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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 working days before the meeting. This means that for Development Management meetings held on Wednesdays, notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme:

https://democracy.bathnes.gov.uk/documents/s45420/Development%20Management%20Planning%20public%20speaking%20scheme.pdf

5. Emergency Evacuation Procedure

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

Development Management Committee- Wednesday, 15th November, 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.

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, i.e. 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 18 October 2017.

9. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 37 - 46)

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 47 - 124)

11. QUARTERLY PERFORMANCE REPORT - JULY TO SEPTEMBER 2017 (Pages 125 - 138)

    The Committee is asked to note the report.

12. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 139 - 144)

    The Committee is asked to note the report

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

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

Bath and North East Somerset Council

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 18th October, 2017, 2.00 pm

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

56 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

57 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

58 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from:

Cllr Rob Appleyard
Cllr Les Kew – substitute Cllr Patrick Anketell-Jones
Cllr David Veale – substitute Cllr Brian Simmons

59 DECLARATIONS OF INTEREST

There were no declarations of interest.

60 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

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

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when these items were discussed.

62 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

63 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 20 September 2017 were confirmed and signed as a correct record subject to the following amendments:

Minute 54 – Item 1 – Application No. 17/01466/FUL – paragraph 5 – Add the words "Cllr Eleanor Jackson explained the viewpoint of Westfield residents."

Minute 54 – Item 5 – Application No. 17/01542/FUL – paragraph 4, Delete the words "Cllr Crossley acknowledged the limited increase in jobs arising from the proposal" and replace with the words "Cllr Crossley acknowledged that no new jobs would be created by the proposal."

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

The Committee considered:

- A report by the Group Manager (Development Management) on various planning applications.

- An update report by the Group Manager (Development Management) 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. 17/02591/FUL
Site Location: 143 Calton Road, Lyncombe, Bath, BA2 4PP – Erection of 2 townhouses following demolition of existing 2 bed apartment

The Case Officer reported on the application and the recommendation to permit. He explained that an additional condition was now suggested as follows:

> "Notwithstanding the approved plans, the lower half of the first floor and second floor windows on the rear elevation hereby approved shall be non-opening and obscurely glazed and retained as such in perpetuity."

The registered speakers spoke for and against the application.

Councillor Ian Gilchrist, local Ward Member, spoke against the application.

Councillor Becker, local Ward Member on the Committee, noted that the proposal would have an adverse shadowing effect on the neighbours situated below the property. He felt that further information was required, in particular, an impact study to ascertain the level of impact on neighbouring properties. The Case Officer explained that an impact assessment had already been provided. The Group Manager advised the Committee that there would be some impact on neighbours but it was for members to make a judgement "on balance" as to whether the application should be permitted or refused.

Councillor Jackson asked a question relating to the doorway on the front wall of the property. The Case Officer confirmed that this doorway would be demolished if the development went ahead. The Highways Officer confirmed that there was no allocated parking for the proposed development as it was in a sustainable location close to the city centre, train and bus stations.

Councillor Becker then moved that the application be refused for reasons of overdevelopment, shadowing and blocking of access. This was seconded by Councillor Roberts.

Councillor Anketell-Jones noted that the hillside location was a part of living in the World Heritage city of Bath. Infill development provided much needed housing and was a necessary intensification of use. This proposed new build was in keeping with the Conservation Area and was subservient to its neighbour. He did not see the reduction in lighting as significant.

Councillor Organ supported the officer recommendation and did not feel that the shadowing issue was significant.

Councillor Jackson felt that the current building did not enhance the Conservation Area and that the proposed development would be a marked improvement.

The motion was then put to the vote and there were 3 voted in favour, 6 votes against. The motion was therefore LOST.

Councillor Jackson then moved the officer recommendation that planning permission be granted subject to conditions. This was seconded by Councillor Organ.

The motion was then put to the vote and it was RESOLVED by 6 votes in favour and 3 votes against to PERMIT the application subject to the conditions set out in the main report and update report.

Item No. 2
Application No. 17/01708/FUL
Site Location: 2 Manor Farm Cottages, Anchor Lane, Combe Hay, Bath – Interior and exterior alterations including a two-storey extension and creation of new vehicle access

Item No. 3
Application No. 17/01709/LBA
Site Location: 2 Manor Farm Cottages, Anchor Lane, Combe Hay, Bath – Interior and exterior alterations (part retrospective) including a two-storey extension and partial demolition of rear boundary wall to create a vehicle access

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

The registered speaker spoke for the application.

Cllr Jackson noted that the renovation work to the house was necessary but that the current proposal was unjustified given that the building was listed. Many residents in

the area do not park on their drives but in the street and there were no parking restrictions in the area. The ditch around the property also provided a habitat for wildlife. Cllr Jackson then moved the officer recommendation to refuse.

Cllr Organ seconded the motion and stated that the proposed driveway was too large for this Conservation Area.

Cllr Crossley stated that the long driveway was intrusive and domineering in this village location.

Cllr Anketell-Jones stated that he felt the application, if approved, would lead to "suburbanisation" in Combe Hay and that the village character should be maintained.

The Group Manager explained that the Committee could give weight to the reinstatement of the wall and the removal of cars from the highway. This should then be balanced against any harm to the character of the village.

The motion was put to the vote and it was RESOLVED unanimously to REFUSE the planning application and listed building consent application for the reasons set out in the officer report.

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

The Committee considered:

- A report by the Group Manager (Development Management) on various planning applications.

- An update report by the Group Manager (Development Management) on items 4 and 5 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. 17/02607/FUL
Site Location: University of Bath, Claverton Down, Bath – Works to refurbish existing waste compound with the erection of raised canopy to cover plant, erection of new welfare unit following demolition of existing, relocation of confidential waste shed and alterations to entrance roadway

The Case Officer reported on the application and his recommendation to permit. He informed the Committee that an additional condition was proposed to ensure that the canopy building was constructed prior to the installation of any mechanical plant.

The registered speakers spoke for and against the application.

The local Ward Member, Cllr Matt Cochrane, spoke against the application.

In response to questions from members the Case Officer and Highways Officer clarified the following matters:

- The proposal would result in fewer vehicle movements on the campus as the volume of waste would decrease. There would be a reduction from 2 collections to 1 collection every 2-3 weeks.
- If the level of noise generated exceeded the levels specified by the conditions then residents could report this to the Council and, if a breach had occurred, measures could be put in place to resolve the issue.
- If the required operating hours were exceeded then this could be dealt with by enforcement action.
- No new types of waste would be dealt with at the site.

Cllr Crossley stated that the local residents had been surprised by this application and felt that the University should have discussed plans with their neighbours at an early stage. He noted that there were alternative sites on the University campus that could be used for a waste compound. He felt that the application now represented a change of use and intensification from storage to compacting waste which required further debate. He moved that the application be refused for the following reasons:

- Lack of consultation with local residents
- Intensification of use of the site
- Change of use of the site from waste storage to waste processing and removal

The motion was seconded by Cllr Roberts.

The Group Manager explained that the usual consultation process for planning applications had been carried out by the Council in this case. The application did not fall into the category of a major waste application. A waste facility was already sited in this location and the compacting facility would mean that fewer trucks would need to visit the site.

The motion was put to the vote and there were 3 votes in favour and 6 votes against. The motion was therefore LOST.

Cllr Jackson then moved the officer recommendation to permit the application. This was seconded by Cllr Organ.

Cllr Anketell-Jones stated that it would be essential to monitor noise levels in this location.

The motion was put to the vote and it was RESOLVED by 6 votes for and 3 against to PERMIT the application subject to the conditions set out in the officer report plus the additional condition outlined by the Case Officer regarding the canopy building.

Item No. 2
Application No. 16/04499/FUL
Site Location: 17 Station Road, Welton, Midsomer Norton, BA3 2AZ – Erection of 6 new dwellings following demolition of existing dwelling and outbuildings (resubmission) - revised plans

The Case Officer reported on the application and the recommendation to refuse. She explained that the application was being brought back to the Committee for consideration following a decision to quash the previous planning approval which had been subject to a successful legal challenge. The reason for this decision was that a non-designated heritage asset had not been properly considered when the application was determined. The previous decision should now be disregarded by the Committee.

The Group Manager informed the Committee that the Placemaking Plan policy HE1 stated that there should be a presumption in favour of safeguarding and retaining buildings and to seek alternative uses for them in the first instance. The distinction between policies HE1 and BH7 were outlined. It was noted that the Committee had previously visited the site and had viewed the existing brewery stables.

The registered speaker spoke against the application.

Cllr Jackson pointed out the historical importance of the brewery stables which were very rare. She was surprised that only one reason for refusal had been set out in the officer report. She moved that permission be refused for the following reasons:

- Poor design
- Unsustainable location – buses only run every two hours, it is a long walk to the main bus stops and there are no places available at the nearest schools
- The site is currently an employment site and should not be residential in order to prevent “suburbanisation.”

The motion was seconded by Cllr Crossley who agreed that the existing buildings should not be demolished.

Cllr Anketell-Jones stated that the existing buildings on the site should have some degree of protection to enable them to be safeguarded and reused.

In response to a question the Group Manager confirmed that officers consider that the existing buildings do make a positive contribution to the location. He advised the Committee to refuse the application for the reason set out in the officer report rather than to introduce new reasons which could be difficult to defend. The planning inspector had already ruled that the design and sustainability of the site were acceptable.

The motion was put to the vote and there were 2 votes in favour, 6 votes against and 1 abstention. The motion was therefore LOST.

Cllr Crossley moved the officer recommendation to refuse. This was seconded by Cllr Roberts.

The motion was put to the vote and it was RESOLVED by 8 votes for and 1 abstention to REFUSE the application for the reason set out in the officer report.

Item No. 3
Application No. 17/02826/FUL
Site Location: Matfen House, Packhorse Lane, Southstoke, Bath – Erection of single storey garden room extension and first floor bedroom extension over garage

The Case Officer reported on the application and her recommendation to permit. She explained that further representations had been received regarding the application. In response to the issues raised she confirmed that:

- the Conservation Officer had not needed to be consulted on the application.
- officers had considered whether a Heritage Asset Assessment was required and had concluded that it was not necessary in this case.
- The Case Officer had visited the site.
- Officers felt that the proposal would enhance the Conservation Area.

The registered speaker spoke in favour of the application.

Cllr Neil Butters, local Ward Member, spoke regarding the application and read out a statement from Mrs John, a local resident who had objected to the application.

Cllr Anketell-Jones stated that the extension appeared to be a good design and he welcomed the condition requiring external wall materials to match those of the existing dwelling. He moved the officer recommendation to permit. This was seconded by Cllr Organ.

The motion was put to the vote and it was RESOLVED by 8 votes for and 1 against to PERMIT the application subject to the conditions set out in the report.

Item No. 4
Application No. 17/03041/FUL
Site Location: 28 Meadlands, Corston, Bath, BA2 9AS – Erection of single storey rear extension

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

The registered speakers spoke for and against the application.

A statement from Corston Parish Council was also read out.

Cllr Sally Davis, local Ward Member, stated that there was a height difference between neighbouring properties. The property was in the housing development boundary and there were existing permitted development rights. The main issue was loss of light to the neighbouring property.

In response to a question the Case Officer explained that an assessment on the amenity of the neighbouring property had taken place and, although there would be some loss of light, this was not considered to warrant refusal of the application.

Cllr Roberts moved that consideration of the application be deferred pending a site visit to fully understand the issues raised. This was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED, by 4 votes in favour, 2 votes against and 3 abstentions to DEFER consideration of the application pending a site visit.

Item No. 5
Application No. 17/03012/LBA
Site Location: The Clock House, Bathford Hill, Bathford, Bath, BA1 7SW – Replacement front door (Retrospective)

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

Cllr Jackson noted that only one door had been replaced which did not improve the appearance of the building. She moved the officer recommendation to refuse. This was seconded by Cllr Crossley.

The motion was put to the vote and it was RESOLVED unanimously to REFUSE the application for the reasons set out in the report.

Item No. 6
Application No. 16/04872/FUL
Site Location: Church Hall, School Lane, Batheaston, Bath – Erection of new single storey Church Hall, activity rooms, kitchen, toilets, stores and associated car park/landscaping and external works following demolition of existing Church Hall

The Case Officer reported on the application and her recommendation for approval. She explained that the application was being brought to the Committee as the applicant had appealed for non-determination. Plans had now been submitted and members could only resolve as to what decision they would make had they been able to determine the application.

There was already a permission to build a hall on this site. If this application were to be permitted then either plan could be implemented going forward.

In response to a question the Case Officer explained that a notification of the planning application had been served on the landowner of the site. Once notified it would be for the applicant and landowner to agree as to which plan goes ahead.

Cllr Organ moved the officer recommendation to permit. This was seconded by Cllr Matthew Davies.

Cllr Jackson expressed concern about potential damage to trees which would not conserve or enhance the Conservation Area.

Cllr Crossley noted that this was a smaller scheme than the one that had previously been approved and that it also contained a car park area. Car parking did not appear to be an issue in this location and open space could be lost.

The motion was put to the vote and it was RESOLVED by 6 votes for and 3 against that, had an appeal on the grounds of non-determination not been submitted, the Committee would have PERMITTED the application.

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

The Committee considered the appeals report.

Members requested that details of costs awarded be included in future appeals reports.

RESOLVED to **NOTE** the report.

The meeting ended at 5.15 pm

Chair .....

Date Confirmed and Signed .....

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date 18 October 2017

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA

ITEMS FOR PLANNING PERMISSION

Item		
001	17/02591/FUL	143 Calton Road Lyncombe, Bath

The following additional condition is suggested:

Notwithstanding the approved plans, the lower half of the first floor and second floor windows on the rear elevation hereby approved shall be non-opening and obscurely glazed and retained as such in perpetuity.

Reason: To safeguard the residential amenity of the neighbouring occupiers.

ITEM

Item No.	**Application No.**	**Address**
002 & 003	17/01708/FUL & 17/01709/LBA	2 Manor Farm Cottages, Anchor Lane, Combe Hay, BA2 7EH

Since the Committee Report was written, one further letter of support has been received from the owner/occupier of Week Cottage, Combe Hay, the content of which is summarised below:

- Harm to the Conservation Area from on-street parking;
- The proposed development will result in four vehicles;
- Potential highway safety and access issues from additional on-street parking.

The existing dwelling has three bedrooms. Following the proposed development, the property would have four bedrooms. It is not considered that the creation of one additional bedroom will significantly increase the parking

demand associated with the property compared to the existing three bedroom dwelling.

The parking standards set in the schedule to Placemaking Plan Policy ST7 apply to new residential development and not extensions. Nevertheless, these parking standards do not require four parking spaces for a four bedroom dwelling.

As set out in the Committee Report, the parking of cars on the adjacent lanes is not considered to result in an unacceptable road safety or congestion issue, not does it cause substantial harm to the setting of surrounding listed buildings or the character or appearance of the Conservation Area.

There is no change to the officer recommendation.

Item No.	**Application No.**	**Address**
04	17/03041/FUL	28 Meadlands, Corston, Bath

Since the Committee Report was written, further comments have been received from Corston Parish Council. The Clerk has visited the neighbouring property at number 27 and has reiterated previous objections raised, which are summarized below:

- Due to the property's orientation, the existing sitting room of number 27 has limited sunlight currently.
- Number 27 is set 3-4 feet below the application site.
- Light is restricted into the rear window of number 27 by a fence.
- The proposed development would significantly darken the front room of number 27
- The proposed extension is not visually attractive.
- The proposed extension is too close to the boundary of number 27.
- Any future planning application should be moved from the boundary, redesigned to better complement the local character and include window panels along the edge of the boundary to enable as much light as possible to enter the front room of number 27.

There is no change to the officer recommendation.

Item No.	**Application No.**	**Address**
05	17/03012/FUL	Clock House Bathford

Since the committee report was written further written comments have been received from the applicant supporting the application and disputing the

accuracy of the report and assessment. The entire email is reproduced below in italics;

Unfortunately I will be abroad when my application is considered by the Committee otherwise I would have attended and defended it. However I must register my strongest possible objection to Ms Waldron's continuing campaign of misinformation regarding our property included in the REPORT in spite of the unqualified support of the Parish Council.
1. Her assertion that the former coach house and stables to Titan Barrow were converted into two cottages in the 1930's is pure speculation. The original doors would not have matched or had equal function - the Left being a door to the stables the Right being a door to the coachman's residential accommodation.
2. Her assertion that the original building is 'relatively simple and unpretentious' defies belief. She rightly describes the style as Tudor Gothic though hardly 'simple' but ignores the three original Georgian stone pineapple embellishments to the parapet.
3. Her assertion that any photograph shows two top lights is wrong. The opening height of the doorways is 6'6" IE No adequate height for any top lights.
4. Her assertion that the door that replaced the door described in the Listing details as 'modern' is again hardly 'elaborate' though a description 'traditional' might be appropriate. The replacement door is identical in design and every detail to the glazed screen to the Dining room immediately adjoining permitted by Ms Waldron in 2009.
5. Her assertion of any erosion of the special character is again wrong. Given the present use of the building as a single family home the original duality of doors is irrelevant and disturbing architecturally. A single visually important entrance door is a more logical expression of the current function of the undivided building. It can be argued that the creation of an important aesthetic axis provides a more harmonious balance of the elevational elements particularly taking the large glazed screen she permitted into consideration.
6. Her fifth paragraph is entirely inappropriate at best and untrue at worst. NOTHING WAS NEGOTIATED OUT. Nash Partnership were simply instructed to omit that element of the applications.
6. Her penultimate assertion regarding the duty of special regard for 'the desirability of preserving the building or it's setting or any features of special architectural or historic interest' is not empirical to the Committees' decision since the preservation of the building is irrelevant - THE BUILDING IS NOT AT RISK and the setting and any special features are UNCHANGED. She equally ignores Historic England General principles BH8: 'Architectural details that match or are in keeping with those found in the building/cumulative change reflecting the history of use and ownership have contributed to the historic interest of...buildings'. The committee will note from the Listing LBS 32180 dated 19 October 1963 the reference to '2 Modern doors' NOT '2 HISTORIC DOORS'.
In the event of refusal an Appeal will be made to the Planning Inspectorate not least because of Ms Waldron's continuing personal bias but equally since

there is no measurable harm caused to the character or significance of the Listed former coach house by these proposals.
I trust you will bring these comments to the attention of the Committee given that by force of circumstances I cannot attend.

Information about the history of the building has been taken from the Design and Access Statement submitted by the applicant in connection with a previous application on site. The report notes that the coach house was converted to cottages in the 1930s and includes a photograph showing the building in the early 20th century.

Listed buildings will often retain features and characteristics relating to a former use. This is part of their significance and altering them to reflect the current use will often harm the listed building.

The penultimate paragraph in the report is a statement of the councils statutory duty which is included in all reports relating to listed building consent applications.

There is no change to the officer recommendation.

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 18 OCTOBER 2017

SITE VISIT LIST			
ITEM NO.	**SITE NAME**	**SPEAKER**	**FOR/AGAINST**
1	143 Calton Road, Lyncombe, Bath	Keith Palmer	Against (3 minutes)
		Nigel Whitehead	(3 minutes)
		John White (Agent)	For (6 minutes)
		Cllr Ian Gilchrist	Ward Councillor
2 and 3	2 Manor Farm Cottages, Anchor Lane, Combe Hay, Bath	Nigel Whitehead (Agent)	For (6 minutes)

MAIN PLANS LIST			
ITEM NO.	**SITE NAME**	**SPEAKER**	**FOR/AGAINST**
1	University of Bath, Claverton Down, Bath	Chris Beezley (Beech Avenue and Woodland Grove Residents' Associations)	Against
		Ben Ponting (Agent)	For
		Cllr Matt Cochrane	Ward Councillor
2	17 Station Road, Welton, Midsomer Norton	Jane Lewis	Against

3	Matfen House, Packhorse Lane, Southstoke, Bath	Stephen Ruddock (Applicant)	For
		Cllr Neil Butters	Ward Councillor
4	28 Meadlands, Corston	Sandra McCrory	Against
		Jason Kean (Applicant)	For

Bath & North East Somerset Council

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
18th October 2017
SITE VISIT DECISIONS

Item No:	001
Application No:	17/02591/FUL
Site Location:	143 Calton Road, Lyncombe, Bath, Bath And North East Somerset
Ward: Widcombe	**Parish:** N/A **LB Grade:** N/A
Application Type:	Full Application
Proposal:	Erection of 2no townhouses following demolition of existing 2 bed apartment
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, British Waterways Major and EIA, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, World Heritage Site,
Applicant:	Mr Jim Rees
Expiry Date:	22nd September 2017
Case Officer:	Tessa Hampden

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 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.

3 **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.

4 **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.

5 **Removal of Permitted Development Rights - No extentions or alterations (Compliance)**
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to assess the impact upon residential amenity

6 **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.

7 **Screening (Pre-occupation)**
The development hereby approved shall not be occupied until the details of screening/means of enclose at the rear boundary have been submitted to and approved in writing by the Local Planning Authority. These shall be installed prior to occupation of the development and permanently retained as such.

Reason: In the interest of residential and visual amenity in accordance with Policy D2 and D6 of the Bath and North East Somerset Placemaking Plan.

8 **Drainage (Compliance)**

The drainage design should ensure that no surface water generated as a result of the development should flow onto the highway or other neighbouring land.

Reason; This is to ensure that there is no increase in flood risk away from the development in accordance with Policy CP5 of the Bath and North East Somerset Placemaking Plan.

9 Notwithstanding the approved plans, the lower half of the first floor and second floor windows on the rear elevation hereby approved shall be nonopening and obscurely glazed and retained as such in perpetuity.

Reason: To safeguard the residential amenity of the neighbouring occupiers.

10 **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:

31 May 2017 EXISTING SITE PLAN AND PROPOSED SITE PLAN
31 May 2017 AP(0)09 A PROPOSED SECTION
31 May 2017 AP(0)08 A EXISTING SECTION
31 May 2017 AP(0)05 A EXISTING ELEVATIONS
31 May 2017 AP(0)04 A EXISTING PLANS
31 May 2017 AP (0)01 SITE LOCATION PLAN
27 Sep 2017 1419 AP(0)06 D PROPOSED PLANS
27 Sep 2017 1419 AP(0)07 D PROPOSED ELEVATIONS

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.

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.

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

Item No:	002
Application No:	17/01708/FUL
Site Location:	2 Manor Farm Cottages, Anchor Lane, Combe Hay, Bath
Ward: Bathavon West	**Parish:** Combe Hay **LB Grade:** II
Application Type:	Full Application
Proposal:	Interior and exterior alterations, including a two-storey extension and creation of new vehicle access.
Constraints:	Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building, Neighbourhood Plan, SSSI - Impact Risk Zones,
Applicant:	Lacroix
Expiry Date:	23rd October 2017
Case Officer:	Emma Hardy

DECISION REFUSE

1 The proposed works to create a new access and associated drive and hardstanding would be harmful to the setting of the Grade II listed building result in a loss of historic fabric and is detrimental to the character and appearance of the Conservation Area. The public benefits of the proposal are limited and do not outweigh this harm. Consequently the application is contrary to Core Strategy Policy CP6 and policy H.E1 of the Placemaking Plan.

PLANS LIST:

This decision relates to the following drawings: 255 _BP01, PD01(1), PD02, PD03, PD04, PD05, PD06, PE01, PE02, PE03, PL01, PP01, PP02, SP01, SP02, SP03, SE01, L417/07 Rev A, L417/08, L417/09, SPL01.

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

Item No:	003
Application No:	17/01709/LBA
Site Location:	2 Manor Farm Cottages, Anchor Lane, Combe Hay, Bath
Ward: Bathavon West	**Parish:** Combe Hay **LB Grade:** II
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	Interior and exterior alterations (part retrospective), including a two-storey extension and partial demolition of rear boundary wall to create a vehicle access.
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building, Neighbourhood Plan, SSSI - Impact Risk Zones,
Applicant:	Lacroix
Expiry Date:	23rd October 2017
Case Officer:	Emma Hardy

DECISION REFUSE

1 The proposed works to create a new access and associated drive and hardstanding would be harmful to the setting of the Grade II listed building result in a loss of historic fabric and is detrimental to the character and appearance of the Conservation Area. The public benefits of the proposal are limited and do not outweigh this harm. Consequently the application is contrary to Core Strategy Policy CP6 and policy H.E1 of the Placemaking Plan and to the aims, requirements and objectives of the Planning (Listed Buildings & Conservation Areas) Act 1990 and NPPF Section 12: Conserving and enhancing the historic environment.

PLANS LIST:

This decision relates to the following drawings: 255 _BP01, PD01(1), PD02, PD03, PD04, PD05, PD06, PE01A, PE02, PE03, PL01, PP01B, PP02, SP01, SP02, SP03, SE01, L417/07 Rev A, L417/08, L417/09, SPL01.

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

Bath & North East Somerset Council

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
18th October 2017
DECISIONS

Item No:	01
Application No:	17/02607/FUL
Site Location:	University Of Bath, University Of Bath Campus, Claverton Down, Bath
Ward: Bathwick	**Parish:** N/A **LB Grade:** N/A
Application Type:	Full Application
Proposal:	Works to refurbish existing waste compound with the erection of raised canopy to cover plant, erection of new welfare unit following demolition of existing, relocation of confidential waste shed and alterations to entrance roadway.
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, Sites with Planning Permission, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Tree Preservation Order, World Heritage Site,
Applicant:	University Of Bath
Expiry Date:	20th October 2017
Case Officer:	Chris Gomm

DECISION PERMIT

1 **Standard Time Limit (Compliance)**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2 The rating level of noise emitted from any fixed plant and /or machinery associated with the development hereby approved shall not exceed background sound levels determined as 38dB (LA90). The rating level shall be determined by measurement or calculation at the boundary of the nearest noise sensitive premises as identified in the submitted acoustic report.

Reason: To protect local residents from unacceptable levels of noise disturbance.

3 There shall be no operation of the hereby approved compactors or bailers other than between the hours of 8am and 6pm on Mondays to Fridays (inclusive) and at no other times.

Reason: To protect local residents from unacceptable levels of noise disturbance.

4 There shall be no vehicular deliveries nor vehicular collections to/from the site other than between the hours of 10am to 4pm on Monday to Fridays (inclusive).

Reason: To reduce the risk of conflicts with other users of the site during peak traffic times in the interests of highway safety and in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

5 No demolition or 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, 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 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 There shall be no shredding within the application site.

Reason: To protect local residents from unacceptable levels of noise disturbance.

8 Lighting for the development hereby permitted shall be installed and operated thereafter in accordance with the approved "External Lighting Statement" reference UOB-HYD-WC-XX-RP-ME-0002 dated 29th September 2017 and "proposed lighting layout" drawing number UOB-HYD-WC-00-DR-E-2002 P01 dated 14th Sept 2017 and shall be installed and operated so that lux levels fall within the predicted light spill levels. Prior to operation of the development, full details of proposed measures to further minimise light spill onto adjacent land and vegetation must be first submitted to and approved in writing by the Local Planning Authority. These details shall include, as applicable, use of directional lighting, tilting and orientation of lamps; fitting of hoods or baffles onto lamps; screening; and specified times and durations of use of lighting, to include, as appropriate, use of automated systems; dimming regimes and remote sensors. Upon approval in writing, the details shall be implemented and thereafter the development shall be operated in accordance with the approved details. No new external lighting or changes to the

approved scheme of lighting shall be installed thereafter without full details of proposed lighting design being first submitted to and approved in writing by the LPA.

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

9 The fixed plant hereby approved (compactors and bailers) shall not be installed or operated until such time that the building within which they will be sited is constructed in accordance with the details shown on Drawing No. 170275_L(0)4-

Reason: To protected local residents from undue noise and disturbance.

10 **Plans List (Compliance)**
The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

PLANS LIST:

Plans List:

- Site Plan (Existing): Drawing No. 170275_L(0)1-A-
- Site Location Plan: Drawing No. 170275_L(0)2-
- Proposed Welfare Building: Drawing No. 170275_L(0)3-
- Proposed Canopy Elevations: Drawing No. 170275_L(0)4-
- Site Plan (Proposed): 170275_L(0)5-A-
- Section A-A & B-B: Drawing No. 170275_L(0)6-
- Drainage Works: Drawing No. 8131_003_P3
- Proposed External Services Layout: Drawing No. UOB-HYD-WC-00-DR-M-1001-P03
- Proposed External Services Layout2: Drawing No. UOB-HYD-WC-00-DR-M-1002-P02
- M&E Services Concept Layout: Drawing No. UOB-HYD-WC-00-DR-M-1003-P01

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:	02
Application No:	16/04499/FUL
Site Location:	17 Station Road, Welton, Midsomer Norton, BA3 2AZ
Ward: Midsomer Norton North	**Parish:** Midsomer Norton **LB Grade:** N/A
Application Type:	Full Application
Proposal:	Erection of 6no. new dwellings following demolition of existing dwelling and outbuildings (resubmission) - revised plans
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Contaminated Land, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,
Applicant:	Flower And Hayes Ltd
Expiry Date:	20th July 2017
Case Officer:	Tessa Hampden

DECISION REFUSE

1 The development results in the demolition of 17 Station Road and associated outbuildings which are considered to be non designated heritage assets. This loss has not been justified and whilst the development is considered to result in less than substantial harm to the Conservation Area the public benefits resulting from the scheme do not

outweigh the harm identified. The development is therefore considered to be contrary to Placemaking Plan policies HE1, D1,and D2 and Core Strategy Policy SV1 and CP6.

PLANS LIST:

15 Nov 2016 F1123/100F PROPOSED SITE PLANS AND SECTION
15 Nov 2016 F1123/101E PROPOSED SITE SECTION AND SCHEDULES
15 Nov 2016 F1123/112D PROPOSED PLANS AND ELEVATIONS PLOT
15 Nov 2016 F1123/115D PROPOSED PLANS AND SECTIONS PLOTS 5 AND
15 Nov 2016 F1123/116D PROPOSED SITE PLAN SHOWING VEHICULAR MOVEMENTS

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.

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

Item No:	03
Application No:	17/02826/FUL
Site Location:	Matfen House, Packhorse Lane, South Stoke, Bath
Ward: Bathavon South	**Parish:** South Stoke **LB Grade:** N/A
Application Type:	Full Application
Proposal:	Erection of single storey garden room extension and first floor bedroom extension over garage
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, MOD Safeguarded Areas, Neighbourhood Plan, Public Right of Way, SSSI - Impact Risk Zones,
Applicant:	Mr Stephen Ruddock
Expiry Date:	19th October 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 **Materials (Compliance)**
All external walling materials to be used shall match those of the host dwelling in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1 and D2 of The Placemaking Plan for Bath and North East Somerset Council (2017) and Policy CP6 of the Bath and North East Somerset Core Strategy (2014).

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:

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

591/P/01, 591/P/02, 591/P/03, 591/S/01, 591/S/02, 591/S/03, all received 14 June 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.

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.

If Wales & West Utilities apparatus may be at risk during construction works the promoter of these works is required to contact Wales & West Utilities directly to discuss requirements in detail.

Item No:	04
Application No:	17/03041/FUL
Site Location:	28 Meadlands, Corston, Bath, Bath And North East Somerset
Ward: Farmborough	**Parish:** Corston **LB Grade:** N/A
Application Type:	Full Application
Proposal:	Erection of single storey rear extension.
Constraints:	Affordable Housing, Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, Housing Development Boundary, MOD Safeguarded Areas, Neighbourhood Plan, SSSI - Impact Risk Zones,
Applicant:	Mr Jason Kean
Expiry Date:	19th October 2017
Case Officer:	Nikki Honan

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

Item No:	05
Application No:	17/03012/LBA
Site Location:	The Clock House, Bathford Hill, Bathford, Bath
Ward: Bathavon North	**Parish:** Bathford **LB Grade:** II
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	Replacement front door (Retrospective)
Constraints:	Affordable Housing, Agric Land Class 1,2,3a, Conservation Area, Forest of Avon, Greenbelt, Housing Development Boundary, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant:	Mr Michael Brady & Mrs Sandra Milner
Expiry Date:	29th August 2017
Case Officer:	Caroline Waldron

DECISION REFUSE

1 The unauthorised replacement front door by reason of its detailed design harms the intrinsic character and significance of the listed former coach house contrary to Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and relevant Historic England advice.

PLANS LIST:

Drawings site location plan, Design and Access Statement, photographs of doors date stamped: 22nd June 2017
Drawing elevation of replacement door, additional statement dated the 20th January 2017 and date stamped: 4th July 2017
Drawings 1:50 existing elevation, 1:50 proposed elevation (Right hand door only. Any other alterations do not form part of the current application).

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

Item No:	06
Application No:	16/04872/FUL
Site Location:	Church Hall, School Lane, Batheaston, Bath
Ward: Bathavon North	**Parish:** Batheaston **LB Grade:** N/A
Application Type:	Full Application
Proposal:	Erection of new single storey Church Hall, activity rooms, kitchen, toilets, stores and associated car park/landscaping and external works following demolition of existing Church Hall.
Constraints:	Agric Land Class 3b,4,5, Conservation Area, Forest of Avon, Hotspring Protection, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant:	Batheaston Shared Vision (BSVG)
Expiry Date:	27th July 2017
Case Officer:	Sarah James

Members resolved that they would have approved the application if it had not been subject to an appeal against non-determination.

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Bath & North East Somerset Council

MEETING:	**Development Management Committee**	AGENDA ITEM NUMBER
MEETING DATE:	**15th November 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:
001	17/03041/FUL 16 November 2017	Mr Jason Kean 28 Meadlands, Corston, Bath, Bath And North East Somerset, BA2 9AS Erection of single storey rear extension.	Farmborough	Nikki Honan	PERMIT

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

Item No: 001
Application No: 17/03041/FUL
Site Location: 28 Meadlands Corston Bath Bath And North East Somerset BA2 9AS

Ward: Farmborough **Parish:** Corston **LB Grade:** N/A
Ward Members: Councillor S Davis
Application Type: Full Application

Proposal:	Erection of single storey rear extension.
Constraints:	Affordable Housing, Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, Housing Development Boundary, MOD Safeguarded Areas, Neighbourhood Plan, SSSI - Impact Risk Zones,
Applicant:	Mr Jason Kean
Expiry Date:	16th November 2017
Case Officer:	Nikki Honan

REPORT

This application has been referred to the Development Management Committee due to the objection received from Corston Parish Council which is contrary to the Officer recommendation. These comments are summarised within the Representation Section of this report.

The application was considered by the Planning Committee on 18th October when it was resolved to defer the application for a site visit.

The application site is an end of terrace house on a corner plot. The site is within the green belt.

Planning permission is sought for a single storey rear extension at 28 Meadlands, Corston. Revised plans have been submitted showing amendments to the positioning of the extension to allow it to sit perpendicular to the host dwelling. Revised plans were subject to a second round of consultation. A third and final set of plans has been submitted showing the extension moved away from the boundary line to try to address party line concerns raised by the adjoining neighbours.

Planning History:
No relevant planning history

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

FIRST CONSULTATION

Objections received from the occupants of one neighbouring property are summarized below:

- Encroachment of this proposed development over and across my boundary line
- Significantly harmful impact on rear living room window through loss of light and overbearing impact. This is the only source of light on the rear aspect of our main living room.
- Plans are misleading as they fail to show my rear living room window and the levels differences between properties
- 28 Meadlands is approximately 2.5 feet higher than the ground level at my property Number 27 Meadlands, which increases the height of the proposed extension by at least 2.5 feet from our perspective
- The roof height differentials on the existing buildings are not accurately shown.
- Applicant has failed to show the large fir tree clearly located near the boundary line

Proposed development would be clearly visible from the public footpath - not mentioned on application form.

- Concerns ventilation from kitchen not shown on plans. Concern fumes/cooking smells could be drawn in through regularly used window on my property. The proposed windowless bathroom would require mechanical air extraction into this confined space.
- The proposed development is far too large and out of character with the existing dwellings

Corston Parish Council:
Objection
The Council considered the proposed rear extension by reason of its size, positioning, the location of a proposed side wall directly on the boundary of the neighbouring property and also the adverse contour of the land. The Council concluded that by extending the building as shown in the application it will significantly overshadow and cause loss of light to the occupants of 27 Meadlands.
The combination of a sloped and flat roof together with the almost featureless external faces of the sidewalls make the proposed design potentially an uncomfortable visual addition to the surrounding locality.
It is considered that work on an adjacent tree will probably be unavoidable despite a statement to the contrary in the application form.

SECOND CONSULTATION
Objections received from the occupants of one neighbouring property are summarized below:
- Significant concern with loss of light to rear living room window, as well as overbearing impact from rear living room window
- Significant concern the proposed development is located outside the red line and within the neighbouring site
- Loss of trees is desired by applicant and not a compromise from applicant to appease neighbours. Although support loss of these fir trees, this does not impact on the development hereby proposed - loss of light to main living room not affected by the trees.
- Applicant has still failed to show the large fir tree near the boundary line.
- 27 (neighbour) is higher than 28 (application site). Plans do not show this level drop. This level difference will add greater height and impact on the neighbours at 28.
- The proposed extension is too large and out of character with the other dwellings in the area.
- The roof height differentials on the existing buildings are also not accurately shown
- The proposed development would be clearly visible from the public footpath, which is not mentioned in the planning submission
- Request case officer site visit

Corston Parish Council:
Objection
When considering the proposed rear extension positioning and the location of a proposed side wall directly on the boundary of the neighbouring property, by reason of its height taken together with the adverse contour of the land, it is considered that extending the building as shown in the revised application, although an improvement over the original intention, the extension will still overshadow and cause loss of light to the occupants of 27 Meadlands.
The almost featureless external faces of the sidewalls make the proposed design potentially an uncomfortable visual addition to the surrounding locality.

FINAL PLANS
Following the formal close of the consultation period, a revised plan was submitted showing the extension moved away from the boundary. Although no further formal consultation process was opened, final comments from the neighbour were received, as summarized below:
- Revised plans address the differences that we have over the boundary between our properties.
- Still significant concern with loss of light to our main living room
- Concern regarding height difference in the 2 properties
- The proposed extension is too large and out of character with the other dwelling in the area.

POLICIES/LEGISLATION
On 13th July 2017 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:
*Core Strategy (July 2014)
*Placemaking Plan (July 2017)
*B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
*Joint Waste Core Strategy
*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:
CP2: Sustainable Construction
CP.6: Environmental Quality
CP8: Green Belt

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.1: General Urban Design Principles
D.2: Local Character and Distinctiveness
D.3: Urban Fabric
D.4: Streets and Spaces
D.5: Building Design
D.6: Amenity
GB1: Visual Amenities in the Green Belt
GB2: Development in Green Belt Villages
GB3: Extensions and Alterations to Buildings in the Green Belt
NE6: Trees and woodland conservation

The Existing Dwellings in the Green Belt Supplementary Planning Document (2008) has been considered in the determination of this planning application.

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

OFFICER ASSESSMENT
Character and Appearance

The proposed development has been reduced in rear projection and repositioned so that it sits perpendicular to the house and off the boundary. Although visible from the street scene in this corner plot, the proposed single storey extension is subservient to the host dwelling and finished in render to match and allow the extension to integrate with the host dwelling.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

Residential Amenity

The adjoining property has a two storey rear extension (permitted under application ref: 02/02007/FUL). This extension is set off the boundary, with a narrow window on the rear elevation serving the rear of the living room. The living room includes 1no. window on the front elevation. The narrow rear window allows some natural light, although this is restricted by the 2 storey rear extension to the rear as well as boundary fencing. The fencing is understood to be 5ft in height, built on top of the neighbour's wall which is used for a patio on the application site due to the levels difference. The site slopes down to the east resulting in number 27 sitting below number 28 (application site).

Significant concerns have been raised by the occupants of number 27 in terms of loss of light and overbearing impact of the proposed development. There is concern that the height of the single storey extension would result in further harm due to the levels differences. Although the applicant is not required to show the fenestration of the neighbouring property, this relationship has been understood by the case officer after visiting the application site and the neighbouring property. It is noted the living room of the neighbouring property at number 27 is served by a window on the front elevation. The original fenestration on the rear elevation of number 27 has been amended to make way for the two storey extension on the rear elevation, and a narrow window is now in place on the rear. This window is obscured in terms of outlook and light by the existing two storey extension and boundary fencing. The main issue for concern is whether the proposed single storey rear extension would be significantly harmful to the amenity of the neighbouring occupants in terms of loss of light and overbearing impact over and above the existing situation. Having visited the site, it is confirmed that the rear window does allow some natural light to enter the room and limited outlook. However, the reduction in light as a result of the proposed development is not considered significantly harmful above the existing situation to warrant refusal of the application. Similarly some increased development above the existing fence position is not considered significantly harmful in terms of overbearing impact to warrant refusal to the application.

It is noted the applicants have amended the plans to reduce the rear projection and move away from the boundary line. Although this is not to the satisfaction of the neighbouring occupants, and the relationship of the existing 2 storey rear extension at number 27 and

the proposed single storey rear extension at number 28 are not ideal, the development as proposed is not considered significantly harmful such as to recommend refusal of the application.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

Green Belt

The proposed extension represents a volume increase of 77m3 equivalent to an increase of 27.9% over and above the original building volume of 276m3. The proposed development does not represent inappropriate development in the green belt and it would not be harmful to openness or the purposes of including land within the green belt. The proposal accords with policy CP8 of the adopted Core Strategy and policy GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

Trees

The applicant has confirmed the loss of a fir tree in the back garden on the boundary with number 27. The site is not within a conservation area and no trees within the site are protected by TPO's. The loss of the fir tree is not considered harmful to public amenity value.

The proposed development will not have an adverse impact on a tree which has significant visual or amenity value. The proposal accords with policy NE6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 11 of the NPPF.

RECOMMENDATION

PERMIT

CONDITIONS

1 **Standard Time Limit (Compliance)**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2 **Materials (Compliance)**
All external walling materials to be used shall match those of the host dwelling in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1 and D2 of The Placemaking Plan for Bath and North East

Somerset Council (2017) and Policy CP6 of the Bath and North East Somerset Core Strategy (2014).

3 **Plans List (Compliance)**
The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

PLANS LIST:

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

02, 01 - received 27.06.17
17/013 03 REV B - received 11.09.17

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

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

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

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

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

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

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

3 You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability

Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

4 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:	**15th November 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	17/03774/OUT 9 November 2017	c/o Agent 34 - 35 Lower Bristol Road, Westmoreland, Bath, Bath And North East Somerset, BA2 3AZ Outline application for the 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 following demolition of existing building. Access, appearance, layout and scale to be determined and landscaping reserved.	Widcombe	Chris Gomm	PERMIT
02	17/03603/FUL 16 November 2017	Amanda and Robert Hawking 9 Partis Way, Lower Weston, Bath, Bath And North East Somerset, BA1 3QG Erection of single garage and detached 4 bed house with garage following demolition of existing rear conservatory and side extension (accommodating garage) to existing dwelling	Newbridge	Samantha Mason	PERMIT
03	17/04031/FUL 22 November 2017	Mr B & Mrs A Fawcett The Paddocks, Pilgrims Way, Chew Stoke, Bristol, Bath And North East Somerset Erection of a new dwelling (Resubmission).	Chew Valley North	Anna Jotcham	REFUSE
04	17/02313/FUL 17 November 2017	Mr & Mrs Sue & Andrew Milloy 6 High Bannerdown, Batheaston, Bath, Bath And North East Somerset, BA1 7JY Erection of two storey side extension, new front boundary wall and change of layout of existing gardens.	Bathavon North	Alice Barnes	PERMIT

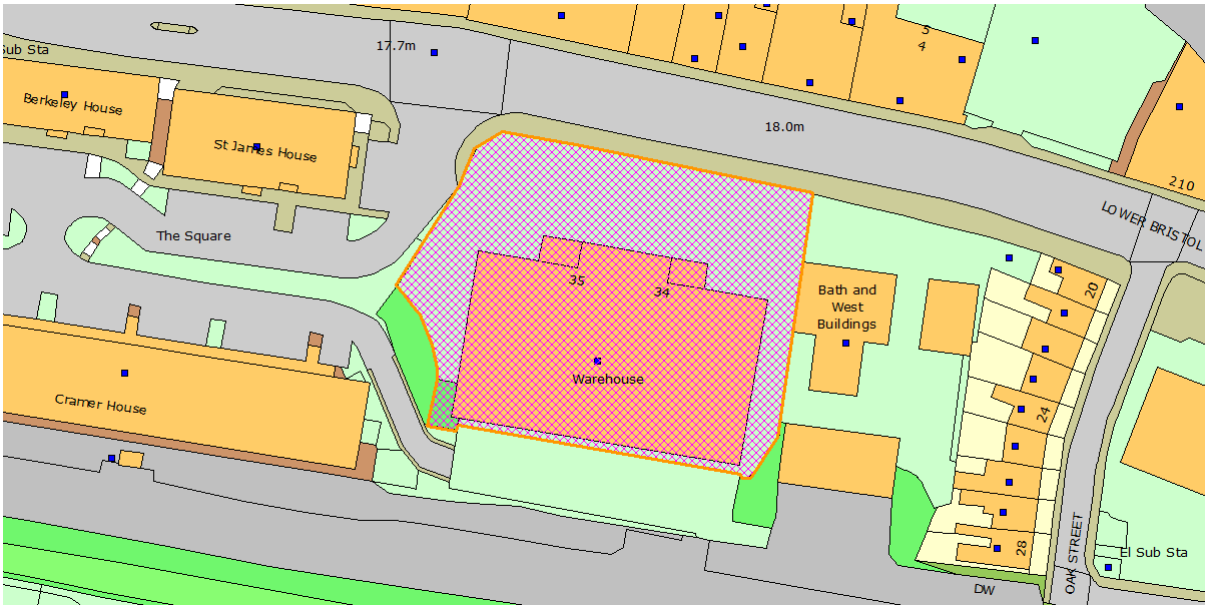
05	17/03629/FUL 22 September 2017	Mr & Mrs B & J Hogg & Stratford Manor House Farm, North Stoke Lane, North Stoke, Bath, Bath And North East Somerset Widening of front entrance and garden access with installation of aluminium frame doors.	Bathavon North	Adrian Neilson	PERMIT
05	17/03630/LBA 22 September 2017	Mr & Mrs B & J Hogg & Stratford Manor House Farm, North Stoke Lane, North Stoke, Bath, Bath And North East Somerset Internal and external alterations for the re-arrangement of internal stud walls, exposing of original stone walling in lobby and widening of garden and front access with replacement aluminium framed doors.	Bathavon North	Adrian Neilson	CONSENT
06	17/03930/FUL 16 November 2017	Mr & Mrs Tavender 1 Audley Avenue, Lower Weston, Bath, Bath And North East Somerset, BA1 3BL Removal of front boundary low wall and fence and formation of off street parking with permeable hardstanding	Kingsmead	Chloe Buckingham	PERMIT

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

Item No: 01

Application No: 17/03774/OUT

Site Location: 34 - 35 Lower Bristol Road Westmoreland Bath Bath And North East Somerset BA2 3AZ



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

Ward Members:	Councillor I A Gilchrist Councillor Jasper Martin Becker
Application Type:	Outline Application
Proposal:	Outline application for the 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 following demolition of existing building. Access, appearance, layout and scale to be determined and landscaping reserved.
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Bath Core Office Area, British Waterways Major and EIA, British Waterways Minor and Householders, Contaminated Land, Flood Zone 2, Flood Zone 3, LLFA - Flood Risk Management, MOD Safeguarded Areas, Other Please specify, Other Please specify, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, World Heritage Site,
Applicant:	c/o Agent
Expiry Date:	9th November 2017
Case Officer:	Chris Gomm

REPORT

This application has been referred to the Development Management committee by the Group Manager as this is a resubmission and the previous application was determined by committee.

Background

This application seeks outline planning permission for the demolition of the Pickfords self-storage building on Bath's Lower Bristol Road and its replacement with two buildings of purpose-built student accommodation. Only landscaping is reserved for subsequent approval and therefore the proposed means of access as well as the development's appearance, layout and scale form part of the current application.

Members will recall that a previous similar application (also in Outline with all matters reserved except landscaping) was refused by the Development Management committee in May 2017 contrary to the officer's recommendation (Ref: 16/05504/OUT).

The Proposal

The proposal involves the provision of 204 student bedrooms the majority of which will be within cluster flats of various sizes. The proposal includes 3 townhouses with frontage to Lower Bristol Road as well as communal spaces and other ancillary facilities including a laundry, gym and study rooms.

The Site

The existing building on site is of a substantial size and provides covered storage facilities (Use Class B8) operated by the storage/removal company 'Pickfords'; it is understood that the building was constructed in the mid-1980s.

The application site is located within the Bath Core Office Area; it is also within the Bath Central Area as identified in the Placemaking Plan. The site is identified by the Council as a Site of Potential Concern in respect of land contamination. The site is located within the World Heritage Site and Hot Springs Protection Area. The site is outside of the Bath Enterprise Area and the conservation area.

This application has been screened in order to ascertain whether the proposal constitutes EIA development (Environmental Impact Assessment) and it has been concluded that it is not; the submission of an Environmental Statement is therefore unnecessary. The proposal's impact on the environment is unlikely to be significant in EIA terms.

Relevant Planning History

16/05504/OUT: 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 following demolition of existing building. REFUSED for the following reasons : -

1 The proposed development by reasons of its height, bulk, massing and external appearance will have a dominating, oppressive and incongruous impact upon the character and appearance of this part of the Lower Bristol Road and the wider World Heritage Site. Accordingly the application is contrary to saved policies D2, D4 and BH1 of the Bath and North East Somerset Local Plan, including minerals and waste policies, adopted 2007, policies DW1, B1, B4 and CP6 of the adopted Bath & North East Somerset Core Strategy, and policies D1, D2, D3, D5, HE1 and BD1 of the draft
Bath & North East Somerset Placemaking Plan.
2 The application site is currently occupied by a well-established storage use operating from purpose-built premises. The business has nine employees based at this site. It has not been demonstrated that there is a lack of business demand for the existing building or for the site itself. Itis considered that the loss of this business site will have an unacceptable impact on the local economy and as such there are strong economic reasons why its redevelopment for non-business uses is inappropriate. Accordingly the application is contrary to polices DW1 and B1 of the adopted Bath & North East Somerset Core Strategy and policy ED2B of the draft Bath & North East Somerset Placemaking Plan

An appeal has been made against this decision.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ward Member (Cllr Gilchrist): Since the previous application was refused by DMC I would expect this re-application to be determined by DMC. If this is not automatic, please may I request that it be determined in this way?

B&NES Ecologist: No objection subject to conditions dealing with landscaping and lighting

B&NES Environmental Protection: No objection subject to conditions securing a Construction Environmental Management Plan and a mechanical ventilation system

Economic Development: Objection (summarised below)

Considering the positive and negative effects of the proposal in terms of its economic impact and the LPAs need to provide a strong economic case for its refusal, it is felt that there are strong economic grounds for refusal and should be refused on the following grounds:

* The premises are in occupation and provide a service to the wider city economy.
* If the business were forced to move there is little opportunity of relocation in the city, which could cause its closure
* There is increasing demand for this type of accommodation in the city.
* The industrial sector is experiencing growth in the city.
* The loss of this space would remove a potential significant direct GVA contribution to the local economy
* The loss of this space further damages the ability of the city to provide 'a mixed' economy with the further loss of industrial space to non-employment related uses.

Network Rail: No objection in principle

A trespass proof fence (1.8m minimum) should be erected along the boundary with the railway. No drainage shall discharge to railway land and there shall be no soakaways within 20metres of the boundary. There must be an agreed Method Statement for construction and demolition etc. All buildings must be 2m from the boundary fence. Details of any piling must be provided. There must be no interference with the structural integrity of the railway and no interference with signals. There must be no trees planted closer than 1.5 times their mature height to the boundary fence and consideration must be given to the railway when erecting scaffolding. Access to the railway must remain unimpeded.

B&NES Urban Design: Not acceptable in its current form.

* The design concept is largely the same as previously refused;
* The reduction of height by 380mm is welcome but insufficient to reduce the height of the central block from southern view-points meaningfully;
* The proposals will remain very dominant particularly in near views;
* The massing and building line of the slender block of 'townhouses' is at odds with the morphology of the surroundings;
* A blank frontage will be presented to the Lower Bristol Road;
* Compliance with sustainability policies (CP2 etc.) needs to be demonstrated.

Environment Agency: No objection subject to conditions requiring compliance with the submitted Flood Risk Assessment and dealing with contamination.

B&NES Landscape Officer: Not acceptable in its current form

The built form and material of the proposed development are not acceptable as they would not preserve or enhance the landscape and visual character of the Lower Bristol Road, the setting of the Grade II listed Newark Works or the World Heritage Site.

B&NES Arboricultural Officer: Not acceptable in its current form

* The Tree Survey fails to identify and categorise trees within but on the boundary of the neighbouring properties to the sites east and west that could potentially be adversely affected by the development proposals;
* The indicative trees shown on the site plan are inadequate;
* There are two mature Hornbeam trees within the site boundary. These trees could be graded as 'A2' rather than 'B1'; and are therefore worthy of consideration as a design constraint.

Historic England: No objection

* We were satisfied that the impact of the refused scheme upon the Outstanding Universal Values (OUV) of the World Heritage Site (WHS) was not unacceptably harmful to cause us to object to the application.
* We remain of the view that the visual impact will not cause undue harm to the OUV of the City of Bath World Heritage Site.
* In addition to the marginally lower roof lines on the revised scheme, the design details relating to fenestration and elevation treatments offer some overall improvements
* The provision of a more active frontage onto Lower Bristol Road and the better articulation of previously blank elevations will result in an improved and more legible building form
* The massing has also been further fragmented by the accentuation of the vertical line and shadowing of the recessed brick plinth
* We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 128, 132 and 137.

B&NES Archaeologist: Comments - A Roman villa has been discovered 45m to the south. A pre-determination evaluation will be difficult however due to the depth of the overburden, archaeological conditions are therefore suggested

B&NES Contaminated Land: No objection subject to conditions requiring site investigation and if necessary subsequent remediation.

B&NES Highways: No objection subject to conditions

Subject to the obligations and conditions that were previously agreed being implemented as part of this revised scheme, there is no highways objection to the application. There is a need to secure improvements to the local bus stops, and a controlled crossing will need to be delivered on the Lower Bristol Road before the site is occupied. It is recommended that the opportunity to provide a cycle hire station within the site is fully explored as part of Travel Plan process.

Avon & Somerset Police: Comment:

It is very difficult from a crime reduction/prevention point of view to give any detailed comments as the areas to be addressed such as the building security, access control methods to be used, as detailed design would normally be decided upon at Reserved Matters stage.

The Widcombe Association: Objection

* The slight reduction in height (380mm) is insufficient;
* The changes are purely cosmetic and fail to address original concerns;
* Objection to the change of use from employment to student housing;
* The location would be more suitable for meeting the recognised need for general professional and affordable housing;
* None of the viewpoints 6,7 or 8 selected by the applicant, accurately capture the key location and viewing direction from the south;
* Without a 'Verified Visual Montage' [from higher up Wellsway] it is not easy to say by how much that view would be damaged, but in view of Widcombe Association it would be severe;
* This valuable view of the city's major features would be lost as a result;
* A lens of 50 mm giving a field view of 39 degrees would be expected for all images.

Bath Heritage Watchdog: Objection

* Objections to the loss of further employment space and jobs;
* There is nothing in the documentation provided to indicate where, if anywhere, Pickford's will relocate to, or the fate of those currently employed;
* This is also a much needed local storage facility; there are no alternative facilities of equivalent community benefit proposed to mitigate the loss;
* We believe that a single use for this site is inappropriate and does not offset the harm caused to the built environment by its design;
* It should be a mixed use scheme offering employment space such a start-up units and flexible residential units that offer a variety of accommodation types;
* The viability claim is responsible for the height, scale, mass and build-line proposed, so it must also equate to the overdevelopment of the site;
* The development and South Quays combined will have the greatest detrimental effect, enclosing and hemming in the Newark Works site, blocking or obscuring views out across to the northern slopes;
* Structures at risk from these proposals include the whole Newark Works site, Maritime House and the Camden Mill/Bayer complex, the GWR Mainline Viaduct and Goods Shed and Oak Street;
* Over-bearing height, scale and mass but the poor overall design ethos that does not respect or reflect local character and distinctiveness in both design and materials;
* The build line is too close to the road and will removes the present more open aspect of the site. It also will see the loss of a number of mature trees;
* The proposed structures are not subservient to the listed building located directly opposite that are stylistically at odds in both design and materials with a further even taller block over-shadowing it;
* The key driver behind this design is the need to accommodate the number of rooms rather than provide something of quality and appearance that enhances the location;

* Though we understand the industrial approach behind the design here, it fails badly in this location;
* The North Block is a strangely narrow almost squashed design;
* The H block behind is almost prison-like in its starkness;
* Residential amenity is likely to be poor with little in terms of landscaping, and limited amounts of natural light reaching the courtyards and rear of the North block and the lower levels all around both buildings;
* The use of brick as a material is not opposed in principal it is the way the material is treated that is key along with the colour choice and the amount of it used - stone or course stone rubble should be considered;
* The use of copper/metal roofing is opposed as is its continuation down the sides of the blocks;
* Yet another disastrously inappropriate scheme that will put the WHS status at risk, impact on the setting of the Conservation Area, severely impact of the setting of the Newark Works complex and other designated and undesignated heritage assets, and lead to a poorer public realm.

Federation of Baths' Residents Associations: Objection

* The original proposal was refused on aesthetic grounds because it was deemed to be too high, too bulky, too massive and that the external appearance would have a dominating oppressive and incongruous impact;
* The revised scheme makes minimal difference, and still blocks views of the city from southern aspects;
* The original proposal was also refused because the loss of this site would have an unacceptable impact on the local economy and they [the committee] deemed that there were strong economic reasons why its development for non-business uses was inappropriate; this remains the case;
* Little effort has been made by the applicants to revise their proposals or to consider sympathetically either the adverse aesthetic or economic impact of their proposals;
* To threaten the LPA with an immediate appeal should the decision be negative may be tactically sound but is hardly likely to engender a good future working relationship with the Council;
* Will the rooms be affordable for the average student? evidence from other recently built PBSAs suggests otherwise;
* This site should be used for urgently needed housing.

Bath Preservation Trust: Support design/appearance but object to student use:

The Trust supported the high quality contemporary design, creative use of materials and contextually relevant industrial aesthetic of the scheme in our last response to this application (though we objected to the student accommodation proposed use). In our view the scheme responded positively and innovatively to the surrounding urban morphology. Therefore we have nothing more to add regarding this revised proposal other than to say the reduction in height is probably welcome.

Transition Bath: Objection

* It has not been demonstrated that the 10% reduction in carbon emissions through onsite renewables requirement will be met;

* The 1 in 7 provision for cycling is inadequate for students;
* 13 Sheffield racks are insufficient to hold 50 bicycles as the developer claims; normally this would support 26 bicycles;
* It is also not clear whether this provision is 'secure'.

University of Bath: Support

* This location is particularly well suited to University of Bath students with excellent links to the campus;
* The development will contribute positively to the regeneration of this part of the Lower Bristol Road
* The developers are known to the university; it is understood that they will retain their investment and therefore maintain their interest in the city;
* The proposed management company (CRM) is experienced, reputable and trusted by the university;
* The development will complement the university's own goals including strategic plans to increase research and postgraduate numbers;
* The need for student residences in the city substantially exceeds what can be provided on the university campus;
* The capacity of the campus falls some way short of that required to meet the university's development requirement and therefore academic and research development is prioritised on campus;

Two letters of objection have been received from members of the public, these are summarised as follows:

* This sites close proximity to public transport would suit a commercial development, creating jobs for local people;
* A layby should be provided within the boundry of the site to enable the many University buses stopping to pull off a very busy main route through the City, thus reducing congestion;
* The reduction in height to the buildings appears negligible, and does not meet the original objections;
* Same set of problems in a different wrapper;
* Air pollution exacerbated by canyon type development;
* No comparison can be drawn with nearby buildings which are of a height necessitated by their historic use;
* There is a demographic disaster happening to a diminishing group of people known as Bathonians;
* Planning policy must urgently be changed to prevent further increases in student numbers;
* Increased nuisance, noise and night-time disturbance;
* Increased waste generation and extra pressure on services;
* There will be an increase in competition for car parking;
* Reduction in jobs and adverse economic impact.

POLICIES/LEGISLATION
Policies/Legislation:

The Council's Development Plan now 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 (2007) Policy GDS1 (K2;NR2;V3 &V8) only
* Neighbourhood Plans (where applicable)

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 considered relevant to the determination of this application:

Policy DW1: District Wide Spatial Strategy
Policy B1: Bath Spatial Strategy
Policy B2: Central Area Strategic Policy
Policy B4: The World Heritage Site and its Setting
Policy B5: Strategic Policy for Bath's Universities
Policy SD1: Presumption in favour of Sustainable Development
Policy CP2: Sustainable Construction
Policy CP4: District Heating
Policy CP5: Flood Risk Management
Policy CP6: Environmental Quality
Policy CP13: Infrastructure Provision

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:

Policy SCR5: Water efficiency
Policy SU1: Sustainable drainage policy
Policy D1: General urban design principles
Policy D2: Local character and distinctiveness
Policy D3: Urban fabric
Policy D4: Streets and spaces
Policy D5: Building design
Policy D6: Amenity
Policy D10: Public realm
Policy NE6: Trees and woodland conservation
Policy PCS1: Pollution and nuisance
Policy PCS3: Air quality
Policy PCS5: Contamination
Policy PCS7A: Sewage Infrastructure
Policy PCS8: Bath Hot Springs
Policy LCR7B: Broadband
Policy LCR9: Increasing the provision of local food growing
Policy ED2B: Non-strategic industrial premises
Policy ST1: Promoting sustainable transport
Policy B4: The World Heritage Site
Policy BD1: Bath Design Policy
Policy D8: Lighting

Policy HE1: Historic environment
Policy PCS2: Noise and vibration
Policy ST7: Transport requirements for managing development

OFFICER ASSESSMENT
Principle

One of the reasons that members refused the earlier application was due to concerns regarding the economic impact of the loss of this business/site. The committee was concerned that there had been a failure to demonstrate that there was a lack of demand for the existing building or for the site itself. The loss of the site was considered to have an unacceptable impact on the local economy and this was considered to be a strong economic reason for refusal.

The Bath spatial strategy (Policy B1 of the adopted Core Strategy) is clear that, in order to facilitate the growth of the city's two universities, both on and off campus purpose-built student accommodation in Bath is supported in principle subject to compliance with CS Policy B5. CS Policy B5 restricts off-campus student accommodation within the Central Area, the Enterprise Area and on MOD land where this would "adversely affect the realisation of other aspects of the vision and spatial strategy for the city in relation to housing and economic development". The application site is very close to both the Enterprise Area and the Central Area but crucially it is not within either of those designations nor is it former MOD land; the restrictions imposed by Policy B5 are therefore not applicable.

CS Policy B1 acknowledges that there will be a contraction in the demand for industrial space in Bath from around 167,000m2 in 2011 to around 127,000m2 in 2029 (i.e. 40,000m2). The policy seeks to plan for this contraction whilst sustaining a mixed economy to support Bath's multi-skilled workforce and multi-faceted economic base; it states that it seeks to do this by retaining a presumption in favour of industrial land in the Newbridge riverside area.

The application site is situated outside of a Strategic Industrial Estate as identified in the adopted Placemaking Plan. Placemaking Plan Policy ED2B sets out the Council's policy in respect of industrial premises which are located outside of Strategic Industrial Estates. The policy is clear that non-strategic sites, such as the Pickford's site, are not afforded the same degree of protection as strategic sites and that there is a presumption in favour of residential redevelopment unless there is a strong economic reason why this would be inappropriate. The policy makes no distinction between student residential accommodation and non-student residential accommodation.

The National Planning Policy Statement (NPPF) states at Paragraph 51 that, "they [local planning authorities] should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate".

The Council's Economic Development Team has raised an objection to the application and considers there to be a strong economic reason for refusal. The Economic

Development Team recognise that the aforementioned Core Strategy Policy B1 states that allowance should be made for a managed reduction of approximately 40,000sqm of industrial space in Bath during the plan period but have stated that current evidence suggests that this figure could be substantially exceeded. This position is supported by the Council's Planning Policy Team (although no written comments have been received in respect of this current application).

Monitoring data shows that in the five years between 2011 and 2017 21,545sqm of industrial floor space has been lost in Bath; the proposal represents a further loss of at least 1,460sqm. The ED team have highlighted that in contrast to the national trend Bath has experienced growth in employment of 4.5% and enterprises of 1.87% (2011-2015).

The ED team accept that the University of Bath makes a considerable contribution to the local economy but this is an application for residential accommodation which does not in itself represent a significant contribution to the success and impact of UoB on the local economy. It is acknowledged by the ED Team that Core Strategy Policy B1 supports a managed loss of industrial floor space but it is argued that this must be applied on a case by case basis accordingly to local demand and changes in sectoral growth. It is the case that on the date of the ED team's response there were three live enquiries for industrial accommodation (being dealt with by Invest in Bath), which this site could service. It is considered by the ED team that there is sufficient demand to protect this site for industrial uses and that its loss constitutes a strong economic reason for refusal.

The agent argues that there is nothing of particular economic merit or value in the Use Class B8 floor space that will be lost. It is highlighted that the storage use has an extremely low employment density (less than 10 employees) and that the footprint of the building is limited in area (1460sqm). The agent has further highlighted that the objective set out in the Core Strategy - which is to plan for a decline in industrial floor space has not been superseded. It is argued that if the Council now takes a different view in the light of new evidence, then that is a matter for the forthcoming Core Strategy review.

Officer's Assessment of this Issue

The starting point continues to be that Policy B1 of the adopted Core Strategy states that the strategy for Bath is, amongst other things, to plan for a contraction in the demand for industrial floor space by 40,000m2 between 2011 and 2029 whilst sustaining a mixed economy by retaining a presumption in favour of industrial land in the Newbridge Riverside area. This protection is carried forward to the recently adopted Placemaking Plan in the form of Policy ED2A.

The application site is not within the Newbridge Riverside area nor is it within any other area singled-out by Policy ED2A for special protection; accordingly Policy ED2B is instead applicable. This policy states that the redevelopment of non-strategic sites (such as Pickford's) for residential purposes should normally be approved unless there is a strong economic reason why this would be inappropriate. There is therefore a clear presumption in favour of the residential redevelopment of such sites unless the local planning authority can clearly demonstrate that significant/strong economic harm will result justifying an exception to the presumption in favour to be made. Given the clear presumption in favour of residential redevelopment the onus is on the LPA to demonstrate the strong economic reason for refusal; there is no onus on the applicant to demonstrate the absence of one.

The ED team's concern that a number of industrial sites have already been lost in Bath and that the 40,000m2 figure could therefore be exceeded are noted but this can only be afforded limited weight. Planning applications must be assessed and determined in respect of the current situation rather than on the basis of speculation (albeit potentially accurate speculation) in respect of what may or may not happen in the future. At present the 40,000m2 figure has not be exceeded and based upon the current rate of losses it will be several years before that figure is reached. Even if/when that figure is reached; it would not be appropriate to impose a blanket restriction on all industrial losses as each site/proposal must be assessed on its own merits having regarding to the site-specific economic circumstances.

The ED team's comments in respect of the value that the existing use contributes to the local economy, and the potential value of the site's contribution should it be repurposed and/or redeveloped for industrial uses are noted but all industrial sites in Bath will have an economic value to the city (both the existing use and potential future uses). It is unclear what is so exceptional about the value of the Pickford's site's contribution such that a decision contrary to the presumption in favour of redevelopment is justified. Ultimately this non-strategic site currently accommodates a warehouse use employing less than 10 individuals.

It is questionable whether the committee's previously raised concerns have been overcome (members will need to reach their own conclusions on this matter) because it is the case that a lack of demand has not been demonstrated - but this is not in itself the test. The test is whether there are 'strong economic reasons' overiding the presumption in favour of residential redevelopment. For the reasons set out above, there are not considered to be strong economic reasons and overiding the presumption in favour of residential redevelopment therefore a refusal on that basis is not recommended.

Loss of Storage Facility

The Bath Pickfords storage facility is a widely used local service. The previous application attracted a number of objections from customers but these have largely not been repeated (although this issue remains an objection). Paragraph 70 of the NPPF states that planning decisions should, amongst other things, "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs". It is considered that the Pickfords facility, whilst a privately operated business, does fall within the definition of a 'valued facility/service' and therefore the scope of Paragraph 70.

Policy LCR1 of the Placemaking Plan also seeks to safeguard local community facilities and qualifies the protection offered by NPPF Paragraph 70. This policy states that the loss of valued community facilities will only be permitted if there are (or will be) adequate alternative facilities of equivalent community value, or if the loss is an integral part of wider improvements by a public service provider. The existing Pickfords facility provides a valuable local service but it is not the only storage facility within the city; alternative providers include Walcot Self-Storage and Safe Store in Twerton for example. There are also additional storage providers outside of the city. It is evident that the loss of the Pickfords facility, whilst inconvenient to its customers, will not have a significant adverse community impact; its on-going protection is therefore considered unnecessary.

For the reasons set out above there is no objection to the loss of the Pickfords facility and its redevelopment for purpose-built student accommodation. The application is considered to accord with Policy B1 and B5 of the adopted Core Strategy as well as Policy ED2B and LCR1 of the adopted Placemaking Plan.

Design and Impact on Heritage Assets

The development, as before, takes the form of two buildings of student accommodation; a narrow row of 4-storey 'town houses' situated along the site's frontage with Lower Bristol Road and a much larger part 4-storey/part 5-storey building to the rear.

The proposed 'town houses' involve three large units comprising 10 bedrooms each with shared/communal facilities. A bicycle store (50 spaces) and gym will be provided on the lower ground floor of this building serving the whole development. The main building to the rear is 'H' in plan and includes common areas within the building's central core at ground floor level. Elsewhere cluster flats are provided and these typically involve 4 to 8 bedrooms within each unit clustered around a shared kitchen/living area; there are 174 bedrooms in the main building in total.

The proposed buildings are contemporary in style and are to be faced in brickwork to reflect the site's industrial history and the wider industrial context of Lower Bristol Road. A variety of brick bonding patterns are proposed including linear brickwork, Flemish bond and textured brick, the fine details of which can be controlled by condition. It is proposed that the roof will be faced in a metal material and the end elevations of the town houses will be clad in a matching metal material.

A number of revisions have been made to the proposal since its previous (refused) iteration in order to address the design concerns of members. The key revisions are as follows:

* The main building has been reduced in height by approximately 38cm;
* Alterations to the way in which brickwork is applied including the removal of contrasting brickwork and simplification;
* A recessed pattern of brickwork employed on the plinth (to accentuate it);
* Architectural features on the end gables e.g. recessed panels and blind windows (to break up the surface);
* Windows provided along the Lower Bristol Road frontage to provide an active frontage (the previous submission had hit and miss brickwork here);
* A number of the windows will be framed in a way which gives the appearance of them being joined (the intention here is to give the semblance of fewer floors and reducing the bulk and massing).

The application site is outside of the Conservation Area but is situated in close proximity to it, to both the north and south. The site is within the World Heritage Site (WHS). The former factory buildings of the former Newark Works, situated immediately to the north of the site beyond the Lower Bristol Road, are Grade II listed. Close by to the east are a number of Regency-era terraced houses which are also Grade II listed.

Historic England has confirmed that, as previously, they have no objection to the proposals; they have confirmed that they remain of the view that the visual impact of the proposed development will not cause undue harm to the OUV of the City of Bath World Heritage Site. In respect of the design amendments (as summarised above) Historic England have opined that they offer some overall improvements to the previously refused scheme. In particular they have opined that the provision of a more active frontage onto Lower Bristol Road and the better articulation of previously blank elevations will result in an improved and more legible building form, they have highlighted that this is particularly the case in respect of the south elevation and oblique views of the Lower Bristol Road blocks. In addition Historic England welcome the accentuation of the vertical line and shadowing of the recessed brick plinth which results in the massing of the building being further fragmented.

The Council's Urban Designer, as before, considers the scheme unacceptable in its current form (but has not formally objected). Concerns relate to the dominance of the proposals in near views; the massing and building line of the 'town houses' is considered to be at odds with its surroundings and the reduction in building height is welcomed but insufficient to have a meaningful impact.

Officer Assessment of this Issue

Paragraph 132 of the NPPF states that, "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be". The site, as stated, is within the WHS which is considered to be a very important designated heritage asset, very significant weight must therefore be given to its conservation. Significant weight must also be given to the conservation of the Conservation Area as whilst the site is outside of it, the development has the potential to impact upon its setting.

In addition there is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' The impact of the proposed development on the setting of the Grade II listed Newark Works as well as other listed buildings in the vicinity must therefore be given significant and statutory weight.

It is evident that the representations and consultation responses received in relation to this application are mixed and in some cases conflicting. What is clear however is that Historic England, as before, do not object to the application and the Council's Urban Designer, whilst expressing some concerns, stops short of formally raising an objection.

The industrial design approach continues to be supported; the saw-tooth style roof is a nod to the site's industrial past as well as its existing semi-industrial location; this will create an interesting contemporary feature within the street scene. The proposed materials palette is welcomed; it is considered that brickwork is an appropriate material along this part of Lower Bristol Road where a number of existing brick-built buildings, both modern and historic, are in place.

The issue of the building's height has been raised by the Urban Design Team. Whilst there is a preference for the building to be lower than currently proposed, this is not considered to be a necessity as no unacceptable adverse impacts will result from the proposed building's height. The most recent revisions (a further reduction of 38cm) makes a small but positive contribution. The impact of the building's height is to a large extent mitigated by the local topography (which rises steeply to the rear) as well as the height of the adjacent railway viaduct and the height of a number of neighbouring buildings some of which are comparable. It is considered that the site can satisfactory accommodate a building of this height and scale without unacceptable adverse impacts resulting. Historic England have opined that whilst views from the South (along Wells Road etc.) will be affected by the building's height, this impact will not be unacceptably harmful on the so-called green bowl of Bath nor the other attributes of the World Heritage Site's Outstanding Universal Values.

The Grade II Newark Works building(s) is situated opposite the application site. Concern has been raised (although not by Historic England) that the proposed development will harm the setting of this listed building. Concern has also been raised by third-parties that the impact of the proposed development on Newark Works will be particularly harmful when combined with the impact of Bath Quays South development. As stated above significant statutory weight must be given to such matters.

It is not considered that the proposed development, alone or in combination with the Quays South redevelopment, will harm the setting of Newark Works. The application site is separated from the Newark Works site by Lower Bristol Road. The proposed main building is set back somewhat from Lower Bristol Road and whilst higher than the current Pickford's building it is not substantially so. The site frontage, i.e. the part of the site closet to Newark Works, is to be occupied by the 'townhouses' which are lower in height and less significant in scale. The development, as stated, follows an industrial design approach, this is intended to be respectful to, and sympathetic to its industrial neighbours including Newark Works. For these reasons the proposed development is considered to be compatible with the Newark Works site and its Grade II listed status; the relationship between the two sites will be a positive one and no harm on the listed building's setting will result. This positive relationship will not be altered by the implementation of the Quays South scheme. The Quays South buildings (office and residential blocks) are too distant from the Pickford's site for any real sense of overbearing or 'hemming in' to result.

The committee refused the original application on the grounds that the proposal would have a dominating, oppressive and incongruous impact upon the character and appearance of this part of the Lower Bristol Road and the wider World Heritage Site (by reason of its height, bulk and massing). It is questionable whether members concerns have been overcome by this revised scheme (members will need to reach their own conclusions on such matters) but amendments to the proposal provide an overall improvement to that previously refused. As stated, the reduction in height will have a small but positive impact on the building's presence within the street scene. Architectural amendments such as the alterations to brickwork, materials and fenestration together will help to break-up the bulk and massing of the buildings. It is not considered that the proposed building will have a dominating, oppressive or incongruous impact upon its surroundings.

Overall for the reasons set out above, it is considered that the proposed development is of an acceptable design which will preserve the character and appearance of the adjacent conservation area, enhance the setting of nearby listed buildings as well as conserve the Outstanding Universal Values of the World Heritage Site. Great weight has been given to the need to conserve the WHS and significant weight has been given to the need to conserve the conservation area and setting of nearby listed buildings but ultimately it is not considered that the proposed development will cause any harm to these designated heritage assets.

The application accords with Core Strategy Policy B4 which has a strong presumption against development that would result in harm to the World Heritage Site as well as Core Strategy Policy CP6 which, amongst other things, supports high quality design the enhancement of the historic environment. CS Policy CP6 also encourages, in regeneration areas, the imaginative integration of new development with the historic environment. It is considered that the proposed contemporary is indeed imaginative and complies with the objectives of Policy CP6 in this respect.
In addition it is considered that the application complies with emerging Policy BD1 of the Placemaking Plan (Bath Design Policy). Again this policy encourages development which respects, responds to and positively contributes to the character of Bath including maintaining the World Heritage Site and the character and appearance of the conservation area. Finally, the proposals also accord with the general design policies of the Placemaking Plan (policies D1-D5) which seeks to ensure a high standard of design.

Highway Matters

The highway elements of the proposed development are unchanged to the previous application and the Council's Highway Team refer to their previous comments. The application site is situated on the main A36 Lower Bristol Road one of the key vehicular routes through the city. The site is situated within a Controlled Parking Zone (CPZ) which is operational Monday-Saturdays (8am-6pm); parking is restricted to permit holders only. There is an existing bus stop adjacent to the site frontage and the railway station and city centre are within easy walking distance.

This continues to be a car-free development in respect of the student accommodation; three car parking spaces are proposed within the site but these will be used solely by staff and blue badge holders. The development includes 50 cycle parking spaces; these are to be provided within an under croft storage area beneath the town houses fronting Lower Bristol Road.

A change-over Student Management Plan has been submitted and this deals with the management of student arrivals and departures at the start and end of each term.

The Council's Highway Team has raised no objection to the proposal, including its car-free nature, however some additional off-site improvements are considered necessary in the interests of pedestrian safety. There is a need to ensure that students are able to safely cross Lower Bristol Road in order to reach the bus stop on the opposite side of the road.

In the event that permission is granted a pedestrian crossing will therefore need to be provided on this desire line. The Bath Quays South development (immediately to the north) is proposing to provide a pedestrian crossing on this desire line across Lower

Bristol Road. Members will recall that the committee resolved to permit the Bath Quays South scheme at the April 2017 meeting, timescales for the implementation of that permission remain unclear and as such it will be necessary to ensure that a pedestrian crossing is delivered by this development prior to occupation in the event that it is not delivered by the Bath Quays South scheme.

The Highway Team had raised concerns in respect of the quantum of cycle parking proposed; there is concern that the proposed provision of 50 spaces is too low. It is recommended that a Travel Plan commits the operator to monitor the need for cycle parking and provide additional cycle parking as appropriate. Visitor/short-stay cycle parking will also need to be provided adjacent to the main pedestrian entrance; this can be secured by condition in the event that permission is granted.

The proposed development will significantly intensify the use of the existing bus stops adjacent to the site's frontage. Currently both of these bus stops are of a low standard with no shelters or raised kerb provision; these stops will need to be upgraded at the developer's expense; this can be secured by S.106 Agreement. The submitted Student Management Plan is considered broadly acceptable albeit lacking in detail; a more detailed plan can be secured by condition.

Subject to the aforementioned planning obligations and subject to conditions securing a Construction Management Plan, Travel Plan and Student Management Plan the application is considered to be acceptable in highway terms and accords with Policy ST7 of the adopted Placemaking Plan.

Flood Risk Matters

The site frontage is situated in Flood Zone 3; this is an area deemed by the Environment Agency as being at a high risk of flooding. The remainder of the site is designated as Flood Zone 2 (medium risk). In accordance with Para. 103 of the NPPF the local planning authority must be satisfied that there is no alternative land reasonably available for the development in areas of lower flood risk (the so-called sequential test).

The previous application was judged to have passed the sequential test as at that time it had been considered demonstrated by the agent that there were no alternative sites available to the developer within a lower flood risk zone. However whilst that position was on balance and in the context of the overall scheme accepted at that time there are evidently other sites reasonably available outside of Flood Zone 2 or 3 which could accommodate a student development of this nature (on the university's campus for example). Be that as it may, given that the Council did not refuse the previous application on flood risk grounds and flood risk does not form part of the Council's case at the upcoming appeal, it is not recommended that sequential test issues form a reason for refusal in this case

The Exception Test must be applied; the local planning authority must be satisfied that the sustainable benefits [of the development] to the community outweigh the flood risk and that the development will be safe for its lifetime. A Flood Risk Assessment (FRA) forms part of the application submission. As stated, the site's Lower Bristol Road frontage falls within Flood Zone 3 (high risk). This part of the site is at a risk of river flooding during a 1:100 year storm event. The scheme has been designed however such that only less

vulnerable uses are located within these areas (at ground floor level) for example the bicycle store. The Finished Floor Level of the student accommodation itself (i.e. the cluster flats etc.) is above the 1 in 100 year (plus 30% climate change allowance) flood level plus a further 300mm freeboard i.e. +20.35m AOD.

The scheme includes various flood resilient measures and the drainage scheme will be designed to minimise the risk of flooding further. The Environment Agency has raised no objection to the application subject to a number of conditions securing implementation of the FRA and its various mitigation measures (see below). Accordingly it is considered that the development will be safe for its lifetime and in this respect the application passes the Exception Test.

The sustainable benefits to the community will outweigh the flood risk; the development brings with it a number of benefits including the economic benefits association with the construction phase and the benefits in respect of the building's positive impact in design terms. These benefits will outweigh the potential impact of flooding which, for the reasonse set out above, will be low. The Exception Test is therefore passed in full. The application is acceptable in flood risk terms and thus accords with Policy CP5 of the Core Strategy, Policy SU1 of the Placemaking Plan as well Paragraph 103 of the National Planning Policy Framework.

Air Quality

The site frontage is situated with an Air Quality Management Area (AQMA). AQMA are those areas where nitrogen dioxide levels have been found to exceed National Air Quality Objectives and within Bath includes much of the main road network. The location of a site within an AQMA does not necessarily result in a scheme being objectionable for air quality reasons however it is an important material consideration which must be taken into account. The Council's Senior Public Protection Officer has raised no objection to the application subject to those units within the AQMA incorporating mechanical ventilation systems; this can be secured by condition. Accordingly, subject to such conditions, the application accords with Policy PCS1 of the Placemaking Plan.

Contaminated Land

The site is identified in the Council's records as a 'Site of Potential Concern' in respect of contaminated land. The site was historically railway land and included a number of sidings and associated railway infrastructure; this is a potentially contaminative historical use. A Phase 1 Desk Study has been submitted by the applicant and the Council's Contaminated Land officer is content with its findings. A number of conditions securing the investigation, remediation and monitoring of contaminated land are suggested by the Contaminated Land Officer in the event that permission is granted. Subject to these conditions the application accords with Policy PCS5 of the Placemaking Plan.

Impact upon the Railway

The Bristol-Bath Spa-Paddington main line runs in close proximity to the south of the application site. A small decked car park, which is not part of the application site, is situated between the site and the railway embankment. Network Rail have raised no objection in principle to the development but require certain safeguards to be in place to

protect their assets (for example any piling to be approved by them prior to commencement); these safeguards can be secured by condition (see below) and/or informatives in event that permission is granted.

Arboriculture/Impact upon Trees

Two semi-mature Hornbeam trees are located at the very front of the site, adjacent to the site's boundary with Lower Bristol Road; they form a highly visible and attractive part of the street scene. The submitted tree survey states that these trees are of a moderate quality with an expected lifetime of a further 20-40 years. The survey concludes that the trees are not worthy as a key design constraint within a future development; the Council's Arboriculturalist disagrees with this assessment and considers that the trees are worthy as a design constraint.

It is agreed that the two existing Hornbeams are worthy of retention but be that as it may they are proposed to be felled to make way for the 'townhouses' to be situated on the site's frontage. The Council arboriculturalist, whilst commenting on the quality of these trees, has not formally objected to the loss of them. The loss of these two Hornbeam trees is unfortunate but it is nevertheless considered necessary to ensure a high quality design (i.e. one with a strong road frontage). If the trees were to be retained, a large part of the site's frontage would effectively be sterilised - this would most likely result in a lower quality development. There is no significant ecological value in retaining these trees.

There are no other trees within the application site but trees situated on neighbouring sites do overhang the site to both the east and west. The lack of any information regarding these trees is unfortunate but ultimately this issue would constitute a very weak reason for refusal given that the main proposed buildings are to be sited some distance from these trees and there is no evidence that the buildings would adverse impact upon them.

Furthermore the trees benefit from no formal protection as they are neither the subject of Tree Preservation Orders (TPO) nor within a Conservation Area. The trees in question are situated at a higher level than the application site behind a retaining wall and therefore are highly unlikely to be adversely affected by this development. The application accords with Policy NE6 of the Placemaking Plan which does not resist development which has an adverse impact upon trees if it is demonstrably unavoidable (as is the case with the aforementioned hornbeams). To comply with this policy however compensatory tree planting will be required in accordance with the Council's adopted 'Planning Obligations' SPD; this can be secured by S.106 Agreement (see below) should members be minded to grant permission.

Residential Amenity

There are no residential properties situated in close proximity to the application site. The site is in a predominantly commercial area. Office uses are located to both the east and west of the application site and the Bath Quays South development site is situated opposite the site across Lower Bristol Road. The railway is situated to the south. A number of terraced residential properties in Oak Street are situated some 30m (min) to the east and south east. Residential properties are also situated in Thornbank Gardens and The Academy some 50m and 60m to the south respectively (beyond the railway). There are no residential properties sufficently close to this development to be adversely affected

to an unacceptable degree. The distances described above are sufficient to ensure that the proposed building(s) will not have an unacceptable detrimental impact upon residential amenity through overlooking, overshadowing, visual domination or noise and disturbance. The outlook from the dwellings to the south will be altered by this development but the loss of, or impact upon, a private view is not a material planning consideration and therefore this matter cannot be afforded any weight.

The key residential amenity issue in respect of this application is the potential impact of the adjacent railway on the living conditions of the resident students in terms of noise and vibration. The railway line, at its closest, is situated approximately 23m to the south of the main accommodation block. It has been demonstrated that using standard construction forms, all habitable rooms can have internal noise levels that comply with the recommendations of BS8233: 2014. Typical maxima noise levels have been predicted to comply with the WHO guideline that indoor sound pressure levels should not exceed approximately 45 dB LAFmax more than 10-15 times per night. The application accords with emerging Policy PCS2 of the Placemaking Plan in respect of noise and disturbance considerations as well as Policy D6 in respect of general reisdential amenity considerations.

Technical Requirements

Policy SCR1 of the Placemaking Plan requires (for developments of 10 or more dwellings or 1000sqm but excluding B2 and B8 uses) a reduction in carbon emissions (from anticipated regulated energy use) of at least 10% by the provision of sufficient renewable energy generation. The 10% reduction must be achieved by means of renewable energy generation not by means of low-carbon technologies or other means of reducing carbon emissions (better insulation for example). An updated Sustainable Construction Checklist will be available in due course to enable developers to clarify, at the application stage, how this policy will be met however in the meantime a planning condition is considered appropriate.

Policy LCR7B requires all new residential and employment development to be provided with superfast broadband (i.e. 24Mbps) - unless it can be demonstrated that to do so would render the development unviable. If it is unviable alternative solutions should instead be incorporated into the design (e.g. mobile broadband connectivity). This matter is dealt with by planning condition.

Summary, Conclusion and Overall Planning Balance

The proposed redevelopment of this site is acceptable in principle. The objections of the Economic Development team are noted but it is considered that the Council would have difficulty in defending an economic-based reason for refusal given the policy context. It is Council policy to plan and make allowances for a significant contraction in industrial land in Bath during the plan period. The Placemaking Plan affords special protection to certain strategic industrial areas but the application site is not within one of those strategic areas. PMP Policy ED2B does offer a degree of protection to the non-strategic industrial sites but only where there are demonstrable strong economic reasons to do so. Whilst the Economic Development team continue to put forward a number of reasonable and legitimate reasons for resisting the loss of the Pickford's storage facility, the agent has also put forward a number of reasonable and legitimate arguments in favour of its loss. On

balance and given the broader policy context set out above it is not considered that the economic reasons for resisting the development amount to 'strong' reasons as required by Policy ED2B. Furthermore alternative storage facilities are available elsewhere within the city and as such it would be unreasonable to resist the development on the grounds of the loss of a community facility. The redevelopment of the site continues to be supported in principle by officers. Having accepted that the site may be redeveloped for non-industrial purposes, there are considered to be no development plan policies or any other site-specific reasons to resist purpose-built student accommodation in this location.

The design and external appearance of the proposed development, including its scale, height, bulk and massing, is appropriate to its context. The design changes incorporated into the latest submission represent an overall improvement which go some way towards addressing members previous concerns. The perceived bulk and massing of the building will be reduced by the architectural changes and the reduction in height is a positive step. No harm will result to the character or appearance of the conservation area and no harm will be caused to the Outstanding Universal Values of the World Heritage Site. The setting of the Grade II listed Newark Works will not be harmed nor will the setting of other heritage assets in the vicinity. Subject to a number of conditions and planning obligations (secured by S.106 Agreement) as set out below, the application is acceptable in all other respects including in respect of its highway impact and impact on residential amenity. The proposed development accords with adopted development plan policy and there are no overriding material considerations suggesting that a decision contrary to the development plan should be taken. According it is recommended that the application be permitted subject to a S106 agreement.

RECOMMENDATION

PERMIT

CONDITIONS

1. Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to secure:

a) a car-free development;
b) the installation of a controlled pedestrian crossing of Lower Bristol Road immediately to the north of the application site;
c) the upgrading of the existing bus stops to include raised kerbs, live bus information and where appropriate shelters;
d) a financial contribution towards off-site replacement tree planting;
e) a site specific Targeted Recruitment & Training in Construction obligation

1 The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 Approval of the details of the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

3 Prior to work commencing on the construction of the building hereby approved (i.e. excluding demolition works) samples of all external facing materials shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the details/samples so approved.

Reason: In the interests of visual amenity.

4 Prior to the construction of any brickwork, a sample panel of the proposed brickwork (measuring a minimum of 1m x 1m) shall be erected on site and shall be approved in writing by the local planning authority. The approved sample panel shall be retained on site throughout the construction phase and the brickwork shall be constructed in accordance with it.

Reason: In the interests of visual amenity.

5 Prior to the commencement of development a method statement detailing how the existing trunk sewer beneath the application site will be protected during the construction phase and permanently thereafter shall be submitted to and approved in writing by the local planning authority. The trunk sewer shall be protected in accordance with the approved method statement during development works and thereafter.

Reason: To ensure that the trunk sewer is protected during development works and thereafter. A pre-commencement condition is necessary because there is the potential for the sewer to be damaged immediately upon commencement (including during demolition).

6 The development hereby approved shall only be carried out in accordance with approved Flood Risk Assessment (FRA) by BuroHappold Rev 3 dated 07 July 2017 and the following mitigation measures detailed within the FRA:

* Finished Floor Levels of all living accommodation and the electrical substation set at a minimum of 20.35mAOD
* Only less vulnerable uses (such as bike storage and gym) located on the lower ground floor and this shall be set no lower than 17.96mAOD.
* Inclusion of resilience measures

The mitigation and resilience measures shall be implemented in full prior to first occupation and shall be maintained thereafter for the lifetime of development.

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

7 No development shall commence above slab level until details of a mechanical ventilation system (including a maintenance schedule) has been submitted to and approved in writing by the local planning authority. The mechanical ventilation system shall be fitted to all units which have an external wall located within the Air Quality Management Area (AQMA) [reference to plan to be inserted] and shall draw air into the applicable building(s) from an area where the annual average nitrogen dioxide concentration is below 40 _$lg/m3. The mechanical ventilation system shall be installed and maintained in accordance with the approved details

Reason: To protect occupants from high levels of air pollution associated primarily with the Lower Bristol Road.

8 No development shall commence until a Construction Dust Environmental Management Plan for all works of construction and demolition has been submitted to and approved in writing by the local planning authority. The Construction Environmental Management Plan shall comply with the guidance the BRE Code of Practice on the control of dust from construction and demolition activities. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect local residents from undue disturbance during the demolition and construction phase. A pre-commencement condition is necessary because the potential adverse impact of dust will be result immediately and particularly during demolition works.

9 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 statement should include all trees within the site and on the boundary of the site within neighbouring properties whose canopies and/or Root Protection Areas lie within or encroach upon the site; proposals for tree planting including species, size, and location; 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; the burning of materials on site; the 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 NE.4 of the Bath and North East Somerset Local Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

10 No development shall commence until a Construction/Demolition Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East

Somerset Local Plan. This is a condition precedent because any initial construction and demolition works could have a detrimental impact upon highways safety and/or residential amenity.

11 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 T.1 of the Bath and North East Somerset Local Plan.

12 No occupation of the development shall commence until a Site Management 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: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan.

13 The development shall be constructed in accordance with provisions of the noise assessment report, dated 10 November 2016.

Reason: To mitigate the noise impact of the development on neighbouring properties and to offer appropriate protection to future occupants of the development from road traffic noise.

14 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.

15 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.

16 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.

17 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.

18 Prior to the installation of any drainage infrastructure (foul and surface water), details of that infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the details so approved.

Reason: To ensure that the development is served by an adequate system of surface water and foul drainage and to ensure that those systems do not impact adversely upon Network Rail infrastructure.

19 In the event that vibro-compaction/displacement piling plant is to be used in the construction of the development hereby approved, details of such machinery as well as a method statement for such shall be submitted to and approved in writing by the local planning authority in advance of any piling activity commencing. The development shall proceed in accordance with the details so approved.

Reason: To ensure that piling activities do not have an unacceptable impact upon Network Rail infrastructure.

20 Prior to first occupation of the development hereby approved details of visitor cycle parking, including the location and nature of such facilities, shall be submitted to and approved in writing by the local planning authority. The cycle parking shall be installed in accordance with the details so approved prior to first occupation of the approved development.

Reason: To ensure that secure cycle parking is available on-site for those visiting the site.

21 No new 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 policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan

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

significance of any archaeological deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

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

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

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

24 The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

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

25 The development hereby approved shall incorporate sufficient renewable energy generation such that carbon emissions from anticipated (regulated) energy use in the development shall be reduced by at least 10%, unless it can be demonstrated to the local planning authority's satisfaction that meeting this requirement would render the development unviable. Should it be accepted by the local planning authority that meeting the 10% reduction is unviable, the maximum percentage that is viable shall instead be achieved. Details shall be submitted to and approved in writing by the local planning authority, prior to first occupation, demonstrating how the 10% reduction (or agreed lower percentage) will be achieved.

The approved renewable energy infrastructure shall be installed and shall be fully operational prior to first occupation of the development hereby approved. Where renewable energy installations will materially affect the external appearance of the development/building, the details submitted pursuant to this condition shall include drawings of said installations.

Reason: To ensure that the development's carbon emissions (from anticipated regulated energy use) are reduced by at least 10% by means of sufficient renewable energy generation, in accordance with Policy SCR1 of the Bath & North East Somerset Placemaking Plan.

26 Prior to first occupation, all accommodation hereby approved shall be provided with superfast broadband (24Mbps+) infrastructure to enable superfast broadband provision. In the event that the provision of such infrastructure would render the development unviable, evidence to that effect shall be submitted to and approved in writing by the local planning authority prior to first occupation. Should that viability evidence be approved in writing by the local planning authority no superfast broadband infrastructure will subsequently be required. Furthermore should said viability evidence be approved in writing by the local planning authority, alternative solutions shall instead be provided in accordance with details which shall be submitted to and approved in writing by the local planning authority prior to first occupation.

Reason: To facilitate the provision of superfast broadband in accordance with Policy LCR7B of the Placemaking Plan. Alternative solutions may include for example mobile broadband infrastructure or Wi-Fi infrastructure.

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

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

PLANS LIST:

1 * Existing Site Plan: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-00002 PL03
* Site Plan: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-00003 PL03
* GA Plan Level -01: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01001 PL03
* GA Plan Level 00: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01002
* GA Plan Level 01: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01003 PL03
* GA Plan Level 02: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01004
* GA Plan Level 03: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01005 PL03
* GA Plan Level 04: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01006 PL03
* GA Plan Roof: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01007 PL03
* GA Elevations - North & East: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-02001 PL03
* GA Elevations - South & West: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-02002 PL03
* Front Block Elevations - North & South: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-02003 PL03
* GA Sections - AA & BB. Drawing No: 80554-STL-XX-ZZ-DR-A-ZZZZ-03001 PL03
* Site Sections - AA & BB. Drawing No: 80554-STL-XX-ZZ-DR-A-ZZZZ-03002 PL03
* Long site sections: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-03003 PL03
* Site Location Plan: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-00001 PL03

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

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

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

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

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

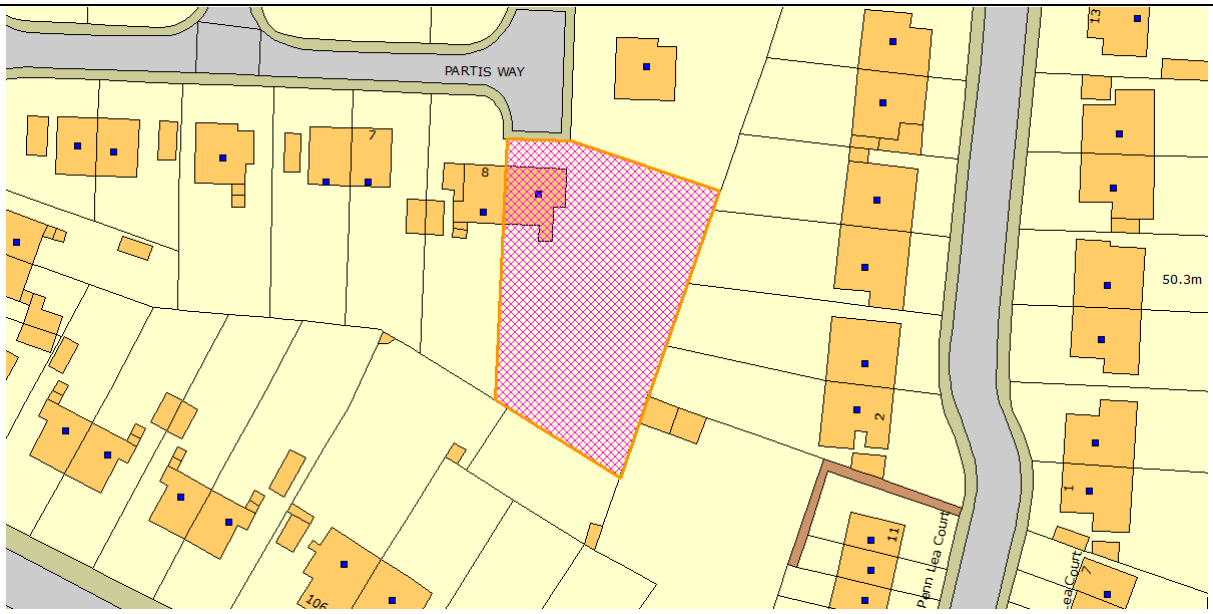
Please note all conditions should be read fully as these headings are intended as a guide only.

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

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

4 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:	02
Application No:	17/03603/FUL
Site Location:	9 Partis Way Lower Weston Bath Bath And North East Somerset BA1 3QG



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

Ward Members: Councillor Michelle O'Doherty Councillor Caroline Roberts

Application Type: Full Application

Proposal: Erection of single garage and detached 4 bed house with garage following demolition of existing rear conservatory and side extension (accommodating garage) to existing dwelling

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: Amanda and Robert Hawking

Expiry Date: 16th November 2017

Case Officer: Samantha Mason

REPORT

Reasons for going to committee:

Cllr Roberts objected to the scheme and has requested that the application be heard before committee should the officer be minded to approve. As per the Councils scheme of delegation the application was referred to the Chair of the Committee for a recommendation.

The Chairman considered that the application should be heard before committee stating that; 'I have studied this application & note the changes made as it has progressed which the Officer has reconsulted on. I note Ward Cllr DMC request if the Officer is minded to approve the application, comments from Statutory consultees who support the application however there are a number of third party comments, the majority of which object to the proposals for several reasons, these have been addressed in the assessment of the application by the Officer however I note the controversy it has raised particularly linked to residential amenities. I therefore recommend the application be determined by the DMC.'

Description:

The application refers to a two storey semi-detached dwelling located in the Lower Weston residential area of Bath. The Bath Conservation Area boundary is adjacent to the eastern edge of the site. The property is within the World Heritage Site.

Planning permission is sought for the erection of a single garage and a detached 4 bed house with garage following the demolition of the existing rear conservatory and side extension to existing dwelling. The proposed materials include Bath Stone, render and tile.

Relevant Planning History:

DC - 13/03993/FUL - WD - 15 November 2013 - Erection of a two storey side extension and detached double garage.

DC - 14/00860/FUL - PERMIT - 17 April 2014 - Erection of two storey side extension, loft conversion and detached double garage. (Resubmission).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
Consultation Responses:

Highways: No objection. 13th Sept: adequate levels of parking are provided. Adequate room for turning facilities with be provided for both dwellings. The means of access from the turning head will be maintained, it I considered acceptable to serve the development.

18th Oct: The revised proposals maintain the same level of parking, which is appropriate for the size of dwellings, and adequate space is also maintained to enable on site manoeuvring.

Arboricultural Officer: no objections subject to conditions. The trees on site are not considered worthy of a TPO; however it is noted that 6 trees are being retained for screening purposes. The planning statement also refers to new planning to contribute to the general green infrastructure.

Drainage and Flooding Team: No objection subject to conditions.

Archaeology Officer: No objection subject to conditions.

Representations Received:

Cllr Roberts: Cllr Roberts has requested that the application be heard before committee should the officer be minded to approve. She stated that 'the proposal is an over development of the site, and this build would set a precedent in the area. A previous application in a neighbouring property was refused so I do not think that this merits approval'.

During the first round of consultation 1 letter of support was received, 2 representations and 31 objections have been received from third parties. The following is a summary of the points raised by the objectors and representations:

- There is a covenant on the site restricting the density of houses to 7 buildings per acre; this development would be contrary to that covenant.
- The proposal will adversely affect the character of the neighbourhood.
- The design of the house is not in keeping with neighbouring properties, including materials and fenestration.
- The proposed house is oversized and bulky in relation to its neighbours. The proposal would be overdevelopment of the site.
- It does not contribute to the continuity of the street frontage and is incongruous in its position, will remove a green area.
- Negative impact on local wildlife
- Reduced run off will impact surface water drainage
- Pedestrian (in particular children) and highway safety is a concern
- Harmful to the amenity of neighbours
- Additional cars from new development will impact on street parking and congestion and traffic.
- Shared access is not compatible with other houses in the street
- If allowed a condition should be included regarding construction management
- Two trees on site are not mentioned in the tree report, both should be retained. Concerns for loss of trees.
- The proposal would set a precedent
- The proposal would result in loss of neighbours views
- Overbearing impact on neighbours properties, dominating neighbours outlook
- Overshadowing and overlooking of neighbours properties. The proposed dormer is of a particular concern in regards to overlooking.
- The proposal would affect the setting of the adjacent Conservation Area, the proposal can be viewed from the Conservation Area
- Recently an appeal was dismissed for a similar proposal at number 11 Partis Way
- There are discrepancies in the Design and Access statement
- Planning permission if granted should not be transferrable if the land is sold
- The height of the proposed development will be significantly higher than the existing houses.
- The proposed floor area is 198 square metres, most properties in Partis Way are around 95 square metres.
- If permitted the development will cause noise and traffic disruption whilst being constructed.
- Garden infill development is not acceptable

Following conversations withe the agent revised plans were submitted. Neighbours were subsequently reconsulted on the revised plans. During the second round of consultation 14 objections were received, only one of these was from a new objector that hadn't previously objected. Many of the same points were raised that had previously been raised by objectors; the following is a summary of new points raised:

- Moving the property closer to number 9 Partis way will have a worse impact on neighbours
- Precedent for refusing such an application has been set in planning history
- Concern over the roof dormer window
- New layout will prevent use of garage
- Garden land is not 'previously developed land', result is garden grabbing

- The house is larger than the previous design

POLICIES/LEGISLATION

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

B1: Bath Spatial Strategy
B4: The World Heritage Site and its Setting
CP6: Environmental Quality
CP2: Sustainable construction
CP10: Housing Mix
SD1: Presumption in favour of sustainable development

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:

D1: General Urban Design Principles
D2: Local Character and Distinctiveness
D.3: Urban Fabric
D4: Streets and Spaces
D.5: Building Design
D.6: Amenity
ST7: Transport requirements for managing development
HE1: Historic Environment
Policy H7: Housing Accessibility
Policy SCR1: On-site Renewable Energy Requirement
Policy STR5: Water Efficiency

Policy SU1: Sustainable Drainage Policy
Policy LCR7B: Broadband

The National Planning Policy Framework (NPPF) was published in March 2012 and is a material consideration. Due consideration has been given to the provisions of the National Planning
Practice Guidance (NPPG).

Conservation Areas

In addition, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

SPD's

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013) is also relevant in the determination of this planning application.

OFFICER ASSESSMENT
The main issues to consider are:
- The principle of development
- Character and appearance
- Conservation Area impact
- Residential amenity
- Highways safety and parking
- Drainage
- Arboriculture
- World Heritage Site impact
- Other matters

Principle of Development:

The primary issue to consider is the principle of a new residential dwelling within this location. The site lies within the built up area of Bath where housing development can be acceptable in principle, this is subject to the material consideration of the relevant planning policies. These are outlined below.

Character and appearance and impact on Conservation Area:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host dwelling and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

Initial concerns were raised by the officer in regards to the size and scale of the proposed dwelling. Following conversations with the agent revised plans were submitted of a similar yet scaled back design that is reflective of the design of the other detached dwellings in the street.

The proposal is now seeking permission for a 4 bedroom (reduced from 5) detached property with a detached garage. The proposal has been moved to the west towards number 9 by 3.4m, the eastern 'extension' at first floor has been removed, the eastern 'extension' at ground floor has slightly increased. The garage of the proposed dwelling has also been moved to the north east corner of the site. The proposal also seeks the demolition of the existing single storey garage at number 9 and its replacement further back in the site to facilitate access to the proposed dwelling.

Partis Way is a mixture of detached and semidetached dwellings. The footprint of the proposed dwelling is comparable to the other detached dwellings in the street. The agent has provided figures to show that the gross external footprint of the proposed property is nearly identical to that of number 10 and 14, and less than number 5 - the other detached properties within the street. The proposed property has a two storey width of 10.8m and is also considered comparable visually to the size of the other dwellings within the street. The height of the dwelling is approximately 8.6m. It is noted that neighbours raised concerns over the height of the dwelling. The proposal height is comparable to other dwelling in the street with number 10 also being approximately 8.6m and number 9 being 9.3m high (these two dwellings have been surveyed on the submitted plans). The proposal site will have a large garden and has space around the dwelling, it is considered to fit comfortably within the plot and not result in overdevelopment.

The proposed dwelling is sited parallel to the highway however is set back in the plot. The front elevation of the proposal is almost in line with the rear elevation of number 9. It is noted that number 8 and 9 are stepped back from numbers 6 and 7 and so the step back of the proposed dwelling is considered to form a logical progression. It is also noted that an application was refused at appeal for a new dwelling at 11 Partis Way that incorporated a rotated position within the plot creating a radial end to the cul-de-sac. The inspector's view of this arrangement was that it would disrupt the rhythm of the street scene, this was the key reason the scheme was dismissed. It is therefore considered that a parallel arrangement is more suitable in this location.

The proposed dwelling is generally in keeping with the character of the local area, the front projection accommodating the stairwell is a more contemporary addition to the property, however it is considered that this element adds interest and is not considered to be harmful to the street scene.

The proposed materials include Bath Stone Ashlar to the front and side elevations and render to the rear elevation as well as render to the single storey element. The proposed roof materials are concrete plain tiles to match number 9. The proposed materials are in keeping with the character of the street and are considered to be an acceptable pallet. The zinc canopy over the front door is subtle and would inject another more contemporary

material into the front elevation. Windows and doors are proposed to be powder coated aluminium, there is already a mix of UPVC and metal windows in the street scene so again this is considered acceptable.

The proposal site is not within the conservation area but it is directly adjacent to the boundary, therefore the impact of the proposal on the setting of the conservation area has been considered. The prevailing character of the conservation area is of semi-detached and detached residential properties set within generous plots, it is not considered that the proposal conflicts with the character or the views of the dwelling from the conservation area are a concern. Furthermore the gable end that can be viewed from the Conservation Area will now be finished in Ashlar instead of render. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is not considered that the development would cause harm to the character and appearance of this part setting of the adjacent Conservation Area.

The demolition of the existing garage at number 9 is considered acceptable. The replacement garage at number 9 is considered to be a subservient addition, similar in scale to other garages in the locality, it is not considered to impact negatively on the street scene.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

Residential Amenity:

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

The proposal is sited within a residential area of Bath at the end of a cul-de-sac. To the west of the site is number 9. There is approximately 5.5m between number 9 and the proposed dwelling. The western elevation of the proposed dwelling has two narrow set windows that will face towards number 9, one of which is a bathroom window. Both windows are proposed to be obscurely glazed. The introduction of a new dwelling in this location is likely to lead to a small increase in overlooking of the garden of number 9, but this is considered to be at to an acute angle to be direct overlooking. Furthermore the amenity space most frequently enjoyed by residents is that area closest to the dwelling and this area will not be overlooked. A level of overlooking already exists in built up residential areas and it is not considered that overlooking would increase so significantly from the proposal that it would warrant refusal.

Again the eastern elevation facing towards 6 Penn Lea Road will have two narrow set windows. These are again both proposed to be obscurely glazed. The siting of the proposed dwelling has been moved further west in the plot away from number 6 Penn Lea Road as part of the revised scheme. The proposed dwelling will now be set away from the neighbour's property at Penn Lead Road by approximately 30m, it will be set away from the boundary fence by 3.5m, and the two storey element is set away from the neighbour's

boundary by 7.5m, at its highest point the ridge is now 12m from the boundary. Due to its position in the site it is not considered that the proposed dwelling will lead to significant overshadowing of number 6 Penn Lea Road or an overbearing impact.

Number 10 Partis Way is set to the north of the property. The southern elevation of number 10 is approximately 19.5m from the proposed development. The boundary treatment shown on the plans between number 10 and the proposed dwelling is shown to be a hedge, it is not considered that there will be overlooking at ground floor level. The two windows set in the second story front elevation facing towards number 10 serve two bathrooms on this floor. Due to the distance and the fact that these rooms aren't habitable rooms it is not considered that there will be overlooking issues towards number 10. Furthermore no objections have been received from these neighbours. All the windows proposed to be obscurely glazed will be secured by condition.

Neighbours at number 102 Penn Lea Road have raised concerns over the proposed rear dormer and the overlooking of their property which is south of the site. The proposed dwelling is approximately 30m from the boundary of 102 Penn Lea Road and 75m from the property, this is considered sufficient distance. It is noted that two sets of Juliette balconies previously on the rear elevation have been replaced by windows.

Some neighbours have commented that it will result in the loss of their views; this is not a material planning consideration. The proposal is not considered to result in an overbearing impact of any neighbours.

Overall given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

Highways Safety and Parking:

Policy ST7 states that development will only be permitted provided, amongst other things, the development avoids an increase in on street parking in the vicinity of the site which would detract from highway safety and/ or residential amenity.

Highways Development Control was consulted as part of the application process. They raised no objections to the original scheme. Following submission of revised plans the Highways team were reconsulted. Again they raised no objections is terms of highways safety or parking standards.

The proposal provides for 3 parking spaces for the new dwelling, including a garage, as well as a garage for the existing dwelling (3 spaces with be retained for the existing dwelling at number 9). This is an appropriate level of parking for a 4 bedroom house in line with policy.

The means of access from the turning head will be maintained as a shared access to the two dwellings, and whilst it is only of single width, it is considered acceptable to serve the development. Adequate space is also maintained to enable on site manoeuvring.

Overall the means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 4 of the NPPF.

Drainage and Flooding:

As part of this application the Drainage and Flooding Team were consulted.

From the initial drainage drawings it is not clear how the new tarmac/ parking areas will manage surface water. This area will need to be incorporated into the drainage design.

The proposed location for the new dwelling is also in an area indicated at a low risk of surface water flooding. This may indicate a local low spot and/or an area that may be wet/ saturated for much of the year. We strongly advise that the applicant factor this into their proposals and recommend ground investigations.

It is also noted that there is an area of high surface water flood risk at the cul-de-sac end of the street. It must be demonstrated that the development will not increase any risk to this area. Conversely, care must be taken to ensure that the development and the introduction of new driveways/ dropped curbs does not move this surface water flood risk towards the new development. Provision must be in place to cater for surface water in this area.

A pre-commencement condition will therefore be included to ensure an appropriate method of surface water drainage is achieved before the development begins.

Arboriculture and Ecology:

The application submissions include an arboricultural report containing an Arboricultural Impact Assessment, outline Arboricultural Method Statement (AMS) and Tree Protection Plan. The Councils Arboricultural Officer was consulted as part of this application and considers the contents of the reports to be acceptable.

The trees on site are not considered worthy of a Tree Preservation Order, however it is noted that the applicant will be retaining 6 of the trees on site for screening purposes.

A neighbour has raised concerns that the proposal will have a negative impact on local wildlife and result in the loss of a green space. The proposal site is a garden and not a designated local green space, nor a park or amenity space. The Planning Statement refers to new planting to reinforce the boundaries which would help contribute towards the general green infrastructure linkages. It is not considered that there are any ecological issues on the site.

The Arboricultural Officer has recommended landscaping and arboricultural conditions.

Archaeology:

The proposed new house lies within a known area of Roman occupation, buildings and burials, discovered when the housing in this area was being constructed. Until an archaeological assessment has been conducted and approved by the local planning

authority development should not commence. It is considered that this can be achieved by condition.

World Heritage Site:

The proposed development is within the World Heritage Site, therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

Other Matters:

Partis College have made a representation to the application. they have drawn attention to a covenant registered with HM Land Registry on the land of this property which was originally owned by Partis College.

A copy of the covenant has not been provided however the representation letter summarise the points of the covenant. A covenant on the land does not preclude the granting of planning permission. In this case the proposal is considered to comply with planning policy. A covenant is a legal document and therefore this becomes a civil matter between the applicant and relevant parties that will need to be addressed outside of the planning process.

A previous permission exists on the site for a two storey side extension and detached garage to number 9. This application was granted in April 2014, works have not begun on the site and as such the application has expired.

Policy H.7 of the Place Making 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 none of the housing needs to comply, as the proposal is only for one dwelling.

Policy SCR5 of the Place Making 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 the site will have a large rear garden and this will provide the opportunities for the aforementioned.

Policy LCR7B states that new residential developments should be provided with superfast broadband infrastructure. The proposal site is within the city of Bath where there is good service and access to broadband.

Conclusion:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 **Standard Time Limit (Compliance)**

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

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

2 **Surface water drainage (Compliance)**

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 **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.

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 **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

6 **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.

7 **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.

8 **Materials - Sample of Render (Bespoke Trigger)**
No external walls of the development shall be rendered until a sample of the colour and texture of the render to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved materials.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies 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.

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

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

10 **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.

11 **Obscure Glazing and Non-opening Window(s) (Compliance)**
The proposed windows located in the first floor on the east and west elevation serving the master bedroom, bed 2, and the two ensuites shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

12 **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.

13 **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.

14 **Plans List (Compliance)**
The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

PLANS LIST:

1 This decision relates to the following plans:

27 Jul 2017 1289 002 B Site Survey Plan
27 Jul 2017 1289 019 B Demolition Plan
27 Jul 2017 1289 001 B Site Location Plan
05 Oct 2017 1289 020 D Proposed Block Plan
05 Oct 2017 1289 021 C Proposed Ground Floor Plan
05 Oct 2017 1289 022 C Proposed First Floor Plan
05 Oct 2017 1289 023 C Proposed Second Floor Plan
05 Oct 2017 1289 024 C Proposed South Elevation
05 Oct 2017 1289 025 D Proposed East Elevation
05 Oct 2017 1289 026 C Proposed North Elevation
05 Oct 2017 1289 027 D Proposed West Elevation
05 Oct 2017 1289 028 C Proposed Roof Plan

2 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

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

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

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

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

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

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

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

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

Item No: 03

Application No: 17/04031/FUL

Site Location: The Paddocks Pilgrims Way Chew Stoke Bristol Bath And North East Somerset

Ward: Chew Valley North **Parish:** Chew Stoke **LB Grade:** N/A

Ward Members: Councillor Liz Richardson

Application Type: Full Application

Proposal: Erection of a new dwelling (Resubmission).

Constraints:	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Conservation Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro, Tree Preservation Order,
Applicant:	Mr B & Mrs A Fawcett
Expiry Date:	22nd November 2017
Case Officer:	Anna Jotcham

REPORT

REASON FOR APPLICATION BEING REFERRED TO COMMITTEE

The application is being referred to the Development Management Committee at the request of the Chair who has stated:

"I have looked at the application including all its history and the related documents. I note the Ward Cllr Development Management Committee (DMC) request, support from the Parish Council, statutory consultee observations and third party comments which are fairly evenly split between support and objections. The report has assessed the issues raised in line with relevant planning policies however it is clearly controversial regarding the interpretation of infill and for this reason I recommend the application be determined by the DMC so debate can take place in the public arena."

THE SITE

The application relates to an area of land that forms part the existing garden belonging to 'The Paddocks'. The site lies within the Chew Stoke Housing Development Boundary, Conservation Area and the Bath and Bristol Green Belt.

THE PROPOSAL

The application seeks permission for the erection of a 3 bedroom detached dwelling, separate cycle store and shed with associated landscaping and site works.

PLANNING HISTORY

03/02833/FUL - REFUSED - 5 January 2004 - Detached house

04/00049/RF - APPEAL DISMISSED - 11 October 2004 - Detached house

97/02197/FUL - PERMITTED - 16 May 1997 - Extension to provide garage and car port as amended by revised plans received 29th April 1997

09/03980/FUL - REFUSED - 22 December 2009 - Erection of detached garage and studio

10/01160/FUL - REFUSED - 7 May 2010 - Erection of detached garage and studio (resubmission)

17/02025/FUL - REFUSED - 28 June 2017 - Erection of a new dwelling

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
CHEW STOKE PARISH COUNCIL - Support for the following reasons:

- Differing opinion about whether development on this plot constitutes 'infill' or 'tandem development' is noted but the proposed development is well spaced between the two existing houses along Pilgrims Way.
- The size and height of the house, the design, the orientation and proposed materials are appropriate for the location.
- It is not considered that the development would unduly overlook neighbouring properties.
- The development of smaller houses in the villages particularly when they are designed to accommodate the needs of the older generation is supported. It is noted that the design would allow wheelchair use on the ground floor and the house could be adapted for ground floor living if required.

COUNCILLOR LIZ RICHARDSON - Request that the application be taken to Committee. Reasons are as follows:

- The application is supported by the parish council.
- The application plot is an adequate size to take this appropriately designed dwelling.
- Differing views about whether the application constitutes 'infill' or 'tandem development' should be considered and discussed openly.

URBAN DESIGN OFFICER - Not acceptable in current form.

CONSERVATION OFFICER - Objection. The conservation area has a semi-rural character where green spaces including gardens make a positive contribution. The revised proposal is not materially different to the previous application and the reasons for refusal should stay the same.

HIGHWAYS OFFICER - No objection.

DRAINAGE AND FLOODING TEAM - No objection.

ECOLOGIST - No objection.

ARCHAEOLOGIST - No objection.

TREE OFFICER - No objection, subject to conditions.

LANDSCAPE OFFICER - No objection subject to conditions.

OTHER REPRESENTATIONS / THIRD PARTY COMMENTS - 12 representations received comprising 5 objection and 7 supporting comments.

The 5 objection comments can be summarised as follows:

- Inaccurate description of The Coach House is given in the supporting documentation. The building is not rear accessed from Pilgrims Way, the building faces east (not west) and there are two windows (not one) overlooking the proposed site.
- Site is not infill and is therefore contrary to Green Belt policy.
- The proposed balcony is inappropriate in this location.
- Access and highway safety concerns.
- Unacceptable loss of green space.
- The siting of the proposed dwelling would be in front of the established building line.
- The ridge height of the proposed building, although reduced is still too high in relation to the neighbouring Coach House and Barr House.
- Impact on residential amenity (overlooking, overshadowing, loss of privacy).
- Inappropriate development in the Conservation Area.

The 7 supporting comments can be summarised as follows:

- Proposed dwelling will add character and provide much needed smaller property for the applicants.
- Disagree with assessment that the site falls outside the definition of infill development.
- Proposal is sympathetic to the Conservation Area by virtue of proposed materials and landscaping and will be less visible than previously approved applications elsewhere in the village.
- No concerns about traffic or highway safety.
- Proposed dwelling will not impact immediate neighbours or detract from the openness of the Green Belt.

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 STRATEY 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:

Policy DW1: District wide spatial strategy
Policy SD1: Presumption in favour of sustainable development
Policy CP2: Sustainable construction
Policy CP5: Flood risk management
Policy CP6: Environmental quality

Policy CP7: Green Infrastructure
Policy CP8: Green Belt
Policy CP10: Housing mix

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:

Policy SCR5: Water efficiency
Policy SU1: Sustainable drainage
Policy D1: General urban design principles
Policy D2: Local character and distinctiveness
Policy D4: Streets and spaces
Policy D5: Building design
Policy D6: Amenity
Policy D7: Infill and backland development
Policy D8: Lighting
Policy HE1: Historic environment
Policy NE2: Conserving and enhancing the landscape and landscape character
Policy NE2A: Landscape setting of settlements
Policy NE3: Sites, species and habitats
Policy NE6: Trees and woodland conservation
Policy GB1: Visual amenities of the Green Belt
Policy GB2: Development in Green Belt villages
Policy PCS7A: Foul sewage infrastructure
Policy H4: Self build
Policy H7: Housing accessibility
Policy LCR3A: Primary school capacity
Policy LCR7B: Broadband - superfast infrastructure
Policy LCR9: Increasing the provision of local food growing
Policy ST1: Sustainable transport
Policy ST7: Transport requirements for managing development

NEIGHBOURHOOD PLAN:

The Chew Valley Neighbourhood Plan was 'made' in 2017. The plan contains policies on housing development and environment; business and facilities; and aspiration policies. The following policies are relevant:

Policy HDE1: Rural landscape character
Policy HDE2: Settlement build character
Policy HDE5a: Housing - mix
Policy HDE8a: Parking - domestic dwellings
Policy HDE8b: Parking - domestic dwellings
Policy HDE9a: Sustainable drainage to minimise flooding
Policy HDE9b: Sustainable drainage

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight. The following sections of the NPPF are of particular relevance:

Section 6: Delivering a wide choice of high quality homes
Section 7: Requiring good design
Section 9: Protecting Green Belt land
Section 12: Conserving and enhancing the historic environment

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 the Bath and Bristol Green Belt, where there are strict controls on development. Section 9 of the National Planning Policy Framework (NPPF) establishes that the construction of new buildings in the Green Belt is inappropriate development apart from in exceptional circumstances. One of these exceptions is the limited infilling in villages. The definition of infilling in the Core Strategy is as follows:

"The filling of small gaps within existing development e.g. the building of one or two houses on a small vacant plot in an otherwise extensively built up frontage. The plot will generally be surrounded on at least three sides by developed sites or roads."

The application site forms part of the existing garden of 'The Paddocks' and lies in front of 'The Coach House'. Whilst it is acknowledged that the Coach House is set slightly back from the informal building line of properties along the northern side of Pilgrim's Way and that its front elevation faces east, visually the building clearly relates to the road to which access is gained. It is therefore considered that the position of the application site in front of The Coach House does not represent a true gap within the existing development pattern and cannot be considered as infill. Furthermore, it would create a back-land development (i.e. The Coach House) which reinforces the view that the proposal is not an infill.

Paragraphs 87 and 88 of the NPPF emphasise that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. No very special circumstances have been put forward by the applicant and in this case the benefits of providing new housing does not outweigh the harm to justify the development. The proposal by reason of its inappropriateness would fail to comply with policy CP8 of the Core Strategy, policy GB2 of the Placemaking Plan and the aims of the NPPF. The principle of residential development in this location is therefore not supported.

CHARACTER, APPEARANCE AND OPENESS

The application site represents an open and undeveloped site which makes a significant contribution to the character and appearance of the Conservation Area and Green Belt. Whilst it is acknowledged that the proposed design and use of local materials is an

attempt to reflect the local character due to its size and position within the plot there is nevertheless harm to this character.

The revised proposal has sought to address the size and siting issues raised in the previously refused planning application (17/02025/FUL) by primarily reducing the height of the building. The footprint appears comparable, but the first floor has been partly incorporated into the roof space with the inclusion of joined dormers on both the east and west side. From an urban design perspective the reduction in roof height is a retrograde step which has harmed the appearance of the proposed building. However, on balance it is not considered that the level of visual harm caused by the reduction in height is at a level to justify a refusal in this instance. The revised design with dormers remains in the scheme and has not been the focus of amendment.

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 Conservation Officer has been consulted on the current application and considers that the revised proposal is not materially different to the previous application. The proposed dwelling is still considered to harm the appearance and visual quality of the Conservation Area. It is advised that the previous reasons for refusal also apply to this application.

The harm to the Conservation Area is considered to be 'less than substantial' and where this is the case, the NPPF explains that the harm should be weighed against the public benefits of the proposal. In this case, the benefit of providing new housing is noted. However, (and taking into account that the Council can demonstrate a five year land supply) the public benefit of the proposal is not considered to outweigh the harm identified.

Based on the above, the application is considered to be contrary to Placemaking Plan policies D1, D2 and GB1 and Chew Valley Neighbourhood Plan policy HDE1.

RESIDENTIAL AMENITY

Concern has been raised about potential overlooking and loss of privacy from windows and roof lights on the east elevation of the proposed building. However, a number of these windows will be bathroom windows which could be obscure glazed and one of the windows will be a landing window between the ground and first floor which will not encourage static viewing. Given the distance between the windows on the proposed dwelling and neighbouring Barr House (approximately 16 metres) and that there is only one window on Barr House at first floor level which could be vulnerable to overlooking it is not considered that this warrants a reason refusal. Furthermore, the existing Copper Beech tree in the Coach House driveway provides additional screening between the existing and proposed dwellings.

Concern has been expressed about the proposed height of the dwelling in relation to The Coach House and potential for overshadowing. However, it is acknowledged that the height of the building has been reduced by approximately 1 metre from the previous application and that the proposed dwelling would be within 14- 21 metres of the gable end of The Coach House. The proposed building is therefore unlikely to have any undue adverse effect on the residential amenity of neighbouring properties.

TREES

Trees on and adjacent to the site are protected by their location within the Chew Stoke Conservation Area. The application is accompanied with full arboricultural documentation incorporating the Preliminary Tree Survey, Tree Constraints Plan, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan compiled by a suitably qualified and experienced Arboricultural Consultant.

A Copper Beech tree (T14) situated in the driveway of The Coach House and identified within the submitted documents is protected by a Tree Preservation Order. The submissions show the root protection area (RPA) of this tree as a notional circle around the trunk however this is more likely to be elliptical in shape, extending along the drive axis. Consequently, there is no objection to the proposals on arboricultural grounds subject to compliance with the Arboricultural Method Statement and Tree Protection Plan. Furthermore, the proposed reintroduction of a pond to support surface water management may benefit the tree if gradual percolation into the surrounding soil is possible.

There is no objection to the loss of the Walnut (T3) and Apple (T9) trees subject to replacement planting as indicated within the arboricultural report.

Any requirements for hard and soft landscaping could be secured via planning condition.

DRAINGE AND FLOODING

The application is accompanied by a sustainable drainage report demonstrating that the development is not at risk of flooding and will not result in an increase in offsite flood risk. The proposed use of soakaways is acceptable, subject to all drainage works complying with Building Regulations Approved Document Part H including infiltration testing.

HIGHWAYS AND PARKING

Access would be taken from the access that currently serves the existing property. Whilst visibility is limited at this location, there are numerous other similar access arrangements, and use of the existing access to serve an additional dwelling does not raise any significant road safety concerns.

The speed limit on Pilgrims Way is 30mph, and the local road geometry assists to constrain vehicle speeds.

The proposed parking arrangements included within the scheme are considered to be acceptable given the scale of development proposed.

Based on the above, the Highways Officer has no objection to the proposals and it is considered that there is no objection on highways safety or parking grounds.

ECOLOGY

The proposal appears unlikely to result in unacceptable ecological impacts. The site is likely to be used by a range of wildlife which would be able to continue using the site in the long term. The scheme is therefore considered to be ecologically acceptable.

OTHER MATTERS

There are a number of policies in the recently adopted Placemaking Plan which stipulate requirements for new residential development which must now be applied (e.g. SCR5, LCR7B and LCR9). Policy requirements for water efficiency and connectivity to broadband can be secured by planning condition. The proposed dwelling also has access to adequate outside garden space for local food production.

Reporting of unexpected contaminated land and requirement for a desk study and walkover survey could be secured by planning condition and advisory note.

CONCLUSION

The application is recommended for refusal, on the grounds that it is contrary to Green Belt policy and that it will have a detrimental impact on the appearance and setting of the Conservation Area.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed dwelling does not represent infilling and is considered to be inappropriate development in the Green Belt. The proposal is therefore contrary to policy CP8 of the Bath and North East Somerset Core Strategy (adopted July 2014), policy GB2 of the Placemaking Plan (adopted July 2017) and guidance in the National Planning Policy Framework.

2 The proposed dwelling, by reason of its size and siting would dominate this space to the detriment of the character and appearance of the Conservation Area and would harm the openness and semi-rural appearance of this part of Pilgrims Way. The proposal is therefore contrary to policies D1, D2 and GB1 of the Bath and North East Somerset Placemaking Plan (adopted July 2017), policy HDE1 of the Chew Valley Neighbourhood Plan (November 2016) and guidance in the National Planning Policy Framework.

PLANS LIST:

1 This decision relates to the following plans received on 21 August 2017:

Site location plan: 1818-21
Proposed floor plans: 1818-27
Proposed west and south elevations: 1818-28
Proposed east and north elevations: 1818-29
Sectional dimensions: 1818-30
Proposed elevation details (part east / part south): 1818-31
Proposed roof plan and cycle shed: 1818-32
Tree protection plan: 170403-TP-TPP-AM

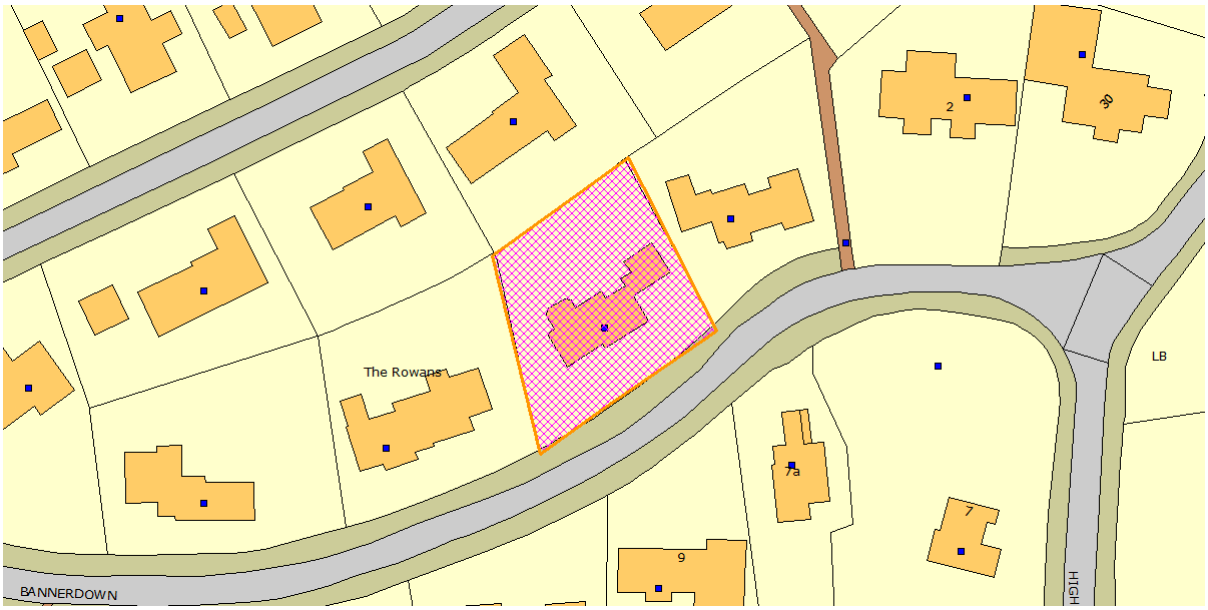
2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons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

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

Item No: 04

Application No: 17/02313/FUL

Site Location: 6 High Bannerdown Batheaston Bath Bath And North East Somerset BA1 7JY



Ward: Bathavon North **Parish:** Batheaston **LB Grade:** N/A

Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward

Application Type: Full Application

Proposal: Erection of two storey side extension, new front boundary wall and change of layout of existing gardens.

Constraints:	Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Forest of Avon, Housing Development Boundary, MOD Safeguarded Areas, Neighbourhood Plan, SSSI - Impact Risk Zones,
Applicant:	Mr & Mrs Sue & Andrew Milloy
Expiry Date:	17th November 2017
Case Officer:	Alice Barnes

REPORT
Reason for calling application to committee

The application is being referred to the committee as the parish council have objected to the application.

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

Description of site and application

High Bannerdown is located to the north of Batheaston village. The existing street is characterised by large detached dwellings of varying designs. Number 6 is a detached property located outside of the Conservation Area. Due to the topography of the site number 6 sits above the existing road level.

This is an application for the provision of a two storey side extension, new front boundary wall and change of layout of existing gardens. Since the application was originally submitted the applicant has submitted revised plans reducing the size of the extension.

The proposed extension has been designed with a pitched roof with a gable end. The proposed extension will be clad in timber and the existing front elevation of the building has been rendered under a previous permission.

The proposed development also includes the formation of a parking area within the front garden for which work has commenced on site. The original boundary hedge has been replaced with a new wall under 1m in height.

Relevant History

DC - 04/02092/FUL - PERMIT - 19 August 2004 - Rear conservatory
DC - 99/03074/FUL - PER - 7 December 1999 - Erect PCVCu conservatory to rear of property
DC - 13/03839/FUL - PERMIT - 31 October 2013 - Erection of single storey rear extension and extension of existing front balcony.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
Batheaston Parish Council: Object for the following reasons;
Application 13/02313/FUL was approved in 2013 and building work has still continued.
The materials are not as approved in 2013

The applicant has introduced many additional features which are not part of the approved application
The front wall has already been constructed, contrary to the covenant in the deeds.
The exterior lights are lit too late in the evening and are causing significant light pollution.
The excessive lighting must be disturbing the bat population
All the changes are not in keeping with the character of the area.
The parish have requested the enforcement team visit the site

Representations: Five representation have been received objecting to the application for the following reasons:
Work commenced on site in 2013.
This is overdevelopment of the site.
The development will overlook properties on the other side of the road.
There has already been noise and disruption from previous building work.
The removal of trees has removed a bat roost.
There is exterior lighting which has not been included in the application.
No plan has been submitted for the proposed new parking arrangements.
The proposed extension is oppressive and dominating.
There are no proposals for venting odours from the sauna.
How will the sedum roof be maintained?
The proposed parking area will result in the loss of a front garden.
The proposed extension is not in keeping with the character of the street.
It will result in overdevelopment
The deeds state that fences and walls are not permitted to be constructed around the properties.
When High Bannerdown was first built each house had to be within a third of an acre of a plot
The extension will dominate and overshadow the neighbours.
The extension will create a terrace like effect with the neighbouring property.
The extension has resulted in parking being provided to the front of the property.
There will be water run off from the steeply sloping driveway

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:

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

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
ST.7 - Transport requirements for managing development

OFFICER ASSESSMENT
This is an application for the provision of a two storey side extension, new front boundary wall and change of layout of existing garden. The existing dwelling is a two storey detached property. Due to the topography of the site the dwelling sits above the existing road.

Since the application was originally submitted the applicant has submitted revised plans reducing the size of the extension. The proposed extension has been designed with a pitched roof with a gable end. The proposed extension will be clad in timber and the existing front elevation of the building has been rendered under a previous application.

The proposed development also includes the formation of a parking area within the front garden for which work has commenced on site.

The main issues to be considered here are:
Design
Amenity
Other Matters

Design

The existing dwelling is a two storey property which includes a pitched roof with gable ends. The existing dwelling has been clad in render on the front elevation and the surrounding properties have been constructed from stone. There is a glazed balcony on the front elevation of the property. The proposed side extension will replace an existing single storey flat roof garage.

The proposed extension will include a pitched roof and will be clad in timber. The original proposed extension extended beyond the rear wall of the existing dwelling at first floor level. This has been removed from the proposed and the proposed extension is now the same depth as the host building at first floor level. The provision of the pitched roof will complement the character of the existing building.

The proposed side extension is less than half the width of the existing dwelling and is set at a lower height to the existing dwelling. Therefore the built form of the extension appears subservient to the host dwelling.

The extension will be clad in timber. The existing building has been rendered and the surrounding properties are constructed from stone.

Timber cladding is not characteristic of the existing streetscene. However the provision of timber will cover the proposed side extension which is subservient to the existing dwelling. The main bulk of the dwelling will appear as render and the provision of timber cladding will not substantially alter the character of the existing building. The provision of timber cladding is not considered to be harmful to the existing streetscene.

Concern has been raised that the proposed development will result in a terraced appearance between numbers 4 and 6. The proposed extension has not been sited directly on the adjoining boundary and there will remain 2m of separation between the properties.

The proposed works include the provision of a parking area within the front garden and provision of a boundary wall. The proposed walls have been reduced in height from the original submission and the provision of the parking area is not considered to be harmful to the appearance of the existing dwelling. The proposed parking area will replace an existing driveway and parking area. It is not uncharacteristic of the streetscene to include parking within the front garden.

Amenity

The proposed extension will be sited between the side elevation of the existing dwelling and the neighbouring property of number 4. No glazing has been proposed on the side elevation and the proposed extension will not appear overbearing to the occupiers of number 4.

Concern has been raised that the proposed extension will overlook properties on the opposite side of the road. The existing dwelling already includes a large amount of glazing on the front elevation and therefore the provision of a side extension will not result in increased overlooking of nearby properties.

The proposed extension will not harm the amenity of neighbouring occupiers.

Other matters

Concern has been raised that the building work as already been carried out on site and this proposal will cause further disruption. Whilst building work can cause disruption such as unwanted noise the building of an extension will be temporary and contractors will have to abide by the councils code of conduct. Therefore this does not warrant refusal of the application.

Concern has been raised that the applicant has erected external lighting and this has caused harm to bats. A site visit has confirmed that the applicant has installed spotlighting beneath the existing balcony to light the entrance to the dwelling. Such lighting does not require planning permission and therefore does not warrant refusal of the application. It is also noted that similar lighting has been installed at number 37.

Concern has been raised that mature trees have been removed from the site. The site is not within the Conservation Area and therefore the trees can be removed without permission.

The proposed site plan includes the provision of trees within the front garden. Whilst the provision of planting is considered to be acceptable it is not considered to be necessary to make the development acceptable.

Conclusion

The proposed extension will result in a small addition to the host building and is considered to respect the character of the host building. The proposed development is not considered to result in harm to the amenity of neighbouring occupiers and 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 **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.

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:

Site location plan 000
Plan: ground 698:S:001
Plan : first 698:S:002
Plan: roof 698:S:003

Elevation: south and north 698:S:004
Elevation: east and west 698:S:005
Section 698:S:006
Plans: site 698:001 rev A
Plan: ground proposed 698:002 rev A
Plan: first proposed 698:003 rev A
Plan: roof proposed 698:004 rev A
Elevation: south-east proposed 698:005-1 rev A
Elevation: north-west proposed 006 rev A
Side elevation 698:007 rev A
Section: proposed 698:008 rev A

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

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

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

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

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

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

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

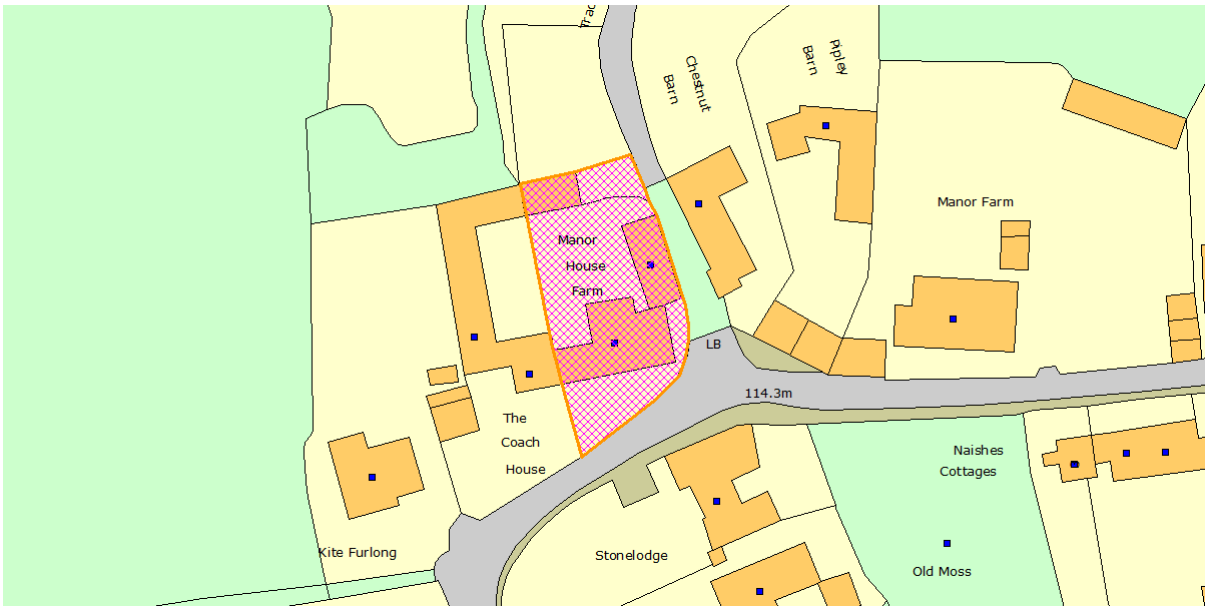
3 You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further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

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

Item No: 05

Application No: 17/03629/FUL

Site Location: Manor House Farm North Stoke Lane North Stoke Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** Northstoke **LB Grade:** II

Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward

Application Type: Full Application

Proposal: Widening of front entrance and garden access with installation of aluminium frame doors.

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

Applicant: Mr & Mrs B & J Hogg & Stratford

Expiry Date: 22nd September 2017

Case Officer: Adrian Neilson

REPORT

Reason for referring this application to committee

Application submitted by Councillor R S Goodman

Site description and proposals

The protected property is a Grade II listed building and lies within a designated conservation area and the historic settlement known as North Stoke located just to the

west of Bath. It is a substantial mid 17th century farmhouse in the Cotswold vernacular style with attic gables, freestone mullion windows and drip moulds over. It is constructed in brought-to-course limestone rubble and is of three storeys with the third storey located within the attic. The overhanging eaves provide evidence of a former thatch roof covering although there has been double Roman clay roof covering for at least the last fifty years and possibly previous to this the covering may have been Cotswold tiles. To the rear is a mid/late Victorian extension. The building is part of a former farm complex and there some surviving outbuildings also dating from the Victorian period.

Internal and external alterations for the re-arrangement of internal stud walls, exposing of original stone walling in lobby and widening of garden and front access with replacement aluminium framed doors.

Planning History

DC - 06/00602/REN - PERMIT - 3 April 2006 - Retention of three loose boxes and feed/hay store
DC - 10/00081/LBA - RF - 31 March 2010 - Internal and external alterations to include (TBC)
DC - 11/00038/LBA - CON - 22 February 2011 - Internal and external alterations to include removal of modern ceiling in kitchen, opening up wall between garden room and internal lobby, alterations to bathroom on first floor landing, placement of modern pvcu windows, alterations to windows to form doors, replacement porch, replacement rainwater goods, repointing and alterations to garage and existing vehicle access
DC - 11/03472/COND - DISCHG - 26 September 2011 - Discharge of conditions 3 and 4 of application 11/00038/LBA (Internal and external alterations to include removal of modern ceiling in kitchen, opening up wall between garden room and internal lobby, alterations to bathroom on first floor landing, replacement of modern pvcu windows, alterations to windows to form doors, replacement porch, replacement rainwater goods, repointing and alterations to garage and existing vehicle access)
DC - 17/03629/FUL - PCO - Widening of front entrance and garden access with installation of aluminium frame doors.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
None received.

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

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
CP6: Environmental Quality

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:

D1: General Urban Design Principles
D2: Local Character and Distinctiveness
D.5: Building Design
HE1: Historic Environment

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

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

OFFICER ASSESSMENT
Character and appearance of the protected building and North Stoke Conservation Area

The rear two-storey extension that dates from the C19 has been unsympathetically altered with a loss of character and architectural interest. The existing window is a modern plastic window and does not possess any heritage value. The enlargement of the opening to create a double door opening leading to the garden will result in a loss of some historic fabric.
However, the proposal is, on balance, acceptable and maintains the character and appearance of the protected building and North Stoke Conservation Area.

Residential amenity

Given the design, scale, massing and siting of the proposed development the proposal would not cause harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy or other disturbance.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development

which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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 proposals are acceptable and consistent with the aims, requirements and objectives of the primary legislation, planning policy and accompanying guidance.

RECOMMENDATION

PERMIT

CONDITIONS

1 **Standard Time Limit (Compliance)**

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

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

2 **Plans List (Compliance)**

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

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

PLANS LIST:

CLC5/321/101 EXISTING & PROPOSED PLANS AND DETAIL and CLC5/321/102 Site Location Plan and HERITAGE STATEMENT date stamped 28 July 2017.

2 DECISION TAKING STATEMENT

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

3 **Condition Categories**

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

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

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

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

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

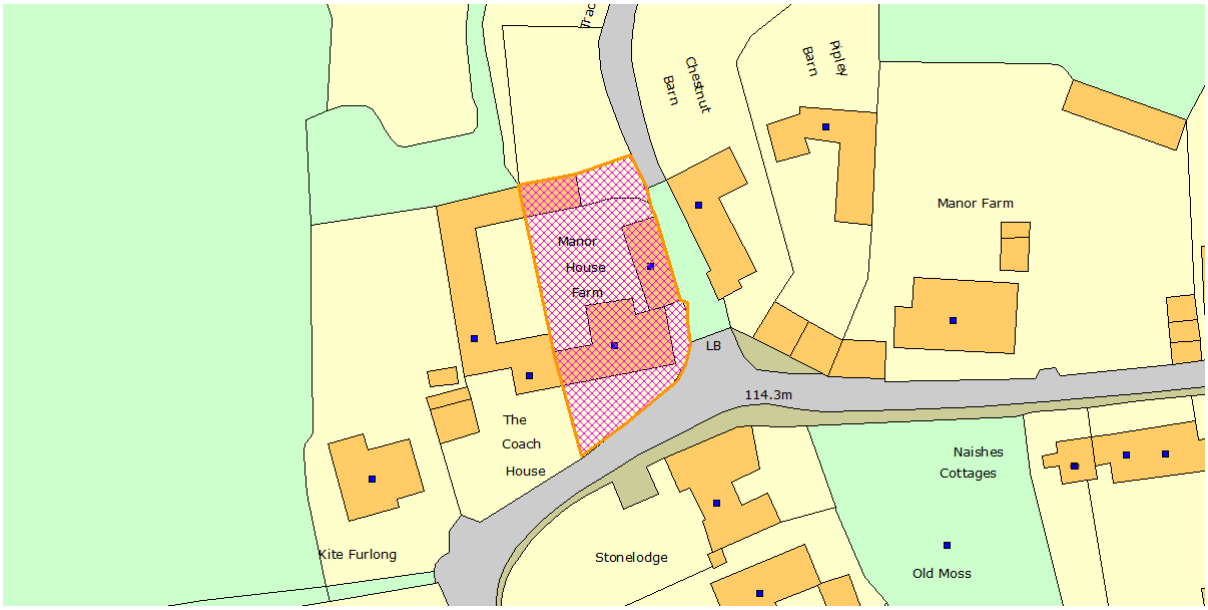
Please note all conditions should be read fully as these headings are intended as a guide only.

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

Item No: 05

Application No: 17/03630/LBA

Site Location: Manor House Farm North Stoke Lane North Stoke Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** Northstoke **LB Grade:** II

Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward

Application Type: Listed Building Consent (Alts/exts)

Proposal:	Internal and external alterations for the re-arrangement of internal stud walls, exposing of original stone walling in lobby and widening of garden and front access with replacement aluminium framed doors.
Constraints:	Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant:	Mr & Mrs B & J Hogg & Stratford
Expiry Date:	22nd September 2017
Case Officer:	Adrian Neilson

REPORT
Application submitted by Councillor R S Goodman

Site description and proposals

The protected property is a Grade II listed building and lies within a designated conservation area and the historic settlement known as North Stoke located just to the west of Bath. It is a substantial mid 17th century farmhouse in the Cotswold vernacular style with attic gables, freestone mullion windows and drip moulds over. It is constructed in brought-to-course limestone rubble and is of three storeys with the third storey located within the attic. The overhanging eaves provide evidence of a former thatch roof covering although there has been double Roman clay roof covering for at least the last fifty years and possibly previous to this the covering may have been Cotswold tiles. To the rear is a mid/late Victorian extension. The building is part of a former farm complex and there some surviving outbuildings also dating from the Victorian period.

Internal and external alterations for the re-arrangement of internal stud walls, exposing of original stone walling in lobby and widening of garden and front access with replacement aluminium framed doors.

Planning History

DC - 06/00602/REN - PERMIT - 3 April 2006 - Retention of three loose boxes and feed/hay store
DC - 10/00081/LBA - RF - 31 March 2010 - Internal and external alterations to include (TBC)
DC - 11/00038/LBA - CON - 22 February 2011 - Internal and external alterations to include removal of modern ceiling in kitchen, opening up wall between garden room and internal lobby, alterations to bathroom on first floor landing, replacement of modern pvcu windows, alterations to windows to form doors, replacement porch, replacement rainwater goods, repointing and alterations to garage and existing vehicle access
DC - 11/03472/COND - DISCHG - 26 September 2011 - Discharge of conditions 3 and 4 of application
11/00038/LBA (Internal and external alterations to include removal of modern ceiling in kitchen, opening up wall between garden room and internal lobby, alterations to bathroom on first floor landing, replacement of modern pvcu windows, alterations to windows to form doors, replacement porch, replacement rainwater goods, repointing and alterations to garage and existing vehicle access)

17/03630/LBA - PCO - Widening of front entrance and garden access with installation of aluminium frame doors.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
None received.

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

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

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

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

The statutory Development Plan for B&NES comprises:
- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- 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

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:

HE1 Historic Environment

Historic Environment Good Practice Advice in Planning Notes issued by Historic England:
- Making Changes to Heritage Assets
- Managing Significance in Decision-Taking in the Historic Environment

OFFICER ASSESSMENT

The C17 former farmhouse retains much of its significance and interest despite some unsympathetic alterations including plastic windows and hard cement pointing however approval was granted to remedy this including the replace of the windows with appropriately detailed metal casements and repointing with lime mortar. These alterations will result in a substantial improvement in the presentation of the building.

Located to the rear of the building is a Victorian, two-storey extension that has been substantially altered internally and externally including the replacement of the original windows with inappropriately detailed windows, which has resulted in harm to its appearance and architectural interest. Internally, likewise, the extension and associated later alterations located in the connecting corridor has been unsympathetically modernised with a loss of significance and architectural interest.

The proposals are for the enlargement of two internal openings associated with the later extension and an external opening. One of the internal and openings and the external opening are proposed to be fitted with metal and glazed double doors. On balance this is regarded as acceptable due to the level of alteration to the Victorian extension and its interior that has resulted in a loss of significance and heritage value.

It is also proposed to install a new timber door and undertake a minor alteration to a later partition, both of which are regarded as acceptable as they will not have any impsct on the significance of the building.

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

RECOMMENDATION

CONSENT

CONDITIONS

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

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

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

2 **Plans List (Compliance)**

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

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

3 **Metal Double Door and Timber Door Details (Bespoke Trigger)**
No installation of the metal double doors or timber doors shall commence until full details comprising 1:1 or 1:2 horizontal and vertical sections have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

4 **Rear Elevation as Proposed (Bespoke Trigger)**
No installation of the external metal double doors shall commence until an elevation (1:20) that clearly shows how the new arch will be formed associated with the proposed doors has been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

5 **Opening masonry and making good (Compliance)**
All stonework associated with the proposals to be made good using an appropriate lime mortar to match the historic mortar originally used to construct the existing historic extension in terms of colour, aggregate matrix, texture and depth and the opeing shall be formed using arch and quoin details to match the existing openings.

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.

6 **Materials (Bespoke Trigger)**
No construction associated with the proposed new openings shall commence until samples of all associated materials and finishes to be used have been provided 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.

PLANS LIST:

1 CLC5/321/101 EXISTING & PROPOSED PLANS AND DETAIL and CLC5/321/102 Site Location Plan and HERITAGE STATEMENT date stamped 28 July 2017.

2 DECISION TAKING STATEMENT

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

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

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

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

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

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

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

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

Item No:	06
Application No:	17/03930/FUL
Site Location:	1 Audley Avenue Lower Weston Bath Bath And North East Somerset BA1 3BL

Ward: Kingsmead	**Parish:** N/A	**LB Grade:** N/A
Ward Members:	Councillor Chris Pearce	Councillor Andrew Furse
Application Type:	Full Application	
Proposal:	Removal of front boundary low wall and fence and formation of off street parking with permeable hardstanding	
Constraints:	Article 4 Bath Demolition Wall, Article 4 HMO, , Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,	
Applicant:	Mr & Mrs Tavender	
Expiry Date:	16th November 2017	
Case Officer:	Chloe Buckingham	

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Cllr Andrew Furse has requested that the application be considered by committee and the chair of committee has agreed to this request for the following reason:

The arboriculture report addresses the safe retention of a tree which was an issue but changes have been made to reduce the spaces provided by 1 so it no longer contravenes planning policy.

Concerns raised by highways are clearly controversial however, when reading the highways report the concerns were not seen as a refusal and the additional parking spaces were seen as a positive for road safety subject to conditions.

It was therefore recommended that the application be determined by DMC so the issues can be debated in public so all views can be expressed.

DESCRIPTION OF SITE AND APPLICATION:

This application relates to a semi-detached house located within the Bath World Heritage Site and conservation area. The application seeks planning permission for the removal of a front boundary wall and fence and formation of off-street parking with permeable hardstanding.

Relevant Planning History:

DC - 01/01786/FUL - PERMIT - 7 January 2002 - Erection of a two storey side extension
DC - 11/04188/TCA - NOOBJ - 3 November 2011 - Silver Birch - remove secondary leader growing towards house, thin remaining crown by 20% and reshape

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
CONSULTATION RESPONSES:

Cllr Andrew Furse: Call-in to committee request for the following reasons: The proposal will be detrimental to the residential amenity and there seems no rationale why further parking would be required at this dwelling when there is significant parking on a hard standing at the rear. Making the front of this building a hard standing would impact the street scape and really detract from the original design of the street. Having more parking in addition to the rear hardstanding is suspicious. Access and egress issue for this property appears to be difficult - it is close to the corner of this road.

Highways: No objection subject to three conditions and an advisory.

Arboriculture: No objection subject to one condition.

Third party comments: 30 Objections received. It must be noted that many objections received simply explained that there was an opposition to the proposal but no planning reasons were given as to why. For those objections that gave planning reasons the main points highlighted were:

* The proposed parking plan has highway safety implications.
* The property already has an extensive car park to the rear for 12 cars.
* Tree in front garden adds visual amenity- would not want the tree removed or damaged.
* There will be an increase in traffic which will have highway safety issues.
* Ulterior motive to rent out/sell the parking spaces.

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:
* Core Strategy (July 2014)
* Placemaking Plan (July 2017)
* B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites

* Joint Waste Core Strategy
* Made Neighbourhood Plans

The following B&NES Core Strategy policies should be considered:

* CP6 - Environmental Quality
* CP2 - Sustainable construction
* B4 - World Heritage Site

The following B&NES Placemaking Plan policies should be considered:

* D1 General urban design principles
* D2 Local character and distinctiveness
* D3 Urban Fabric
* D4 Streets and Spaces
* D5 Building Design
* D6 Amenity
* ST1 Promoting sustainable travel
* HE1 Historic Environment
* ST7 Transport Access and Development Management

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

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

OFFICER ASSESSMENT

PRINCIPLE OF PROPOSED USE:

The application site is located within the Bath settlement boundary and therefore the principle of development is considered 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 remove the front boundary low wall and fence to form off-street parking to the front of the property with permeable hardstanding. The applicant also proposes a new dropped kerb to the front of the property which will need a separate licence from the council. It is noted that other properties on the street have parking to the front and so

overall it is considered that the proposal is acceptable in terms of character and appearance.

Information has been provided which explains that the final surface will match the existing and that a product called Core Drive 38-25 R will be used. The product has a depth of 25mm and the applicants' response is that this will be laid over a 135mm compacted hardcore base.

The applicant has provided a photograph of a section of the current loose material removed to a depth of approx. 240mm which should be sufficient. There is no objection provided that the existing material will be used as a base once loose material has been removed to accommodate the grid system. It has been explained that 50mm edging will be incorporated around the trunk of the Silver Birch but no details have been provided on how the edging will be installed without excavation. Timber edging supported by wooden pegs would avoid the use of concrete.

Furthermore, no information has been provided regarding the base for the tarmac by the access. Visibility splays are recommended by condition from Highways which would require alterations to the boundary treatment close to the tree. Therefore an arboricultural method statement will be conditioned as part of the permission.

IMPACT ON RESIDENTIAL AMENITY:

It is not considered that the proposal will have any significant negative residential amenity impacts on the neighbouring occupiers.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

Whilst objection comments have been received to explain that the proposal will increase traffic and exacerbate the parking situation, it is considered that the provision of off-street parking is likely to benefit highway safety and operation at this location by alleviating the pressure on on-street parking which appears to be in high demand. It is also noted that the majority of properties on Audley Avenue benefit from private off-street parking.

Objection comments have also mentioned that the parking area to the rear provides 12 spaces for parking. However, as shown on the existing and proposed block plan this area to the rear is outside of the red-line boundary concerning this application and it is thought that the provision of further off-street parking is beneficial.

It is recommended that the area of driveway between the access and 5m in from the public highway be surfaced with a bound material such as tarmacadam in order to prevent loose material from spilling onto the highway.

The provision of a 2.4m x 2.4m visibility splay will be required so that pedestrians and drivers can see each other when a car is departing the site. This is likely to require the lowering of the boundary wall/fence to no greater than 600mm above the level of the back of the footway on both sides of the access.

OTHER ISSUES

Objection comments have explained that there may be an ulterior motive to the provision of off-street parking, in that the applicant may sell the spaces off or rent them out. However, speculating about what the applicant may wish to do with the spaces in the future it not something that can be considered as a part of the planning assessment. It is also worth noting here that a condition shall be included to this permission to explain that the parking spaces shall not be used other than for parking of vehicles in connection with the development.

CONCLUSION:

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. Full consideration has been given to these duties in reaching the decision to permit consent for the proposed works.

For the reasons set out above, it is recommended that this application is granted permission subject to conditions.

RECOMMENDATION

PERMIT

CONDITIONS

1 **Standard Time Limit (Compliance)**

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

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

2 **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.

3 **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.

4 **Bound/Compacted Vehicle Access (Pre-occupation)**
No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

5 **Vehicle Visibility Splay (Prior to first use)**
Prior to first use the proposed access shall incorporate splays on both its sides to the rear of the existing footway based on co-ordinates of 2.4m x 2.4m and which shall be kept free of obstruction above a height of 600mm.

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.

6 **Plans List (Compliance)**
The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

PLANS LIST:

This decision relates to;

Existing and Proposed Site Plan and Block Plan (SMH/06/17/16-01) received 15th August 2017.

Existing and Proposed Plans and Elevations (SMH/06/17/16-02 A) received 31st August 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.

2 **Condition Categories**

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

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

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

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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.

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3 The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a licence under Section 184 of the Highways Act 1980 for the construction of a vehicular crossing. The access shall not be brought into use until the details have been approved and constructed in accordance with the current Specification.

Bath & North East Somerset Council		
MEETING:	Development Management Committee	
MEETING DATE:	15 November 2017	**AGENDA ITEM NUMBER**
TITLE:	Quarterly Performance Report July – Sept 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 July – 30 Sept 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

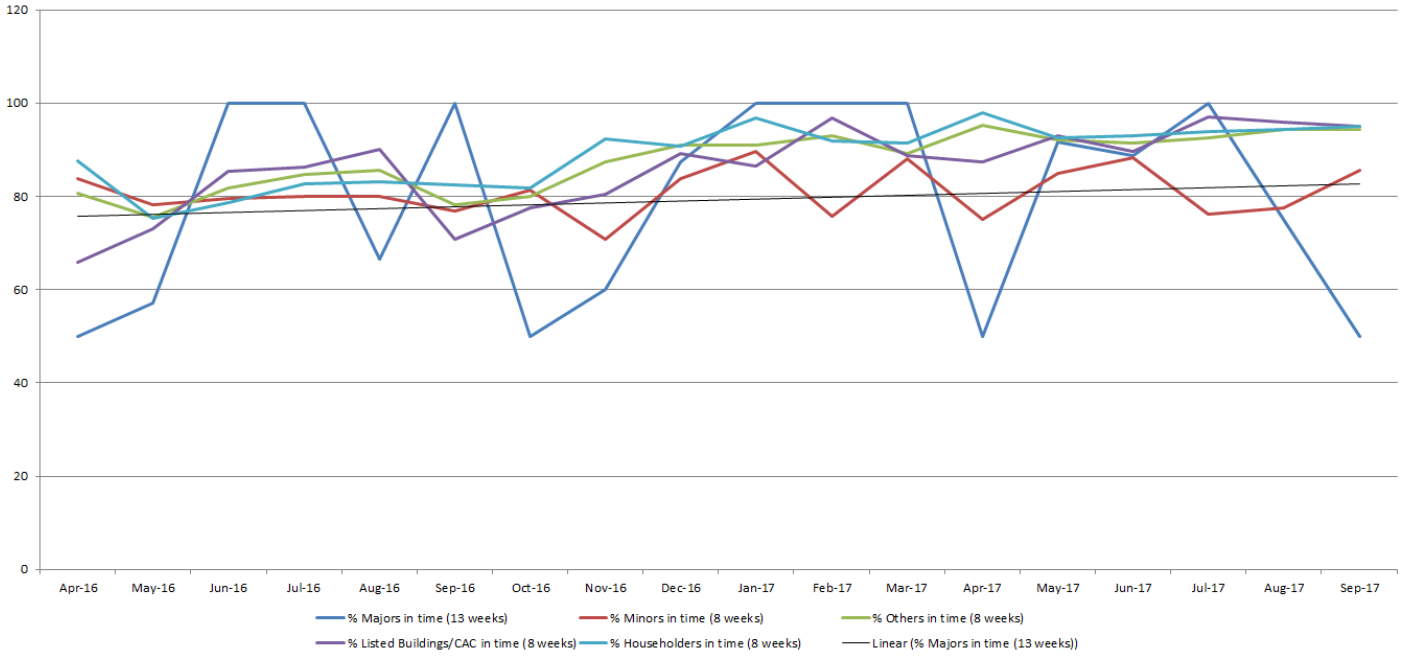
2 RECOMMENDATION

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%	73%		
% Minors in time	81%	79%	79%	85%	83%	80%		
% Others in time	80%	83%	86%	91%	93%	94%		

Highlights:

- The chart and table above shows excellent performance on all three of the planning application categories. All three categories have been above target consistently every quarter for over 18 months.

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	719		
Withdrawn	56	55	75	50	56	66		
Delegated no. and %	601 (95%)	643 (96%)	560 (95%)	520 (96%)	603 (95%)	597 (96%)		
Refused no. and %	59 (9%)	56 (8%)	59 (10%)	53 (10%)	52 (8%)	52 (8%)		

Highlights:

- B&NES have shown a 5% rise in planning application numbers when compared to the previous 12 month period which is above the national trend (0% increase).
- The current delegation rate is slightly above the last published England average of 94% (Year to Jun 2017).

- Percentage of refusals on planning applications remains very low when compared with the last published England average of 12% (Year ending Jun 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	4		
Major residential decisions granted	1	6	4	4	9	4		
Number of dwellings applied for on Major schemes	203	640	952	260	438	197		
Number of dwellings permitted on schemes	116	537	110	147	579	349		
Number of dwellings refused on schemes	80	32	10	26	106	52		

Highlights:

- Numbers of major residential planning decisions (10 or more dwellings) has fallen in the last quarter, however they were all permitted.

4 - Planning Appeals

	Oct – Dec 2016	Jan – Mar 2017	Apr – Jun 2017	Jul – Sep 2017
Appeals lodged	24	31	31	22
Appeals decided	25	43	17	24
Appeals allowed	3 (12%)	15 (36%)	4 (25%)	6 (25%)
Appeals dismissed	22 (88%)	27 (64%)	12 (75%)	18 (75%)

Highlights:

- In the year to Sept 2017 there has been a 29% 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 26% (national average approx. 33%).

5 - Enforcement Investigations

	Oct – Dec 2016	Jan – Mar 2017	Apr – Jun 2017	Jul – Sep 2017
Investigations launched	145	165	194	180
Investigations in hand	330	350	408	340
Investigations closed	136	147	125	234
Enforcement Notices issued	4	1	3	7
Planning Contravention Notices served	17	1	9	17
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.

	Oct - Dec 2016	Jan – Mar 2017	Apr – Jun 2017	Jul – Sep 2017
Other types of work	486	594	583	574

7 – Works to Trees

The number and percentage of determined tree applications and notifications

	Oct – Dec 2016	Jan – Mar 2017	Apr – Jun 2017	Jul – Sep 2017
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	24	27	16	21
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	96%	96%	100%	86%
Number of notifications for works to trees within a Conservation Area (CA)	232	162	157	184
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	100%	99%	99%	99%

Highlights:

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

8 – Corporate Customer Feedback

Customer Feedback	Oct – Dec 2016	Jan – Mar 2017	Apr – Jun 2017	Jul – Sep 2017
Compliments received	24	15	18	9

Complaints received	3	7	18	10
Complaints upheld	0	2	0	0
Complaints Not upheld	3	4	9	3
Complaints Partly upheld	0	0	0	1

Highlights:

- There have been no upheld complaints over the last six months.

9 - Ombudsman Complaints

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

Ombudsman Complaints	Oct – Dec 16	Jan – Mar 17	Apr – Jun 17	Jul – Sep 17
Complaints received	0	2	1	1 (Premature Complaint- referred back to Council)
Complaints upheld	0	0	0	0
Complaints Not upheld	2	0	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 moved to an upfront charge in July 2017, as a response from developers who wanted more certainty about costs of development. Feedback on the new scheme has continued to be good.

11 – Section 106 Agreements and Community Infrastructure Levy (CIL)

Members will be aware of the Planning Obligations SPD first published in 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/CIL Monitoring Officer to actively monitor the delivery of agreed obligations. CIL financial overview sums will be refreshed for every quarterly report. A CIL annual report is also published on our website: http://www.bathnes.gov.uk/services/planning-and-building-control/planning/planning-advice-and-guidance/community

(**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	**£1,447,527.64**	**£2,305,912.30**			***£3,753,439.94***
S106 Funds received	**£962,090.49**	**£2,365,820.16**			***£3,327,910.65***
CIL sums overview Potential to date	**£8,391,282.67 (since April '15)**				
CIL sums overview Collected to date	**£3,845,583.89 (since April '15)**				

12 – Chair Referrals

Table 12 below shows the numbers of planning applications where Chair decision has been sought to either decide the application under delegated authority or refer to Development Management Committee. *A further **analysis of Chair referral cases** is attached as an Appendix item to this report.*

	Oct – Dec 2016	**Jan – Mar 2017**	**Apr – Jun 2017**	**Jul – Sep 2017**
Chair referral delegated	22	8	25	20
Chair referral to DM Committee	15	12	19	15

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
17/02214/FUL	10 Berkeley PlaceWalcotBathBath And North East SomersetBA1 5JH	Erection of garden building	COMMDC	27-Jul-17	PERMIT	Applicant is an employee within the Planning Service.
17/02364/FUL	Sawyers Mill HunstreteMarksburyBristolBS39 4NT	Demolition of existing commercial buildings, subdivision of land and erection of three new dwellings with associated access and garden.	COMMDC	24-Aug-17	PERMIT	Application has been submitted by Councillor Tim Warren who is a Member and Leader of Bath and North East Somerset Council.
17/02447/FUL	129 Hurn LaneKeynshamBristolBath And North East SomersetBS31 1SG	Erection of a two storey rear extension and single storey side extension	CHAIR	18-Jul-17	PERMIT	Chair referral delegated decision
17/02314/AR	8 - 9 Market WalkKeynshamBS31 1FS	Display of 1x internally illuminated fascia, 1x internally illuminated hanging sign(fitted inside premises), 1x internally illuminated projecting signs and window graphics	CHAIR	18-Jul-17	CON	Chair referral delegated decision
17/02012/RES	Garage Blocks Between 60 And 100Greenvale DriveTimsburyBathBath And North East Somerset	Approval of reserved matter with regard to outline application 15/02859/OUT for the erection of 2no. three bedroom semi-detached houses with parking spaces following demolition of 8no. single garages (2 blocks of 4).	CHAIR	25-Jul-17	APP	Chair referral delegated decision
17/02709/FUL	10 Moorledge RoadChew MagnaBristolBath And North East SomersetBS40 8TB	Erection of two storey rear extension with single storey elements, and single storey lean-to side extension.	CHAIR	26-Jul-17	RF	Chair referral delegated decision
17/02611/REG03	Bathampton Primary SchoolTyning RoadBathamptonBathBath And North East SomersetBA2 6TQ	Permanent retention of the existing temporary Classroom building	CHAIR	26-Jul-17	PERMIT	Chair referral delegated decision
17/02642/FUL	50 OaklandsPaultonBristolBath And North East SomersetBS39 7RH	Erection of single storey side/rear extension	CHAIR	02-Aug-17	PERMIT	Chair referral delegated decision
17/01983/FUL	ArundelChurch LaneBishop SuttonBristolBath And North East SomersetBS39 5UP	Erection of single storey side and rear extensions, front dormer window and internal reconfiguration works to existing dwelling.	CHAIR	07-Aug-17	PERMIT	Chair referral delegated decision
17/02672/FUL	19 Albany RoadTwertonBathBath And North East SomersetBA2 1BW	Change of use from 2 bedroom dwelling house (use class C3) house in 3 bedroom multiple occupation (use class C4)	CHAIR	07-Aug-17	PERMIT	Chair referral delegated decision
17/02270/VAR	Manor Farm BuildingsChewton RoadChewton KeynshamKeynsham	Variation of condition 14 (plans List) of application 15/05792/FUL (Erection of rural worker's dwelling ancillary to equestrian use and additional stabling)	CHAIR	11-Aug-17	PERMIT	Chair referral delegated decision
17/01620/FUL	2 MayfieldsKeynshamBristolBath And North East SomersetBS31 1BW	Erection of 4 flats adjacent to 2 Mayfields.	CHAIR	14-Aug-17	RF	Chair referral delegated decision

17/03018/FUL	12 Southdown AvenueSouthdownBathBath And North East SomersetBA2 1HY	Change of use from 3 bed dwelling (Use class C3) to 6 bed house of multiple occupation (use class C4). Erection of a single-storey front, side and rear extension including demolition of existing conservatory and creation of 1 off-street parking space.	CHAIR	17-Aug-17	PERMIT	Chair referral delegated decision
17/03046/FUL	16 Uplands DriveSaltfordBristolBath And North East SomersetBS31 3JH	Erection of front & rear extensions ⊤ loft conversion	CHAIR	18-Aug-17	PERMIT	Chair referral delegated decision
17/03310/FUL	MoretHursley HillPublowBristolBath And North East SomersetBS14 0QZ	Erection of 1no. self build dwelling for use as starter home (Resubmission)	CHAIR	30-Aug-17	RF	Chair referral delegated decision
17/02993/FUL	28 High BannerdownBatheastonBathBath And North East SomersetBA1 7JZ	Erection of first floor extension over garage	CHAIR	30-Aug-17	PERMIT	Chair referral delegated decision
17/02480/FUL	Tucking Mill CottageTucking Mill LaneMidfordBathBath And North East SomersetBA2 7DB	Erection of glazed roof veranda to the rear of the cottage and erection of a green house and potting shed building withing the garden.	CHAIR	01-Sep-17	PERMIT	Chair referral delegated decision
17/02861/FUL	10 Rhode CloseKeynshamBristolBath And North East SomersetBS31 1XE	Proposed construction of a two storey side and front extension following demolition of porch.	CHAIR	06-Sep-17	PERMIT	Chair referral delegated decision
17/03797/FUL	42 Roundhill GroveSouthdownBathBath And North East SomersetBA2 1JU	Change of use from Residential (Use class C3) to House of Multiple Occupation (Use class C4).	CHAIR	25-Sep-17	PERMIT	Chair referral delegated decision
17/03746/FUL	2 Manor ParkLower WestonBathBath And North East SomersetBA1 3RH	Erection of a two storey and single storey side and rear extension.	CHAIR	27-Sep-17	PERMIT	Chair referral delegated decision
17/00858/FUL	Fosseway Environment ParkFossewayEnglishcombeBathBath And North East SomersetBA2 8PD	Proposed erection of reception building, provision of car parking and weighbridge and erection of lighting column	CHAIR	27-Sep-17	PERMIT	Chair referral delegated decision
17/03773/FUL	DakachaLower Church RoadPeasedown St. JohnBathBath And North East SomersetBA2 8AH	Erection of new dwelling in garden of Dakacha.	CHAIR	28-Sep-17	RF	Chair referral delegated decision
17/01775/FUL	Stanton Drew Village HallSandy LaneStanton DrewBristolBath And North East SomersetBS39 4EL	Creation of enlarged access with new wall and increased car parking area	COMMDC	24-Aug-17	PERMIT	Chair referral to committee. I have studied the application and all related documents and comments and feel the application should be determined by the DMC as it impact on the Greenbelt is seen as contentious.
17/00378/FUL	Land At Rear Of 69 Haycombe DriveWhiteway RoadWhitewayBath	Erection of 1no 3 bed dwelling with associated driveway and parking	COMMDC	24-Aug-17	PERMIT	Chair referral to committee. I have studied the application carefully including the site history, comments from all consultees and the Ward Cllr request that the application should be determined by the DMC. It is controversial and for this reason recommend the application be determined by the DMC.
17/01411/FUL	10 Stonehouse LaneCombe DownBathBath And North East SomersetBA2 5DW	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.	COMMDC	27-Jul-17	RF	Chair referral to committee. I have studied the application noting there has been some confusion during its initial registration however the report and associated documents now clarify the situation. The design and how it will fit in with the street scene is the area of debate as there are various styles within the road as is evident from the photos in the design and access statement, I therefore recommend this application be determined by the DMC.

17/02383/FUL	2 Ivy VillasIvy AvenueSouthdownBathBath And North East SomersetBA2 1AJ	Change of use from 3 bed dwelling house (use class C3) to a 4 bed house in multiple occupation (use class C4)	COMMDC	27-Jul-17	PERMIT	Chair referral to committee. I have studied the report noting comments from statutory and thrid party consultees including the applicant as well as the Ward Cllr DMC request. The application has been assessed in line with relevant planning policy and passes stage 2 of the Article 4 however it is close to the guide of 25% and obviously controversial from the number of objections received therefore I recommend the application be determined by the DMC so all views can be taken into account.
17/00163/FUL	Stonedge CottageStoneage LaneTunleyBathBath And North East SomersetBA2 8AS	Alterations to raise the wall to the same level as the neighbour's wall, including the existing panel fence (Resubmission)	COMMDC	27-Jul-17	PERMIT	Chair referral to committee. I have studied the report presented to me, note the PC support and the Officer's assessment of the application in line with green belt policy however it is controversial as is evident from the PC reasons for unanimously supporting the proposal, I therefore recommend the application be determined by the DMC.
17/00147/FUL	Land Adjacent To KingswellEckweek LanePeasedown St. JohnBath	Erection of 3 no. detached dwellings and garages on land adjacent to Kingswell	COMMDC	21-Sep-17	PERMIT	Chair referral to committee. I have studied this application and although it has been carefully assessed in line with relevant planning policy I think some controversial issues remain therefore I recommend the application be determined by the DMC.
17/02944/FUL	1 Chapel RowCity CentreBathBath And North East SomersetBA1 1HN	Internal and external alterations for the creation of a new dwelling including change of use from Use Class BA1 Offices to Use Class C3 dwelling.	COMMDC	21-Sep-17	PERMIT	Chair referral to committee. I have studied this application and know both Ward Cllrs have been approached by the residents of No. 2 regarding the impact the development might have on their property. The report has clearly assessed this issue and other relevant planning issued however as there are conflicting views regarding the light assessment I recommend the application be determined by the DMC so all aspects can be debated fully in public.
17/02945/LBA	1 Chapel RowCity CentreBathBath And North East SomersetBA1 1HN	Internal and external alterations for the creation of a new dwelling.	COMMDC	21-Sep-17	CON	Chair referral to committee. I have studied this application and know both Ward Cllrs have been approached by the residents of No. 2 regarding the impact the development might have on their property. The report has clearly assessed this issue and other relevant planning issued however as there are conflicting views regarding the light assessment I recommend the application be determined by the DMC so all aspects can be debated fully in public.

17/01543/LBA	Cedar Park Care Centre27 - 28 Oldfield RoadOldfield ParkBathBath And North East SomersetBA2 3NG	Internal and external alterations to erect 1no. replacement two storey block and 2no. additional two storey extensions to the south and east with retained buildings to be refurbished and augmented following demolition of existing central link building.	COMMDC	27-Sep-17	CON	Chair referral to committee. I have studied this application carefully noting it's history and consultee comments including third party objections. The need for this type of development is understood to meet the increasing ageing population and the proposals could be seen to improve the present site however this is clearly a controversial application. The Officer has assessed the application in relation to relevant planning policy and addressing points raised as is evident in the report presented to me. However I believe this application should be determined by DMC where all the points raised can be debated in the public arena.
17/01542/FUL	Cedar Park Care Centre27 - 28 Oldfield RoadOldfield ParkBathBath And North East SomersetBA2 3NG	Erection of replacement two storey block and additional two storey extensions to the south and east with retained buildings to be refurbished and augmented following demolition of existing central link building.	COMMDC	27-Sep-17	PERMIT	Chair referral to committee. I have studied this application carefully noting it's history and consultee comments including third party objections. The need for this type of development is understood to meet the increasing ageing population and the proposals could be seen to improve the present site however this is clearly a controversial application. The Officer has assessed the application in relation to relevant planning policy and addressing points raised as is evident in the report presented to me. However I believe this application should be determined by DMC where all the points raised can be debated in the public arena.
17/02238/FUL	Parcel 8932Greenhouse LaneNempnett ThrubwellBristol	Erection of an agricultural building	COMMDC	21-Sep-17	PERMIT	Chair referral to committee. I have studied this application carefully noting PC objection & consultee comments which include detailed comments regarding impact on the Greenbelt from Landscape & Trees. The application is clearly controversial & therefore I recommend the application be determined by the DMC.

16/06140/FUL	30 Flatwoods RoadClaverton DownBathBath And North East SomersetBA2 7AQ	Erection of 2 no. dwellings, internal access drive and landscaping at rear of existing dwelling.	COMMDC	27-Jul-17	PERMIT	Chair referral to committee. I have studied this application carefully noting the changes as it has progressed however it remains controversial as is evident by the comments received. The Officer has assessed the application in relation to planning policy but concerns remain regarding the impact the development would have on the character of the area I therefore recommend the application be determined by the DMC.
17/00847/RES	Land At Rear Of 161 To 171Englishcombe LaneSouthdownBath	Approval of reserved matters in relation to outline application 16/01018/OUT (Erection of a maximum of 8no. dwellings at Land to Rear of 161-171 Englishcombe Lane) regarding scale, layout, appearance and landscaping of the site.	COMMDC	03-Jul-17	RF	Chair referral to committee. I have studied this application, noting Ward Cllrs DMC request, third party objections and statutory consultees responses which are supportive with some suggested conditions. The Officer has assessed the points raised and the application as a whole in line with planning policy, I am aware changes have been made as it has progressed however I feel it should be determined by DMC so all issues can be debated in the public arena.
16/04289/EFUL	Ministry Of DefenceWarminster RoadBathwickBathBath And North East SomersetBA2 6SF	Erection of 6 no. apartment blocks to provide 87 no. new dwellings (Partial revision of application 14/02272/EFUL).	COMMDC	09-Aug-17	PERMIT	Chair referral to committee. This application remains controversial with residents and Ward Cllr and although there is no objection from some consultees others object quite strongly. The report has looked at these in relation to policy however I recommend the decision is determined by DMC who initially dealt with this site and it will allow debate on the concerns raised in a public arena.
17/01436/FUL	Manor HouseBattle LaneChew MagnaBristolBS40 8PT	Erection of new security fence on western boundary	COMMDC	12-Jul-17	PERMIT	Chair referral to committee. I have studied the application & all comments carefully, I note the Officer's assessment of the application particularly with reference to Greenbelt Policy but I feel the points raised from consulted including those in the Conservation Officer's report should be debated & I therefore recommend the application be determined by the DMC.
17/01466/FUL	Waterloo Road Open SpaceWaterloo RoadRadstockBath And North East Somerset	Development of a new Healthy Living Centre to provide new health centre and ancillary pharmacy, community kitchen, children's centre and library	COMMDC	21-Sep-17	PDE	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.

17/00329/FUL	Upper Lawn QuarrySt Winifred's DriveCombe DownBathBath And North East SomersetBA2 7HR	Change of use of an area of paddock land for use as allotments	COMMDC	24-Aug-17	PDE	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.

Bath & North East Somerset Council

MEETING:	**Development Control Committee**	AGENDA ITEM NUMBER
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: 17/02050/FUL
Location: Sunnycroft Wells Road Westfield BA3 3XU
Proposal: Erection of 5' 6" fence at front of property.
Decision: REFUSE
Decision Date: 27 July 2017
Decision Level: Delegated
Appeal Lodged: 9 October 2017

App. Ref: 17/01544/FUL
Location: 32 Broadmoor Lane Upper Weston Bath Bath And North East Somerset BA1 4JY
Proposal: Creation of a driveway and access.
Decision: REFUSE
Decision Date: 15 May 2017
Decision Level: Delegated
Appeal Lodged: 10 October 2017

App. Ref: 17/01539/FUL
Location: 42 Gainsborough Road Keynsham Bristol Bath And North East Somerset BS31 1LS
Proposal: Erection of 2 self-contained flats adjacent to 42/44 Gainsborough Road (Re-submission).
Decision: REFUSE
Decision Date: 16 June 2017
Decision Level: Delegated
Appeal Lodged: 12 October 2017

App. Ref: 17/01736/FUL
Location: 7 Red Lion Lane Odd Down Bath BA2 2FN
Proposal: Change of use from use class C3 (Residential) to use class C4 (House of multiple occupation) (Retrospective).
Decision: REFUSE
Decision Date: 21 June 2017
Decision Level: Delegated
Appeal Lodged: 12 October 2017

App. Ref: 15/00661/UNDEV
Location: Parcel 7259, Hayeswood Road, Timsbury, Bath.
Proposal: Without planning permission the erection of a building.
Notice Date: 08 July 2017
Appeal Lodged: 12 October 2017

App. Ref: 17/02924/TPO
Location: St Mary's Roman Catholic Church Julian Road Lansdown Bath Bath And North East Somerset
Proposal: T1 Horse Chestnut- Reduce the upper canopy to sound wood, perhaps as much as 2m below the existing pollard points. Rebalance the retained canopy as feasible.
Decision: REFUSE
Decision Date: 14 August 2017
Decision Level: Non-Planning applications
Appeal Lodged: 13 October 2017

App. Ref: 16/02520/FUL
Location: 27 Rockliffe Avenue Bathwick Bath Bath And North East Somerset BA2 6QP
Proposal: Erection of 4 storey, 5no bedroom dwelling following demolition of existing property
Decision: REFUSE
Decision Date: 3 February 2017
Decision Level: Delegated
Appeal Lodged: 27 October 2017

App. Ref: 16/05504/OUT
Location: 34 - 35 Lower Bristol Road Westmoreland Bath Bath And North East Somerset BA2 3AZ
Proposal: 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 following demolition of existing building
Decision: REFUSE
Decision Date: 4 May 2017
Decision Level: Planning Committee
Appeal Lodged: 27 October 2017

App. Ref: 17/02708/FUL
Location: 16 May Tree Road Westfield BA3 3TU
Proposal: Erection of two storey attached dwelling following demolition of existing garage.
Decision: REFUSE
Decision Date: 3 August 2017
Decision Level: Delegated
Appeal Lodged: 27 October 2017

APPEALS DECIDED

App. Ref: 17/00669/FUL
Location: Land South Of 42 Greenlands Road Peasedown St. John Bath
Proposal: Erection of detached dwelling.
Decision: REFUSE
Decision Date: 12 April 2017
Decision Level: Delegated
Appeal Lodged: 5 June 2017
Appeal Decision: Appeal Dismissed
Decided Date: 09 October 2017

App. Ref: 16/05601/FUL
Location: 1 Fairview New Road High Littleton Bristol Bath And North East Somerset
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
Appeal Decision: Appeal Dismissed
Decided Date: 11 October 2017

App. Ref: 16/05772/FUL
Location: 40 Bloomfield Park Bloomfield Bath Bath And North East Somerset BA2 2BX
Proposal: Erection of eight apartments with associated parking and landscaping following demolition of existing detached house and garage (Resubmission)
Decision: REFUSE
Decision Date: 4 May 2017
Decision Level: Planning Committee
Appeal Lodged: 29 June 2017
Appeal Decision: Appeal Dismissed
Decided Date: **20** October 2017

App. Ref: 17/01312/FUL
Location: 58 Hillcrest Drive Southdown Bath Bath And North East Somerset BA2 1HE
Proposal: Loft conversion and erection of a rear dormer.
Decision: REFUSE
Decision Date: 4 May 2017
Decision Level: Delegated
Appeal Lodged: 25 September 2017
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 24 October 2017

For copies of decisions please e-mail planning_appeals@bathnes.co.uk or view online.

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