

# Development Management Committee

**Date: Wednesday, 17th January, 2018**

**Time: 2.00 pm**

**Venue: Brunswick Room - Guildhall, Bath**

## **Agenda**

To: All Members of the Development Management Committee

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

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

Chief Executive and other appropriate officers  
Press and Public

The agenda is set out overleaf.



**Marie Todd**

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## NOTES:

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

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

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

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

### 3. **Recording at Meetings:-**

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

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

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

The Council will broadcast the images and sound live via the internet [www.bathnes.gov.uk/webcast](http://www.bathnes.gov.uk/webcast) The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

### 4. **Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two 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**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

### 6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

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

**Development Management Committee- Wednesday, 17th January, 2018**

**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 - 20)

To confirm the minutes of the meeting held on 13 December 2017.

9. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 21 - 84)

10. BATH AND NORTH EAST SOMERSET COUNCIL (WOODLAND ADJACENT TO EASTWELL, UPPER LANSDOWN MEWS, LANSDOWN, BATH NO. 313) TREE PRESERVATION ORDER 2017 (Pages 85 - 96)

The Development Management Committee is asked to confirm the Tree Preservation Order without modification.

11. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 97 - 100)

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>

## **DEVELOPMENT MANAGEMENT COMMITTEE**

### **Minutes of the Meeting held**

Wednesday, 13th December, 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 David Veale

#### **79 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

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

A Vice Chairman was not required on this occasion.

#### **81 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from:

Cllr Rob Appleyard

Cllr Les Kew – substitute Cllr Patrick Anketell-Jones

#### **82 DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

There was no urgent business.

#### **84 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.

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

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

#### **86 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 15 November 2017 were confirmed and signed as a correct record subject to the following amendment:

Page 3 – Item No. 1 – paragraph 4 – the final sentence be amended to read “He then moved that permission be refused but there was no seconder.”

87 **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.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 1* 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 2* to these minutes.

**Item No. 1**

**Application No. 17/03341/FUL**

**Site Location: St John's Ambulance Hall, North Road, Timsbury, Bath –  
Conversion of former hall to two dwellings**

The Case Officer reported on the application and her recommendation to permit. She updated the Committee on further comments received from the highways officer who had concluded that the application was policy compliant.

A statement from Timsbury Parish Council was read out.

The registered speaker spoke in favour of the application.

The Case Officer explained that the plans on the presentation were not the most recent version. Paper copies of the revised plans were circulated to members prior to any debate on the application. Members confirmed that they were clear on the changes and the plans that they were being asked to consider.

The Case Officer then responded to questions as follows:

- The Somer Valley Transport Strategy was currently undergoing consultation so was of limited weight to the decision.
- The site was considered to be sustainable for the provision of two dwellings. (The Team Manager, Development Management, added that whether a site is sustainable or not relates to a wider range of factors than bus service provision).
- Although the planning application had no parking provision associated with it there was unrestricted on street parking available. The parking standards required for the current use is 4-8 spaces which is higher than for the proposed use.
- The windows above the current lean-to part of the building would be reinstated.

Councillor Organ stated that the building should be restored and brought back into

use. He moved the officer recommendation to permit the application. Councillor Crossley seconded the motion.

Councillor Jackson spoke against the motion, in particular, noting the objections of the Parish Council. She felt that the proposal represented overdevelopment of the site.

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

#### **Item No. 2**

**Application No. 17/04236/FUL**

**Site Location: 30 Woodcroft, Bishop Sutton, BS39 5XN – Erection of first floor side extension to form bedroom with en-suite**

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

The registered speaker spoke in favour of the application.

The Case Officer then answered questions relating to the street scene and location of neighbouring properties. The Team Manager, Development Management, explained that, although the property was adjacent to the greenbelt, officers did not consider that the proposed development would harm the openness. The application was not being recommended for refusal on that basis but it was considered to be overdevelopment due to its size.

Cllr Crossley felt that the extension was bold and would improve the street scene by adding character. He moved that the application be permitted as it did not represent overdevelopment and would enhance the street scene. Cllr Matthew Davies seconded the motion stating that he felt this plot was large enough to accommodate the extension.

Cllr Organ noted that the houses opposite the site were some distance away and that the property was not within a greenbelt or AONB location.

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

#### **Item No. 3**

**Application No. 17/04541/FUL**

**Site Location: 104 High Street, Bathford, Bath, BA1 7TH – Erection of single and double storey rear extension**

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

**Application No. 17/04542/LBA**

**Site Location: 104 High Street, Bathford, Bath, BA1 7TH – Internal and external alterations for the erection of single and double storey rear extension**

The Case Officer reported on the applications and her recommendation to refuse. She clarified that the roof consisted of slate and not clay tiles as stated in the report.

The registered speaker spoke in favour of the applications.

In response to a question the Case Officer confirmed that the main concern was the loss of some of the historic fabric of the building such as the removal of two casement windows. She confirmed that the extension would consist of Bath stone. There was no mention of any eco-improvements to the building.

Cllr Crossley felt that this was an imaginative attempt to improve the property and to make additional space. He moved that permission be granted but asked that some further dialogue take place between the applicant and Case Officer to resolve specific features. He did not feel that the historic fabric of the building would be damaged.

Cllr Organ seconded the motion stating that the street scene would be unaffected and no major harm would be caused to the property.

Cllr Jackson suggested that the motion should be to “delegate to permit” the application to enable the Case Officer to further discuss and negotiate any outstanding details. This suggestion was agreed by Cllrs Crossley and Organ as mover and seconder of the original motion. Cllr Jackson also expressed some concern regarding permitted development rights on this property.

Cllr Anketell-Jones noted that the front elevation to the property would not be affected by this development and he therefore felt that there would be no harm to the character of the property.

The motion was put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT planning permission and to DELEGATE TO GRANT listed building consent subject to conditions to enable further discussions and negotiation to take place between the Case Officer and the applicant to secure some of the special features of the building.

**88 TREE PRESERVATION ORDER: BATH AND NORTH EAST SOMERSET COUNCIL (ROSEMERE, HOMEFIELD ROAD, SALTFORD NO.10) TREE PRESERVATION ORDER 2017**

The Case Officer reported on the objection that had been received from the owner of the neighbouring property (Hillcrest) following the making of the Tree Preservation Order.

The objections had been raised for reasons of blocking light, increase in insurance premiums and blocking the view.

Cllr Jackson stated that the tree was magnificent and noted that an application could be made to carry out pruning if the need arose. She then moved the officer recommendation as set out in the report. This was seconded by Cllr Crossley.

The motion was then put to the vote and it was RESOLVED unanimously to CONFIRM the Tree Preservation Order with a minor modification to the title of the Order to Bath and North East Somerset Council (Rosemere, Homefield Road, Saltford No. 11).



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

The Committee considered the appeals report. The Team Manager, Development Management, agreed to inform Cllr Crossley of the amount of costs awarded against the Council.

RESOLVED to NOTE the report.

Cllr Jackson thanked the officers for all their hard work throughout the year and this was endorsed by all members of the Committee.

The meeting ended at 3.10 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES WISHING TO MAKE A  
STATEMENT AT THE MEETING OF THE DEVELOPMENT MANAGEMENT  
COMMITTEE ON WEDNESDAY 13 DECEMBER 2017**

MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	St John's Ambulance Hall, North Road, Timsbury	Edward Drew (Agent)	For
2	30 Woodcroft, Bishop Sutton	James Cain (Planning Consultant)	For
3 & 4	104 High Street, Bathford, Bath	Carl Costanza (Applicant)	For (6 mins)

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

**13th December 2017**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	17/03341/FUL	
<b>Site Location:</b>	St John's Ambulance Hall, North Road, Timsbury, Bath	
<b>Ward:</b> Timsbury	<b>Parish:</b> Timsbury	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Conversion of former hall to 2 no. dwellings	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr Christopher Williams	
<b>Expiry Date:</b>	20th December 2017	
<b>Case Officer:</b>	Samantha Mason	

**DECISION PERMIT**

**1 Standard Time Limit (Compliance)**

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

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

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

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

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

**3 Contaminated Land - Unexpected Contamination (Compliance)**

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, work must be ceased and 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.

#### **4 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.

#### **5 Broadband (Pre-occupation)**

Prior to first occupation, all of the dwellings 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 Bath and North East Somerset Placemaking Plan. Alternative solutions may include for example mobile broadband infrastructure or Wi-Fi infrastructure.

#### **6 Materials (Compliance)**

All work to form new openings or make good of existing openings shall be finished in natural stone to match the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

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

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

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan.

### **8 Plans List (Compliance)**

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

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

### **PLANS LIST:**

This decision relates to the following plans:

SITE LOCATION PLAN - received 12/07/2017  
EXISTING GROUND FLOOR PLAN - received 12/07/2017  
EXISTING FIRST FLOOR PLAN - received 28/09/2017  
EXISTING ELEVATIONS - received 28/09/2017  
PROPOSED GROUND FLOOR PLAN - received 28/09/2017  
PROPOSED FIRST FLOOR PLAN - received 28/09/2017  
PROPOSED ELEVATIONS - received 28/09/2017

### **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](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

**ADVICE NOTE: Desk Study and Walkover Survey**

Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. The developer is therefore responsible for determining whether land is suitable for a particular development.

It is advised that a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. A Phase I investigation should provide a preliminary qualitative assessment of risk by interpreting information on a site's history considering the likelihood of pollutant linkages being present. The Phase I investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties. Should the Phase 1 investigation identify potential pollutant linkages then further investigation and assessment will be required.

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

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

<b>Item No:</b>	02		
<b>Application No:</b>	17/04236/FUL		
<b>Site Location:</b>	30 Woodcroft, Bishop Sutton, Bristol, Bath And North East Somerset		
<b>Ward:</b> Chew Valley South	<b>Parish:</b> Stowey Sutton	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of first floor side extension to form bedroom with en-suite		
<b>Constraints:</b>	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,		
<b>Applicant:</b>	Mr K N Scammell		
<b>Expiry Date:</b>	30th October 2017		
<b>Case Officer:</b>	Hayden Foster		

**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 and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: In the interests of the appearance of the development and the surrounding 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 Ancillary Use (Compliance)**

The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 30 Woodcroft and shall not be occupied as an independent dwelling unit.

Reason: The accommodation hereby approved is not capable of independent occupation without adverse impact on the amenities of existing or future residential occupiers contrary to Policy D6 of the Bath and North East Somerset Placemaking Plan.

### **4 Plans List (Compliance)**

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

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

### **PLANS LIST:**

This decision relates to the following plans received 4th September 2017:

Drawing Number: 1725/02- Existing and Proposed Ground Floor Plan  
Drawing Number: 1725/03- Existing and Proposed First Floor Plan  
Drawing Number: 1725/04- Existing and Proposed Roof Plan  
Drawing Number: 1725/05- North and East Elevations  
Drawing Number: 1725/06- West and South Elevations  
Drawing Number: 1725/07- Proposed Ground Floor Plan  
Drawing Number: 1725/08- Proposed First Floor Plan  
Drawing Number: 1725/09- Proposed Front and Rear Perspectives

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning

Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

<b>Item No:</b>	03	
<b>Application No:</b>	17/04541/FUL	
<b>Site Location:</b>	104 High Street, Bathford, Bath, Bath And North East Somerset	
<b>Ward:</b> Bathavon North	<b>Parish:</b> Bathford	<b>LB Grade:</b> II
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of single and double storey rear extension.	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Listed Building, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
<b>Applicant:</b>	Mr And Mrs Costanza	
<b>Expiry Date:</b>	1st December 2017	
<b>Case Officer:</b>	Caroline Power	

**DECISION** Delegate to PERMIT

#### **PLANS LIST:**

Drawing 20 Sep 2017 DWG/01 SITE PLAN AND LOCATION PLAN  
Drawing 20 Sep 2017 DWG/02 FLOOR PLANS AS EXISTING  
Drawing 20 Sep 2017 DWG/03 ELEVATIONS AS EXISTING  
Drawing 21 Sep 2017 SIDE ELEVATIONS  
Revised Drawing 30 Nov 2017 AMENDMENTS  
Revised Drawing 30 Nov 2017 AMENDMENTS

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

<b>Item No:</b>	04
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<b>Application No:</b>	17/04542/LBA
<b>Site Location:</b>	104 High Street, Bathford, Bath, Bath And North East Somerset
<b>Ward:</b>	Bathavon North
<b>Parish:</b>	Bathford
<b>LB Grade:</b>	II
<b>Application Type:</b>	Listed Building Consent (Alts/exts)
<b>Proposal:</b>	Internal and external alterations for the erection of single and double storey rear extension.
<b>Constraints:</b>	Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Listed Building, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
<b>Applicant:</b>	Mr And Mrs Costanza
<b>Expiry Date:</b>	1st December 2017
<b>Case Officer:</b>	Caroline Power

**DECISION** Delegate to CONSENT

#### **PLANS LIST:**

Drawing	20 Sep 2017	DWG/01	SITE PLAN AND LOCATION PLAN
Drawing	20 Sep 2017	DWG/02	FLOOR PLANS AS EXISTING
Drawing	20 Sep 2017	DWG/03	ELEVATIONS AS EXISTING
Drawing	21 Sep 2017		SIDE ELEVATIONS
Revised Drawing	30 Nov 2017		AMENDMENTS
Revised Drawing	30 Nov 2017		AMENDMENTS

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.

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Bath & North East Somerset Council		
MEETING:	Development Management Committee	AGENDA ITEM NUMBER
MEETING DATE:	17th January 2018	
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.

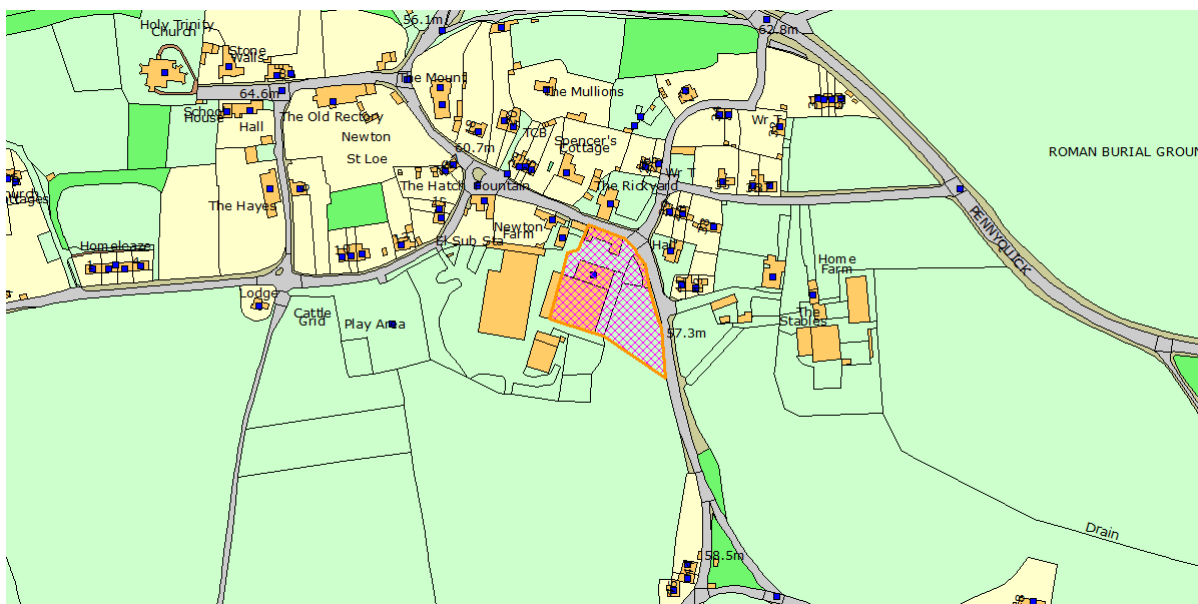
## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	17/04208/FUL 19 January 2018	Newton Farm Foods Farm Shop And Cafe, Newton Farm, Village Road, Newton St. Loe, Bath Extension to existing farm shop/cafe with new entrance, office and additional seating.	Bathavon West	Alice Barnes	PERMIT
02	17/05854/LBA 25 January 2018	Mr Hugh Gay Farm Shop And Cafe, Newton Farm, Village Road, Newton St. Loe, Bath Internal and external alterations for the extension to existing farm shop/cafe with new entrance, office and additional seating within the curtilage of a listed building.	Bathavon West	Alice Barnes	CONSENT
03	17/04512/RES 23 November 2017	Mr Mark Edwards Unregistered Farm Shop And Cafe, Castle Farm, Midford Road, Midford, Bath Approval of all reserved matters with regard to outline application 15/03325/OUT for the erection of an agricultural workers dwelling.	Bathavon South	Alice Barnes	PERMIT
04	17/04614/FUL 18 January 2018	Mrs Samantha O'Nians Middle Road Farm, Middle Road, Hinton Blewett, Bristol, Bath And North East Somerset Erection of a 4no. bed dwelling house	Mendip	Chloe Buckingham	REFUSE
05	17/05022/FUL 18 January 2018	Mr & Mrs Camm 10 Woodborough Hill Cottages, Woodborough Hill, Peasedown St. John, Bath, Bath And North East Somerset Erection of a two storey side extension (Resubmission)	Peasedown St John	Chloe Buckingham	REFUSE

06	17/04969/FUL 18 January 2018	Mr Hugh Norton Manor Farm, Caple Lane, Chew Stoke, Bristol, Bath And North East Somerset Change of use of agricultural land to domestic following the provision of a replacement hedge (retrospective) and the creation of a pond for natural water swimming. (Resubmission)	Chew Valley North	Chloe Buckingham	REFUSE
07	17/04882/FUL 19 January 2018	West Hill Land And Property Ltd Graden Farm Cottage, Wycotte Hill, Combe Hay, Bath, Bath And North East Somerset Demolition of existing cottage and erection of a replacement dwelling. (Resubmission)	Bathavon West	Rae Mephram	REFUSE
08	17/05333/FUL 27 December 2017	Mr Alan Brook 2 Princes Street, City Centre, Bath, Bath And North East Somerset, BA1 1HL Change of use from office (B1) to residential (C3)	Kingsmead	Hayden Foster	PERMIT

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

**Item No:** 01  
**Application No:** 17/04208/FUL  
**Site Location:** Farm Shop And Cafe Newton Farm Village Road Newton St. Loe  
Bath



**Ward:** Bathavon West      **Parish:** Newton St. Loe      **LB Grade:** N/A  
**Ward Members:** Councillor David Veale  
**Application Type:** Full Application

<b>Proposal:</b>	Extension to existing farm shop/cafe with new entrance, office and additional seating.
<b>Constraints:</b>	Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Newton Farm Foods
<b>Expiry Date:</b>	19th January 2018
<b>Case Officer:</b>	Alice Barnes

## REPORT

Reason for reporting the application to committee

The parish council have objected to the application contrary to the case officer recommendation to permit.

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

Description of site and application

Newton Farm shop is located to the south of Newton St Loe village. The site is located outside of the Housing Development Boundary and within the Green Belt. The existing building was originally constructed as a farm building but has been converted to a farm shop and café. The café sits to the rear of the building and the associated parking area is sited to the east of the building. There is an outdoor seating area to the rear of the building.

This is an application for the provision of a rear extension to the existing café at the rear of the site. The proposed extension will enlarge the existing café providing seating for a further 36 covers. The proposed extension includes a flat roof and will utilise existing openings in the rear wall. The building is located within the curtilage of the nearby Newton Farm and therefore is considered to be curtilage listed. Listed building consent is being considered under application 17/05854/LBA.

Relevant History

13/01647/LBA - Internal and external alterations for the retention of, and extension to farmshop and cafe incorporating rest of existing barn, consent, 26th June 2016

13/03170/FUL - Retention of, and extension to farmshop and cafe incorporating rest of existing barn, permission, 16th June 2013

DC - 17/05854/LBA - PCO - - Internal and external alterations for the extension to existing farm shop/cafe with new entrance, office and additional seating within the curtilage of a listed building.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways:



The site is accessed via an internal one-way system where vehicles enter the site to the north-east corner and depart via the access at the south-east corner. This arrangement was approved under ref. 13/03170/FUL. While the use may intensify, it has been acknowledged that the nature and geometry of the adjacent public highway results in low driver speeds where a speed limit of 20 mph applies. Thus Highways DC are satisfied with the current access/egress arrangement.

It is noted that permission was granted to extend the farm shop and provide a café under ref. 13/03170/FUL. Although the application was permitted, Highways DC raised an objection on the grounds of intensification of traffic in the locality where the highway network is substandard. However, as the retail use had been operating for a sometime and there were no records of collisions in the vicinity, the application was considered acceptable on highway safety grounds.

It is noted that the application included the provision of 20 no. formal car parking spaces within the main carpark (as shown on drawing no. NSL.SBP.009) plus an additional 10 informal spaces. It is also noted that condition 5 of the approved application stated that 'The parking area identified on the submitted plans shall be provided with appropriate bay markings prior to the occupation of the cafe area and first floor accommodation hereby permitted and shall retained in perpetuity for parking associated with the retail/cafe use hereby permitted'. However, it has been specified in the TS that these spaces are not formally marked. It is therefore recommended that the 31 no. spaces proposed within the main car park be formally marked with each spaces being 2.4m x 4.8m in dimension in accordance with Manual for Streets.

Regarding the parking requirements, the recently adopted Placemaking Plan specifies that each case will be assessed on merit for A3 developments located outside Bath. In this instance, Highways DC recommends that additional parking be provided within the confines of the site. It has been specified in the TS that vehicles frequently park within the overflow area, which can accommodate up to 19 no. vehicles based on site observations, thus implying that the main car park reaches its capacity on a regular basis.

It has been observed that the access road and overflow parking have not been included within the site boundary on drawing no. SL-P17011-PR02. It has been specified that this is a shared access (with Duchy) and thus the applicant will be required to demonstrate a right to use the area adjacent to this access for parking. A revised layout plan will therefore be required prior to approval. In order to manage parking and circulation within the site, it is recommended that these spaces be also formally marked should the applicant obtain permission to do so.

Ecology: A protected species and bat survey specific to the current proposal has been submitted, and includes assessment of the bat mitigation for the previously approved scheme which comprised retention in situ of a lesser horseshoe bat roost.

The report confirms the roost is still in place and continues to be used as before by lesser horseshoe bats, which is very welcome news. The report also confirms that, subject to sensitive lighting design (avoiding any new lighting of the area around the roost entrance), the current proposal should not harm the known bat roost and an EPS licence will not be required.

Newton St Loe Parish Council: Object.

The extension will result in an increase in car traffic in the narrow roads of the village

The extension will result in an increase in on-street parking in roads already suffering at many times from excessive on-street parking

Both the increase in traffic and the increase in parking will result in the roads in the village being less safe for pedestrians (there are very few pavements in the village)

The extended opening hours, especially on Friday and Saturday, will result in a significant increase in noise pollution and late night traffic, especially when cars are leaving the premises on Friday and Saturday evenings

The extended opening hours are likely to result in an increase in light pollution (there is no street lighting in the village)

The extended opening hours may lead to an increase in anti-social behaviour in the village.

The Parish Council is concerned about the effect of the extension on the Green Belt

The Parish Council is concerned about the effect of the extension on the visual appearance of a listed building.

Representations:

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

The business will be able to provide a better service to their customers.

There is a queue in the winter.

The shop offers local employment

This will allow for extra seating when the weather is poor

The café serves meat from the farm.

This is an important local business

The design is sympathetic to the local area.

Local farmers can diversify

The café can be used in winter and summer

The shop is a supporter of local suppliers and businesses

The seating will cater for people at weekends and busy periods

Indoor seating will deal with local demand

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

The provision of one off events will lead to an increase in traffic to the village.

Students have started parking in the village.

The traffic report states that visitors use public transport but this has included Bath Spa University. The Bus to Bath Spa University does not go near the farm shop.

The nearest bus stop does not have pavement access.

There will be a significant increase in traffic to the village.

Uncontrolled parking presents a hazard within the village.

The village is small with narrow roads.

Delivery vehicles have increased.

Visitors to the shop will park in the residents places and residents cannot park

The current parking area will become overwhelmed by the proposed development leading to customers parking in the village.

The junction between Pennyquick and the village is not safe.

The proposed opening hours are excessive  
 This will result in a change of use of agricultural land.  
 This is inappropriate development in the green belt and harmful to the openness of the Green Belt.  
 This is unsustainable development increasing reliance on the private car.  
 There are no pavements on the approach to the site and no street lighting  
 The original permission did not represent farm diversification  
 Outside seating has been added since the café opened.  
 The majority of visitors are from outside the village and arrive by car.  
 If the extension is built the outdoor seating area will still operate.  
 Cars have been removed to allow lorries through the village.  
 Pedestrian space has been diminished by on street parking.  
 The farm shop access is on a blind bend.  
 The applicant has stated there will be no increase in parking but the car park is already at capacity  
 The previous applicant required the provision of bay markings but this has not been provided.  
 Business growth in the village has already doubled.  
 There have been evening events beyond the permitted opening hours. This results in unwanted noise within the village.  
 There is light pollution from evening events.  
 The café may be used for a wake as it is close to Haycombe cemetery  
 The application form states there will be four new staff but the design and access statement states six new staff.  
 The overflow car park is not within the farm shop footprint  
 The application states that the café could be used for community events but there is already a village hall.  
 The red line includes part of an agricultural barn  
 The site has a near permanent marquee over the outdoor seating area.  
 Landscaping should be added to the proposal

## **POLICIES/LEGISLATION**

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

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

Core Strategy:

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

CP6 - Environmental Quality

## CP8 - Green Belt

### 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
- HE.1 - Historic Environment
- NE2 - Conserving and Enhancing the Landscape and Landscape Character
- NE3 - Sites, species and habitats
- CR4 - Dispersed local shops
- GB1 - Visual amenities within the green belt
- GB2 - Development in Green Belt villages
- GB3 - Extensions and alteration to buildings in the green belt
- RE3 - Farm diversification

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**

This is an application for the provision of a rear extension to the existing café at the rear of the site. The existing farmshop is located on the southern side of the village but can be said to occupy a central position within the village. The building comprises a single storey building with a shop to the front and café to the rear. The site also includes a car park and outdoor seating area.

### Planning History

In 2013 permission was granted for the provision of a farm shop and café. The car park provided 20 spaces. Condition 9 required the permission to operate in accordance with the submitted plans but the café has implemented an outdoor seating area outside of the red line.

When permission was granted for the shop and café the business was considered to go beyond what could be considered to be farm diversification and was considered as a dispersed local shop.

An agricultural building to the rear of the café was demolished but this was sited outside of the red line. This area now provides the outdoor seating area but did not form part of the original application.

The main issues to be considered here are:  
Principle of development in the Green Belt  
Impact on the openness of the Green Belt  
Design  
Highways  
Amenity  
Ecology

#### Principle of development in the Green Belt

The proposed extension will extend to the rear of the property into land to the rear of the site where the land is currently used as an outdoor seating area. This land was outside of the red line of the original café permission so is regarded as being within agricultural use. Therefore to extend into this area could be considered to be a change of use of the land. Paragraph 90 of the NPPF outlines forms of development which are not inappropriate development in the Green Belt. The change of use of land within the Green Belt is not included within the list in paragraph 90 and therefore the change of use of the land is considered to be inappropriate development in the Green Belt.

The original permission for the farm shop and café were not considered to be farm diversification as the proportion of farm products sold in the shop were not considered to be ancillary to the farm use. Since permission was granted the applicant has increased the amount of farm products sold in the shop and café.

Policy RE.3 outlines the councils policy on farm diversification. The policy states as follows;

Proposals for farm diversification involving the use of agricultural land or buildings will be permitted providing:

- i) they are consistent with Policy RE5 (protection of high grade agricultural land)
- ii) they complement the agricultural function of the holding
- iii) they do not compromise the agricultural function of the holding or lead to the fragmentation or severance of a farm holding
- iv) the activity will not lead to an unacceptable impact on the viability of nearby town or village centres
- v) in the case of a farm shop, the operation would not prejudice the availability of accessible convenience shopping to the local community
- vi) they do not compromise key ecological function or key habitat integrity
- vii) existing buildings are re-used in accordance with Policy RE6

In this case the proposed development must complement the existing agricultural function. The existing shop includes a butchery selling meat from the farm and the café includes food which uses produce from the farm. The applicant has advised the 50% of sales now relate to produce from the farm.

With half the produce coming from the farm this is considered to demonstrate that the existing café and shop are currently operating as part of the farm. It is further acknowledged that the original permission was granted to the applicant as a personal

permission and therefore should the applicant vacate the site then permission will cease to exist.

Therefore in this case the proposed café extension is regarded as being part of the overall farm business and to extend the café outside of the original red line into land classed as agricultural would not constitute a change of use of the land and therefore is not in conflict with paragraph 90 of the NPPF.

#### Impact on the openness of the Green Belt

Paragraph 89 of the NPPF states that the construction of new buildings within the Green Belt is considered to be inappropriate development. Exceptions to this can include the limited extension to a building. This is reflected in policy GB.3 of the placemaking plan which states that extensions will only be permitted where they would not represent a disproportionate addition to the host building.

In this case the proposed extension will increase the volume of the building by 30% of its original volume. An increase of volume of this size is considered to be a limited extension to the building and is not considered to be a disproportionate increase to the host building.

However the impact of the development cannot be considered on the volume increase alone. The proposed extension is a lower height than the host building and appears subservient. It will not appear to be visually prominent within the wider landscape.

The proposed extension will result in an increased in indoor covers from 45 to 81. Subsequently the number of parking spaces will be increased allowing for a total of fifty parking spaces. The applicant has submitted a revised drawing which contains the parking area within the existing hard standing. Car parking will not spread outside the confines of the existing site into the open countryside.

Policy GB.1 of the placemaking plan states that

Development within or conspicuous from the Green Belt should not prejudice but seek to enhance the visual amenities of the Green Belt by reason of its siting, design or materials used for its construction.

Whilst the proposed development will likely increase the level of activity at the site, it will be contained within the existing built up area and will not encroach into the open countryside. The development will be viewed as part of the existing buildings and therefore is not considered to be harmful to the openness of the surrounding Green Belt.

Paragraph 80 of the NPPF outlines the five purposes of including land within the Green Belt which are as follows;

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

As stated above the proposed development will be contained within the curtilage of the site and will not encroach into the open countryside. The development is not considered to result in harm to the openness of the surrounding green belt and is not considered to conflict with the five purposes of including land within the green belt listed above.

## Design

The building which is subject of this application is within the curtilage of the Grade II listed building of Newton Farm and therefore is also protected by this listing. The design of the scheme has been reduced following initial concerns within the corresponding planning application.

The proposed extension has been designed to reflect the character of the existing building. It will include a pitched roof with a gable end. The proposed extension would be located within the rear courtyard adjacent to a number of farm buildings and will respect the appearance of the host building. The building has been set at a lower level to the host building so appears subservient to the host building.

The proposed extension will be timber clad. Whilst the existing building has been constructed from stone the provision of timber cladding will be on the rear elevation and will not appear as the dominant material on the host building. The use of timber and metal sheeting for the roof is acceptable and would be in keeping with the character of this rural area.

The main extension has been separated from the historic barn by a flat sedum roof link. The use of a sedum roof is supported; however, it is recommended that a maintenance schedule be submitted. The applicants have indicated a box profile roofing sheet for the pitched roof. Whilst a metal sheet roofing material is not objected to; concern is raised over the provision of a box profile. A corrugated profile should be used instead which is a more traditional roof finish for barns. However this detail could be agreed with by condition through the submission of material samples.

The existing building is located close to Newton Farm House which is Grade II listed. The proposed building will be viewed as part of the existing barn within the rear courtyard. It will not be viewed within the context of the Grade II listed building and will not impact on the setting of the Grade II listed building.

The proposed extension will utilise the existing openings within the building so will not damage the rear wall of the existing building. There are no proposals to alter the planform of the barn.

The extension will be a prominent addition; however, given the sensitive design of the proposal, the proposal will not cause harm to the setting of the surrounding heritage assets.

The application is being considered in conjunction with application reference 17/05854/LBA which is applying for listed building consent for the proposed works. Conditions requiring details of the proposed materials and green roof are added to the application for listed building consent.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether the development will affect a listed building or its setting. Here it is considered that the proposed extension and associated works will not harm the setting of the curtilage listed building.

The submitted objections have made reference to a marquee being erected within the rear courtyard and requesting that permitted development rights are removed for the provision of free standing structures within the rear courtyard. The provision of any further structure within the rear courtyard would require an application for planning permission and therefore it is not considered to be reasonable to add such a condition.

## Highways

The site is not accessible by public transport and therefore the majority of visitors to the site would likely arrive by car. The proposed development has the potential to increase traffic to and from the site within an unsustainable location.

The existing permission allowed for the provision of 20 parking spaces. The proposed development will provide parking for 50 cars.

The applicant has submitted a transport statement in support of the application. The applicant has stated that the site is well served by public transport. However forms of public transport outlined within the transport statement are not located within the village and would require any bus users to walk into the village from either a busy main road or Bath Spa University. Therefore it is not accepted that the site is well served by public transport and users of the farm shop will likely access the site by private car.

The highways officer has advised that the site is accessed via an internal one-way system where vehicles enter the site to the north-east corner and depart via the access at the south-east corner. While the use may intensify, it has been acknowledged that the nature and geometry of the adjacent public highway results in low driver speeds where a speed limit of 20 mph applies.

The permitted parking area has not been formally marked and all parking spaces must be formally marked within the site if this application is permitted. The application originally proposed parking within the road exiting the site and this has been revised to contain the parking within the existing hardstanding area.

A number of objections have stated that the proposed development will result in increased parking within the village. The highways officer has advised that the proposed development will provide adequate parking within the site and therefore the proposed café is not considered to result in additional pressure to the surrounding residential streets.

Policy ST.7 of the placemaking plan states that development will be permitted where there is no introduction of traffic of excessive volume, size or weight onto an unsuitable road system or into an environmentally sensitive area. The applicant has provided on site parking to accommodate the increase in covers within the café. The highways officer has not raised an objection to the application and the proposed development is not in conflict with policy ST.7 of the Placemaking Plan.



## Amenity

The applicant is proposing to extend the opening hours from the existing permission. The original permission allowed for the opening times of 07:00 to 17:30 Monday to Saturday and 07:00 to 16:00 Sunday. The revised opening times are proposed to be 07:00 to 18:00 Sunday to Wednesday and 07:00 to 22:00 Thursday to Saturday. The existing shop and café is located on the opposite side of the road to Newton St Loe Village Hall. The hall operates a club which opens until 23:00 on Fridays and Saturdays. Therefore the later opening of the café from Thursday to Saturday is considered to be acceptable given that there is already a late night use close to the site and the café does not sit adjacent to any residential properties.

## Ecology

A protected species and bat survey specific to the current proposal has been submitted, and includes an assessment of the bat mitigation for the previously approved scheme which comprised retention in situ of a lesser horseshoe bat roost.

The report confirms the roost is still in place and continues to be used as before by lesser horseshoe bats, which is very welcome news. The report also confirms that, subject to sensitive lighting design (avoiding any new lighting of the area around the roost entrance), the current proposal should not harm the known bat roost and an EPS licence will not be required.

## Conclusion

The proposed expansion of the existing café is considered to be farm diversification and will not harm the openness of the surrounding green belt.

The proposed rear extension will not harm the setting of the nearby Grade II listed building and is not considered to result in harm to highway safety.

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

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights; details of predicted lux levels

and light spill, and details of all necessary measures to limit use of lights when not required and to prevent light spill onto nearby vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

### **3 Hours of Use (Compliance)**

The use hereby approved shall not be carried on and no customer shall be served or remain on the premises outside the hours of 07:00 to 18:00 Sunday to Wednesday and 07:00 to 22:00 Thursday to Saturday.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

### **4 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. Parking is only permitted within marked bays.

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.

### **5 Parking Area (Bespoke Trigger)**

No construction above slab level shall commence until plans showing a parking area (providing for 50 vehicles), including full details of the surfacing materials, has been submitted to and approved in writing by the Local Planning Authority. No occupation shall commence until this area has been constructed in accordance with the approved details and shall not thereafter be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

### **6 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.

## **7 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.

## **8 Plans List (Compliance)**

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

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

### **PLANS LIST:**

Existing site plan SL-P17011-EX02  
Existing plan SL-P17011-EX10  
Existing roof plan SL-P17011-EX11  
Existing north elevation SL-P17011-EX30 P01  
Existing east elevation SL-P17011-EX31 P01  
Existing south elevation SL-P17011-EX32 P01  
Existing west elevation SL-P17011-EX33 P01  
Proposed plan SL-P17011-PR10 P02  
Proposed roof plan SL-P17011-PR11 P02  
Proposed east elevation SL-P17011-PR31 P03  
Proposed south elevation SL-P17011-PR32 P03  
Proposed west elevation SL-P17011-PR33 P03  
Proposed north elevation SL-P17011-PR30 P01  
Proposed site plan SL-P17011-PR02 P03  
Alternative parking layout SL-P17011\_SK171101\_B 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](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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

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.



Newton Farm shop is located to the south of Newton St Loe village. The site is located outside of the Housing Development Boundary and within the Green Belt. The existing building was originally constructed as a farm building but has been converted to a farm shop and café. The café sits to the rear of the building and the associated parking area is sited to the east of the building. There is an outdoor seating area to the rear of building.

This is an application for the provision of a rear extension to the existing café at the rear of the site. The proposed extension will enlarge the existing café providing seating for a further 36 covers. The proposed extension includes a flat roof and will utilise existing openings in the rear wall. The barn which is subject of this application is within the curtilage of the Grade II listed building of Newton Farm and therefore is also protected by this listing.

#### Relevant History

13/01647/LBA - Internal and external alterations for the retention of, and extension to farmshop and cafe incorporating rest of existing barn, consent, 26th June 2016

13/03170/FUL - Retention of, and extension to farmshop and cafe incorporating rest of existing barn, permission, 16th June 2013

DC - 17/04208/FUL - PDE - - Extension to existing farm shop/cafe with new entrance, office and additional seating.

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

Conservation Officer: The barn which is subject of this application is within the curtilage of a listed building and therefore is also protected by this listing. The design of the scheme has been reduced following initial concerns within the corresponding planning application.

The revised design is considered acceptable. The main extension has been separated from the historic barn by a flat sedum roof link. The building is to be clad with timber, stained black. The use of timber and metal sheeting for the roof is acceptable and would be in keeping with the character of this rural area. The use of a sedum roof is supported; however, it is recommended that a maintenance schedule be submitted. The applicants have indicated a box profile roofing sheet for the pitched roof. Whilst a metal sheet roofing material is not objected to; I have concerns with the proposal to use a box profile. A corrugated profile should be used instead which is a more traditional roof finish for barns. However, I consider this detail could be agreed with by condition.

The extension will be a prominent addition; however, given the sensitive design of the proposal, I do not consider that the proposal will cause harm to the setting of the surrounding heritage assets.

The floor plans demonstrate that there are no new openings in the wall of the listed building and there are no internal alterations to planform of the barn.

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

Objections are raised on the same grounds as the planning application

The extended opening hours are not appropriate

Cars should not exit from the vehicle entrance

The building is curtilage listed

## **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 National Planning Practice Guidance (NPPG).

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

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

Core Strategy:

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

CP6 - Environmental Quality

CP8 - Green Belt

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

HE.1 - Historic Environment

NE2 - Conserving and Enhancing the Landscape and Landscape Character

NE3 - Sites, species and habitats

CR4 - Dispersed local shops

GB1 - Visual amenities within the green belt

GB2 - Development in Green Belt villages

GB3 - Extensions and alteration to buildings in the green belt

RE3 - Farm diversification

## **OFFICER ASSESSMENT**

This is an application for the provision of a rear extension to the existing café at the rear of the site. The existing farmshop is located on the southern side of the village but can be said to occupy a central position within the village. The building comprises a single storey building with a shop to the front and café to the rear. It is a converted barn.

The building which is subject of this application is within the curtilage of the Grade II listed building of Newton Farm and therefore is also protected by this listing. The design of the scheme has been reduced following initial concerns within the corresponding planning application.

The proposed extension has been designed to reflect the character of the existing building. It will include a pitched roof with a gable end. The proposed extension would be located within the rear courtyard adjacent to a number of farm buildings and will respect the appearance of the host building. The building has been set at a lower level to the host building so appears subservient to the host building.

The proposed extension will be timber clad. Whilst the existing building has been constructed from stone the provision of timber cladding will be on the rear elevation and will not appear as the dominant material on the host building. The use of timber and metal sheeting for the roof is acceptable and would be in keeping with the character of this rural area.

The main extension has been separated from the historic barn by a flat sedum roof link. The use of a sedum roof is supported; however, it is recommended that a maintenance schedule be submitted. The applicants have indicated a box profile roofing sheet for the pitched roof. Whilst a metal sheet roofing material is not objected to; concern is raised over the provision of a box profile. A corrugated profile should be used instead which is a more traditional roof finish for barns. However this detail could be agreed with by condition through the submission of material samples.

The existing building is located close to Newton Farm House which is Grade II listed. The proposed building will be viewed as part of the existing barn within the rear courtyard. It will not be viewed within the context of the Grade II listed building and will not impact on the setting of the Grade II listed building.

The proposed extension will utilise the existing openings within the building so will not damage the rear wall of the existing building. There are no proposals to alter the planform of the barn.



The extension will be a prominent addition; however, given the sensitive design of the proposal, the proposal will not cause harm to the setting of the surrounding heritage assets.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether the development will affect a listed building or its setting. Here it is considered that the proposed extension and associated works will not harm the setting of the curtilage listed building.

#### Other matters

The content of the submitted objections have included objections to the planning merits of the case which are not considered under an application for listed building consent. The planning merits of the case are considered under application 17/04208/FUL.

#### Conclusion

The proposed rear extension will not harm the setting of the nearby Grade II listed building. The proposed works will not damage the fabric of the existing structure and will respect and complement the host 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. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would be an acceptable alteration/addition to the listed building that would preserve the significance of the designated Heritage asset. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

## **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 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 Green Roof Details (Bespoke Trigger)**

Prior to the construction of the roof of the approved development a detailed specification of the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority. These details shall include section drawings of the roof, a planting schedule, a timetable for implementation and a maintenance schedule. The green roof shall be implemented in accordance with the approved details prior to the occupation of the development or in accordance with the approved timetable for implementation.

Reason: To ensure the successful implementation of the green roof in the interests of preserving the character and appearance of the 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.

### **4 Plans List (Compliance)**

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

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

#### **PLANS LIST:**

Existing site plan SL-P17011-EX02  
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Proposed site plan SL-P17011-PR02 P03  
Alternative parking layout SL-P17011\_SK171101\_B P01

#### **Condition Categories**

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The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

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

**Item No:** 03  
**Application No:** 17/04512/RES  
**Site Location:** Unregistered Farm Shop And Cafe Castle Farm Midford Road  
 Midford Bath



**Ward:** Bathavon South      **Parish:** South Stoke      **LB Grade:** N/A

**Ward Members:** Councillor Neil Butters

**Application Type:** PI Permission (Approval Reserved Matters)

**Proposal:** Approval of all reserved matters with regard to outline application 15/03325/OUT for the erection of an agricultural workers dwelling.

**Constraints:** Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,

**Applicant:** Mr Mark Edwards

**Expiry Date:** 23rd November 2017

**Case Officer:** Alice Barnes

## REPORT

Reason for reporting application to committee

The parish council have objected to the application contrary to the case officers recommendation to permit.

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

Castle Farm Barn is located to the south of Bath within the open countryside. The existing site is located within the Green Belt and Area of Outstanding Natural Beauty. The application site is located within the open countryside and occupies a hillside position within the existing valley. The site is accessed from a vehicle entrance on Midford Road to the south of the site. A public footpath runs to the north of the site within the valley.

Outline consent with all matters reserved has been granted for the construction of an agricultural workers dwelling on site. This is an application for the reserved matters. The applicant is applying for access, appearance, landscaping, layout and scale.

#### Relevant History

DC - 12/00707/FUL - RF - 9 May 2012 - Erection of a temporary agricultural dwelling and an extension to cattle shed, allowed at appeal

DC - 15/03325/OUT - APP - 17 December 2015 - Erect of an agricultural workers dwelling (Outline application with all matters reserved).

DC - 16/01425/AGRN - AN - 14 April 2016 - Erection of produce drying shelter

DC - 16/01584/RES - RF - 9 November 2016 - Approval of reserved matters with regard to outline application 15/03325/OUT, for the approval of access, appearance, landscaping, layout and scale of proposed agricultural workers dwelling.

DC - 16/01609/FUL - PERMIT - 25 August 2016 - Change of use of agricultural barns to a flexible commercial use comprising farm shop and cafe.

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

##### Ecology:

The plans are in accordance with the previously approved wildlife mitigation and habitat provision proposals (reference condition 8 and details approved under application ref 16/02452/COND). Provided the scheme continues to be compatible with the previously approved wildlife mitigation and is implemented in accordance with the recommendations in section 5 of the approved Habitat Survey report (Western Ecology, April 2016), and the lighting details also submitted for that condition, I have no objection on ecological grounds.

##### Highways:

The site is accessed via the B3110 (Midford Road) which has a 50 mph speed limit at the location of the site. While concerns were raised with regard to the standard of the access, these were addressed during the previous application for a temporary agricultural workers dwelling (Ref. 12/00707/FUL, appeal ref.

APP/F0114/A/12/2181874 and Ref. 13/02070/COND) and outline application (Ref. 15/03325/OUT). Highways DC are therefore satisfied with the existing access where the visibility splays are now considered adequate. It is also acknowledged that the access has been in use for some time without incident and for over a year since the launch of the farm shop and café. It was also acknowledged that there will be no significant increase in

vehicular movements as the proposed permanent dwelling will replace the existing temporary dwelling.

The level of parking proposed (i.e. 3 no. spaces) is considered more than adequate as this will comply with the minimum parking standards outlined in policy ST7 of the recently adopted Placemaking Plan. There will also be ample space available for turning to enable vehicles to depart the site safely in a forward gear.

#### Landscape:

When judged against our standard landscape condition the submitted information would be insufficient to warrant its discharge. I therefore consider that it is reasonable to object to the discharge of condition 2 of the Notification of Decision for Application No: 15/03325/OUT because it is evident that information it is reasonable to expect with regard to the approval of a landscape scheme has not been submitted.

#### Arboriculture:

Condition 9 of the decision relating to 15/03325/OUT relating to the submission of an Arboricultural Method Statement and Tree Protection Plan was discharged under 16/02452/COND.

However, the arboricultural information provided was based on the outline application (all matters reserved ) and did not include all information now presented eg creation of a new 4m wide path. The Tree Protection Plan is based on an aerial view with indicative footprint only.

The Provisional Method Statement and Tree Protection Plan approved under application 16/02452/COND should be reviewed and updated to accommodate the details provided within the reserved matters application and locations of soakaways

#### South Stoke Parish Council:

The Parish Council objects to this proposal as it appears disproportionately large, in respect of size, massing and especially height when viewed in the context of the current temporary agricultural workers dwelling. The proposed scale and height of this proposed dwelling is inappropriate for this location, as it will be clearly visible from a well used right of way, and is located within the Cotswold Area of Outstanding Natural Beauty and within the Green Belt. Indeed something along the lines of a Chalet Bungalow would be far more appropriate. Furthermore, this lack of consideration of detailed design within these plans, with no discussion of materials, styling, landscaping and arboriculture, render this proposal entirely deficient for approval in what is a very sensitive location. Finally, we wish to make the point that were these, or any other alternative proposals to be permitted, then it would be essential that all permitted development rights should be removed. This would be to ensure that further developments such as loft conversions or ground floor office extensions would require planning approval, as any such further increases/ developments must necessarily be regarded as unacceptable.

Representations: One representations has been received objecting to the application for the following reasons:

Bath Preservation Trust -

The height of the building is excessive and will intrude visually on the AONB and Green Belt.

The building should be lower and contextual imagery provided.

A full schedule of materials should be submitted.

The building should be faced with Bath stone.

## **POLICIES/LEGISLATION**

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

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

Core Strategy:

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

CP6 - Environmental Quality

CP8 - Green Belt

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

RE.4 - Essential dwellings for rural workers

NE.2 - Conserving and enhancing the landscape and landscape character

NE.6- Trees and woodland conservation

GB.1 - Visual amenities of the Green Belt

## **OFFICER ASSESSMENT**

Outline consent with all matters reserved has been granted for the construction of an agricultural workers dwelling on site. This is an application for the reserved matters. The applicant is applying for the following:

Scale  
Appearance  
Layout  
Access  
Landscaping

#### Scale

The proposed dwelling will have a total floor space of 180 sqm. A previous application was refused under reference 16/01584/RES as the proposed floor space of 280sqm was not considered to be commensurate with the size of the agricultural operation. Typically there is acceptance that an agricultural workers dwelling in the 150-160 m<sup>2</sup> range is appropriate. The proposed dwelling would be slightly above that typical range. The reduced floor space proposed under this application will allow for a three bedroom dwelling with a farm office. This is considered to be appropriate for the scale of the existing agricultural operation and the scale of the proposed dwelling is consequently accepted. However it is agreed that any further additions may exceed what might be reasonably necessary as an agricultural workers dwelling and conditions to restrict permitted development rights are considered reasonable to apply.

#### Appearance, and layout

The proposed dwelling includes a pitched roof and is designed as a two storey property of a traditional appearance. It is proposed to be constructed using a mix of stone and render. The proposed building is of a traditional appearance and would not be out of character with the surrounding area.

The applicant is proposing to construct the building using Bath Stone Ashlar on the front elevation and render on the rear and side elevations. The front elevation will be the most visible from within the streetscene and the use of traditional materials on the front elevation is welcomed. The proposed render would be a cream finish which will complement the colour of Bath Stone. The rear elevation will more likely be viewed at a distance and therefore in this case render is considered to be acceptable.

As discussed during the granting of the outline approval despite occupying a hillside position the site is not easily visible from the surrounding footpaths which provide public view points within Horsecombe Vale. The dwelling would be sited adjacent to an existing farm building and would be viewed in this context. The building would not be easily visible from footpaths when walking around the wider valley. Therefore if the dwelling could be seen from longer range views, it would be seen in the wider context adjacent to the existing barn.

#### Access

The highways officer has raised no objection to the application. The applicant has provided on site parking for the proposed dwelling which is in accordance with policy ST.7 of the placemaking plan. Vehicles will be able to enter and leave in forward gear and the proposed development will not result in harm to highway safety.

#### Landscape and trees



The applicant has submitted a landscape plan which indicates where the planting will take place around the proposed dwelling. The landscape officer has advised that further details are required such as a programme of implementation and planting specification. The landscape officer has also required details of the proposed fencing. The site is surrounded by mature hedgerows which will be retained. Such details can be required and secured by the provision of a landscape condition.

The arboricultural officer has raised concern that the submitted application could compromise the previously agreed arboricultural method statement and tree protection plan. These documents can be updated to reflect the proposed reserved matters application to include features such as the footpath and parking area. The arboricultural officer has advised that a condition should be attached requiring the submission of an updated arboricultural method statement and tree protection plan prior to the commencement of the development.

## Ecology

The ecologist has raised no objection to the application conditions have been attached to the outline permission requiring the development to be constructed in accordance with a wildlife mitigation and enhancement scheme.

## RECOMMENDATION

PERMIT

## CONDITIONS

### 1 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.

### 2 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.

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

No development shall take place until a revised arboricultural method statement with tree protection plan following the recommendations contained within BS 5837:2012 identifying measures to protect the trees and vegetation to be retained, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation, during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the creation of the new footpath to the north, position of service runs and soakaways, storage, handling and mixing of materials on site, burning, 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. 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.

### **4 Arboricultural Method Statement and Tree Protection Plan (Compliance)**

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

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

### **5 Materials - Submission of Schedule and Samples (Bespoke Trigger)**

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies 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 Removal of Permitted Development Rights - No Windows (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the roof at any time unless a further planning permission has been granted.

Reason: Any further extensions require detailed consideration by the Local Planning Authority because the permitted dwelling is located within the green belt

### **7 Removal of Permitted Development Rights - No extensions or alterations (Compliance)**

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

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

### **8 Plans List (Compliance)**

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

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

#### **PLANS LIST:**

Location plan

Landscape and block plan, received 19th September

Proposed ground floor plan

Proposed first floor plan, received 21st November

Proposed side east elevation

Proposed rear/north elevation

Proposed front/south elevation

Proposed side/west elevation, received 23rd November

Levels plans

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

#### **Condition Categories**

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

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

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

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

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

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

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

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



the DMC including the importance of sustainability in the area & weight given to self-build and employment in the rural areas adjacent to a Housing Development Boundary.

#### DESCRIPTION OF SITE AND APPLICATION:

The application relates to a parcel of land located outside of a defined settlement boundary in Hinton Blewett. The site is near to Middle Road Farm which is a grade II listed building.

The proposal is for the erection of a 4-bed dwellinghouse.

#### Relevant Planning History:

There is no relevant planning history for this parcel of land to the side of Middle Road Farm.

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

Cllr Tim Warren: support the comments expressed by the Parish Council and recommend the application is called in if the Council are minded to refuse the application.

Hinton Blewett Parish Council: Supports the application for the following reasons;

With any application for development in Hinton Blewett it is important that it complies with the relevant policies in both the Chew Valley Neighbourhood Plan and the Placemaking Plan, specifically the principles referred to in the Hinton Blewett PMP Character Assessment.

With regard to development generally, Hinton Blewett is considered to be unsustainable in that it is accessed by single track roads, has no facilities other than a pub and no daily public transport. It is necessary to travel to access services. It is important that these limitations, all detailed in the PMP Character Assessment, are taken into account, particularly in respect of this application which is outside the Housing Development Boundary (HDB), albeit immediately adjacent to it.

Its location is in keeping with the scattered, linear development of property in the village, and although adjacent to the HDB, there is concern that if permitted the knock-on effect could have implications for further future development in the adjacent field to the North West of the site. A consequence of this could create a precedent leading to unacceptable 'development' enclosure around the West end of the village.

The Parish Council would welcome this type of development if it was inside the HDB and will support it as it is so close and a one-off. However, this decision is with the proviso that it would not consider or tolerate further development away from the HDB.

It has been suggested that a more suitable location would be to the South at the rear of Middle Road Farm.

The style of the proposed building is similar in shape to that of the existing stable block at Middle Road Farm and appears to be in the style of a converted modern agricultural barn (allowed under permitted development).

Contaminated Land: no objection subject to 1 condition and an advisory.

Highways: Objection

Arboriculture: No objection subject to a condition.

Third Party representations: 5 Support comments and 1 objection comment has been received by the Council.

The main points raised from the comments of support are:

- o Property is eco-friendly.
- o Innovative design.
- o Fit in well due to agricultural appearance.
- o Positive impact on the village
- o Allows a young family to stay in the village.
- o Visibility is sufficient and access is satisfactory.

The main points raised from the objection comment are:

- o Need to improve the current property before another dwelling is constructed.
- o Object to further development until the existing infrastructure (water pressure, utilities, roads, public transport) are improved.

## **POLICIES/LEGISLATION**

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

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

Relevant Core Strategy Policies:

- o CP6 - Environmental Quality
- o CP2 - Sustainable construction
- o DW1 - District Wide Spatial Strategy
- o RA2 - development in villages outside of the Green belt, not meeting the RA1 criteria.

Relevant Placemaking Plan Policies:

- 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  
ST.1 Promoting sustainable travel.  
HE.1 Historic Environment  
ST.7 Transport Access and Development Management  
LCR.9 Local Food Growing  
LCR.7 Broadband  
SCR.5 Water Efficiency  
RE.4 Essential dwellings for rural workers

Relevant policies from the Chew Valley Neighbourhood Plan (2016);

HDE1 - Rural Landscape Character  
HDE2 - Settlement Build Character

#### 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

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.

#### OFFICER ASSESSMENT

##### PRINCIPLE OF PROPOSED USE:

Policy RA2 explains that in villages outside of the Green Belt with a housing development boundary defined on the policies map and not meeting the criteria of policy RA1 proposals for some limited residential development will be acceptable provided (amongst other things) they lie within the housing development boundary. However, the proposed dwelling is situated on land outside of a defined housing development boundary and so the principle of residential development is not accepted.

Policy RE4 goes on to explain that new dwellings will not be permitted outside of a housing development boundary unless there is an essential need for a rural worker to live permanently at or near their place of work. However, there is no evidence submitted to show that there is an essential need for a rural worker to live permanently at or near their place of work.

Whilst it is noted that the Parish Council are happy with this application on the proviso that there is no further development into surrounding fields, this is not possible to condition. Furthermore, as the location is outside of the development boundary and is not included as a possible site for development within the Chew Valley Neighbourhood Plan this



proposal is unacceptable in principle even if the Parish Council have supported the application.

Comments have also been submitted to explain that this house will enable a family who have lived in the village for a while the opportunity to stay in the village. However, this is not considered to overcome the main issue being that it is located outside of the housing development boundary.

#### DESIGN OF THE DEVELOPMENT AND IMPACT ON THE STREET SCENE AND SURROUNDING AREA:

The application is for a single storey pitched roof elongated barn-style dwelling with the proposed walls being timber clad with a standing seam metal roof and large single pane windows.

Whilst it is noted that there are a mixture of styles within Hinton Blewett, the general style of dwelling is that of two-storey stone or brick built properties with pitched, tiled roofs. The erection of a simple single storey elongated barn-style property with timber clad walls and a metal roof is not considered to be representative of good design or in-keeping with the character and appearance of the existing properties.

It is noted that Paragraph 60 of the NPPF states: 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'

It must also be pointed out that here the Council have not imposed an architectural style and the design is not considered to be particularly innovative or original. It is agreed that the design and use of materials are more akin to a simple agricultural building rather than having any distinct characteristics taken from the locality. Whilst this maybe in-keeping with the rural character of the wider area, it does nothing to reinforce local distinctiveness of the settlement that it is closely linked to.

The erection of the dwelling is also considered likely to have a significant negative impact on the setting of the grade II listed building. Whilst it is noted that the current disrepair of the listed building detracts from the character and appearance of the street to some degree already, the erection of the proposed dwelling is considered to exacerbate the current situation and would not preserve the setting of the building.

#### IMPACT ON RESIDENTIAL AMENITY:

There are not considered to be any significant negative residential amenity impacts as a result of the development.

It is noted that there is a garden area for the dwelling which would be suitable for growing food, however, it is considered that the location of the property may not be adequate for appropriate broadband. Therefore, it is considered that whilst the proposal would comply with policy LCR.9, further evidence that appropriate broadband could be achieved is needed in order to satisfy the requirements of policy LCR.7.

Policy SCR5 explains that all dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency being 110 litres per person per day. Rainwater harvesting or other methods of capturing rainwater for use by residents eg) water butts will be required for all residential development. This would normally be secured by condition but as there is an in principle policy objection to the scheme such a condition is not considered necessary.

#### **PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:**

The applicant has provided additional information that demonstrates that appropriate visibility splays can be provided from the proposed access location.

However, there would be a requirement for vegetation to be trimmed and maintained either side of the access, and this would need to be secured by condition should permission be granted.

However, this does not help to overcome the concerns raised in relation to the sustainability of the site and the highway authority objects to the planning application for the following reason.

The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Policy ST.1 of the Bath & North East Somerset Placemaking Plan (adopted July 2017) and the National Planning Policy Framework, which seek to facilitate the use of sustainable modes of transport.

#### **CONCLUSION:**

For the reasons set out above, it is recommended that this application is granted permission for the reasons as outlined within the decision notice.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 In considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposed dwelling does not preserve the setting of the listed building.

#### **RECOMMENDATION**

**REFUSE**

#### **REASON(S) FOR REFUSAL**

1 The proposed development will be located in an unsustainable location outside of a defined settlement boundary where the principle of residential development is not accepted. Therefore, the proposal is contrary to policies DW1, RA2, RE4 and ST1 of the Bath and North East Somerset Core Strategy (2013).

2 The proposed development represents poor design and would have demonstrable harm to the visual amenity of the locality and to the setting of the listed building nearby. The proposal is contrary to policies D2, D4, D5 and HE1 of the Bath and North East Somerset Council Placemaking Plan (2017), policy HDE2 of the Chew Valley Neighbourhood Plan (2016) and the provisions of the National Planning Policy Framework (2012)

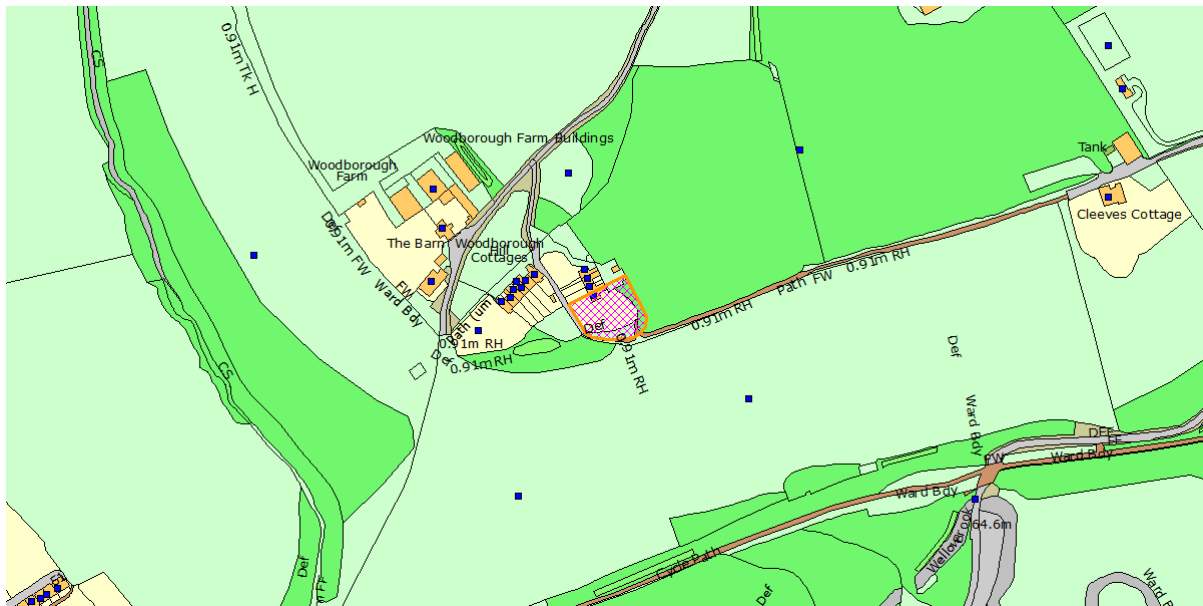
**PLANS LIST:**

This decision relates to; Site Location Plan (101), Block Plan (103), Ground Floor Plan (201), First Floor Plan (202), Section AA (302), Rear Elevation (401), Side Elevation (402) and Front Elevation (403) received 28th September 2017.

**DECISION TAKING STATEMENT:**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The applicant was advised that the application was to be recommended for refusal. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

**Site Location:** 10 Woodborough Hill Cottages Woodborough Hill Peasedown St.  
John Bath Bath And North East Somerset



**Ward:** Peasedown St John

**Parish:** Peasedown St John

**LB**

**Grade:** N/A

**Ward Members:** Councillor Sarah Bevan Councillor Karen Walker

**Application Type:** Full Application

**Proposal:** Erection of a two storey side extension (Resubmission)

**Constraints:** Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Policy CP9 Affordable Housing Zones, Policy NE2A Landscapes and the green set, SSSI - Impact Risk Zones,

**Applicant:** Mr & Mrs Camm

**Expiry Date:** 18th January 2018

**Case Officer:** Chloe Buckingham

## REPORT

## REASON FOR REPORTING APPLICATION TO COMMITTEE:

Peasedown St John Parish Council have supported the application and Cllr Karen Walker has called the application in to committee. The chair of committee has agreed to take the application to committee for the following reason:

I have studied the application, noted Ward Cllr DMC request & PC support, statutory consultees have varying views & there is a third party support comment.

The report explains the changes made to the application from the previous submission and the officer has assessed the changes in line with planning policy, some are seen as improvements while others are felt to harm the visual impact of the area. The Parish Council know the area well and are still supporting the development.

## DESCRIPTION OF SITE AND APPLICATION:

The application relates to an end-of-terrace cottage located outside of the settlement boundaries of Peasedown St John and Radstock. The site is within the Radstock Conservation Area and the row of terraced cottages are considered to be an undesignated heritage asset. The proposal is for a two storey side extension.

### Relevant Planning History:

DC - 16/03715/FUL - RF - 20 October 2016 - Erection of two storey extension  
DC - 17/00705/FUL - WD - 17 March 2017 - Erection of new dwelling at Land at 10 Woodborough Hill Cottages, Bath, BA2 8LN.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

### Consultation:

Cllr Karen Walker: Support: Call in to committee request.

Peasedown St John Parish Council: Support

Highways: No objection.

Conservation: Not acceptable in current form.

Landscape: No objection.

Ecology: No objection subject to two conditions.

Third Party representations: 1 support comment has been received to explain:

100% support; looking forward to it being built.

## POLICIES/LEGISLATION

### POLICIES:

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

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

### Relevant Core Strategy Policies:

- o CP6 - Environmental Quality
- o CP2 - Sustainable construction
- o SV1 - Somer Valley Spatial Strategy

Relevant Placemaking Plan Policies:

D1 General urban design principles

D2 Local character and distinctiveness

D4 Streets and Spaces

D5 Building Design

D6 Amenity

ST1 Promoting sustainable travel

ST7 Transport Access and Development Management

NE2 Conserving and Enhancing the Landscape and Landscape Character

NE3 Sites, Species and Habitat

HE1 Historic Environment

NE6 Trees and Woodland Conservation

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 property lies in an area of open countryside, outside of a defined settlement boundary. Whilst development is not generally considered acceptable outside of a settlement boundary, it should be noted that the development proposes to maintain the associated use.

DESIGN OF THE DEVELOPMENT AND IMPACT ON THE STREET SCENE AND SURROUNDING AREA:

Whilst it is agreed that there have been improvements made to the design from the originally refused application, the scheme has not gone far enough to create a subservient

extension in-keeping with the character and design of the host building and the terraces it is associated with.

The host dwelling is a two-bed traditional ex-miners cottage with a pitched clay-tiled roof, stone walls and timber doors and sash windows. The change in the materials and design of the two storey extension showing a more traditional pitched roof with matching stone walls and roof tiles is welcomed. However, the two storey extension is still considered overly large and out-of-proportion with the main dwelling. The host property is approximately 6m in length and the extension is a further 5m in length and the continuation of the roofline further emphasises the overly-developed nature of the extension.

Furthermore, the two storey extension includes a bedroom, living space, kitchenette and bathroom on the ground floor and a bedroom, bathroom and study on the first floor. Whilst there is a door on the ground floor for connection between the extension and the main family lounge, the size of the extension combined with the inclusion of all primary living accommodation is considered to be tantamount to a separate unit of accommodation. The extension also has a door to the rear which would allow entrance to the house without needing to enter through the main dwelling, which further emphasises the independent nature of the extension. Therefore, due to the size and design of the side extension it is not considered to respect the proportions of the main dwelling and terrace as it reads as a separate planning unit rather than a subservient extension.

It is noted that the amount of glazing on the South elevation has been reduced and is now considered to be acceptable. However, the flat-roof two storey and single storey parts to the rear of the property is considered to be poor design and incongruous with the character and appearance of the host building whilst also having a detrimental impact on the character and appearance of the undesignated heritage asset and this part of the Radstock Conservation Area.

In addition, the large roof light to the rear as well as the overly elongated window on the first floor rear elevation are considered to look particularly awkward and out-of-keeping with the main dwellings and wider terrace.

There is some contradiction between the landscape officer and the conservation officer comments in that landscape officer has explained that the ridge and eaves line as well as the west façade should remain in line with the existing building whereas, the conservation officer has explained that the ridge and eaves should be set down to respect the proportions of the main dwelling. However, on balance it is considered that the continuation of the ridge and eaves line has a significant negative impact on the local characteristics and distinctiveness in that the two storey extension reads as an end-terrace separate planning unit and not as a subservient extension. Furthermore, the two storey and single storey rear elements do not respect the local characteristics in terms of architectural styles and are considered to be incongruous with the pattern, rhythm and theme of the terraces which are considered to be an undesignated heritage asset. On balance the suggested changes would have a significantly more positive impact on the setting of the undesignated heritage asset and wider conservation area than it would have a negative impact on the wider landscape. However, the suggested changes were not accepted by the applicant.

Overall, due to the size and design of the extension it is not considered to be in-keeping with the proportions and design of the host dwelling and wider terrace. The proposal is contrary to policies D2, D4, D5 and HE1 of the Placemaking Plan (2017) and is recommended for refusal.

It must be noted here that the applicant was informed of the issues with the design and given the opportunity to submit revised plans but no plans were received.

#### IMPACT ON RESIDENTIAL AMENITY:

Due to the positioning of the extension to the side of the end-of-terrace property and as the other terraced dwellings are situated at a sufficient distance away from the proposed extension, it is not considered that the proposal would cause any significant negative residential amenity impacts for any surrounding occupiers. The proposed extension is large but it is noted that the garden to the side of the dwelling is also substantial and so the amount of private amenity space leftover after the development would be sufficient for the host dwelling.

#### PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

Whilst it is noted that the first floor of the extension is labelled a 'study' this room could be used as a bedroom in the future and so will be treated as such. The extension is proposing to change the property from a 2-bed to a 5-bed. However, there is sufficient space to the front of the property in line with policy ST7 of the Placemaking Plan (2017).

#### ECOLOGY:

There are no objections to the scheme subject to two conditions regarding bat mitigation and sensitive lighting. However, due to the significant negative impacts in terms of character and appearance such conditions are not considered necessary.

#### CONCLUSION:

Due to the size, scale and design of the extension, the proposal is not considered to be in-keeping with the host dwelling or the other properties in the terrace and would have a significant detrimental impact on this part of the Radstock Conservation Area. Therefore, the proposal is not in accordance with Policies D2, D4, D5 and HE1 of the Placemaking Plan (2017).

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. It is considered that the proposal would be detrimental to the character and appearance of the Conservation Area and is therefore unacceptable development in this location.

Whilst it is considered that the proposal causes harm to the character and appearance of this part of the Conservation Area this harm is considered to be less than substantial. Therefore in accordance with paragraph 134 of the NPPF this harm should be weighed against the public benefits of the proposal. It is not considered that the proposal results in



any benefits to the public and therefore it is recommended that this application is refused permission for the reasons as outlined on the decision notice.

## **RECOMMENDATION**

REFUSE

## **REASON(S) FOR REFUSAL**

1 The proposed development would have demonstrable harm to the visual amenity of the locality and to the appearance of this row of terraced dwellings. As a result the proposal would detract from the character and appearance of this part of the Radstock Conservation Area and is contrary to policies D2, D4, D5 and HE1 of the Bath and North East Somerset Council Placemaking Plan (2017) and the provisions of the National Planning Policy Framework (2012)

## **PLANS LIST:**

This decision relates to the Site Location Plan (S03E), Block Plan (S04E), Existing Plans and Elevations (S02D), Existing Site Plan (S01D), Proposed Elevations and Sections (P05E), Proposed Elevations (P04E), Proposed First Floor and Roof Plan (P03E), Proposed Ground Floor Plan (P02E) and Proposed Site Plan (P01E) received 13th October 2017.

## **DECISION TAKING STATEMENT:**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The applicant was advised that the application was to be recommended for refusal. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

<b>Item No:</b>	06
<b>Application No:</b>	17/04969/FUL

**Site Location:** Manor Farm Caple Lane 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:** Change of use of agricultural land to domestic following the provision of a replacement hedge (retrospective) and the creation of a pond for natural water swimming. (Resubmission)

**Constraints:** Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Greenbelt, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,

**Applicant:** Mr Hugh Norton

**Expiry Date:** 18th January 2018

**Case Officer:** Chloe Buckingham

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

Chew Stoke Parish Council have supported the application and the chair of committee has agreed to take the application to committee for the following reason:

I have looked at the application and history of the site and Chew Stoke Parish Council support this development for reasons stated in the report while the Officer has assessed the application in line with relevant Greenbelt planning policy which the Officer states it contravenes.

The application is controversial regarding the inappropriateness of the change of use the land from agriculture to domestic in the Greenbelt and should be debated as the proposal is seen as a positive by Chew Stoke Parish Council.

#### DESCRIPTION OF SITE AND APPLICATION:

The application relates to a detached farm building which is located within the Mendip Hills Area of Outstanding Natural Beauty (AONB) and designated Green Belt land. The application seeks planning permission for the change of use of part of the adjacent agricultural paddock into residential garden space, creation of a natural water swimming pond in rear garden with associated landscaping and replacement of existing leylandii hedge with hornbeam hedge around new boundary.

#### Relevant Planning History:

DC - 06/00931/FUL - PERMIT - 8 June 2006 - Conversion of outbuilding to annex with study above.

DC - 17/02195/FUL - REFUSE - 11 July 2017 - Change of use part of adjacent agricultural paddock into residential garden space, creation of natural water swimming pond in rear garden with associated landscaping and Replacement of existing leylandii hedge with hornbeam hedge around new boundary.

#### SUMMARY OF CONSULTATIONS/REPRESENTATIONS

##### Consultation:

Chew Stoke Parish Council: The Parish Council would not normally support a planning application that involves the conversion of agricultural land into residential garden space; however, the space involved is minimal and is close to the house. It has already been used as a vegetable plot for 10 years+. The proposed use of the additional land will not be obtrusive to neighbours or the surrounding landscape. The parish council notes that the applicant has removed an unattractive leylandii hedge not in keeping of the rural location and planted a new hornbeam hedge.

The Parish Council would like to suggest that the boundary between the existing garden and new garden area and the surrounding agricultural land is clearly defined with a continuous boundary, preferably a mixed rural hedge to delineate the 2 separate land uses.

In view of the above facts, the Parish Council is prepared to make an exception and does not object to this application.

Third Party representations: none received.

#### POLICIES/LEGISLATION

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

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)

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

- o CP6 - Environmental Quality
- o CP2 - Sustainable construction
- o CP8 - Green Belt

Relevant Placemaking Plan Policies:

D.1 General urban design principles  
 D.2 Local character and distinctiveness  
 D.3 Urban Fabric  
 D.6 Amenity  
 ST.1 Promoting sustainable travel.  
 GB.1 Visual Amenities of the Green Belt  
 GB.2 Development in Green Belt Villages  
 NE.2 Conserving and Enhancing the Landscape and Landscape Character  
 NE.6 Tree and Woodland Conservation  
 ST.7 Transport Access and Development Management

Relevant policies from the Chew Valley Neighbourhood Plan (2016);

HDE1 - Rural Landscape Character  
 HDE2 - Settlement Build Character

#### 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

Supplementary Planning Documents: Existing Dwellings in the Green Belt SPD (October 2008)

#### **OFFICER ASSESSMENT**

##### PRINCIPLE OF PROPOSED USE:

The existing site comprises a residential farm building with adjacent agricultural paddocks which is within the open countryside, within the Green Belt and Mendip Hills Area of Outstanding Natural Beauty (AONB). The applicant proposes to change the use of part of the agricultural paddock into residential garden space and the creation of a natural water swimming pond with associated landscaping and replacement of existing leylandii hedge with hornbeam hedge around new boundary.

The National Planning Policy Framework sets out the criteria in which development in the Green Belt is acceptable. It starts by stating that development will not be permitted within the Green Belt unless very special circumstances can be demonstrated save for some exceptions. Paragraphs 89 and 90 list certain forms of development which are not considered inappropriate development within the Green Belt. However, paragraph 90 does not make reference to changes of use from agricultural to residential use and therefore the change of use is considered to be inappropriate development within the Green Belt.

It is noted that the proposed swimming pond would provide opportunities for outdoor sport and recreation albeit within a domestic use, which is promoted in paragraph 89 of the NPPF. However, paragraph 90 has not carried forward the previous PPG.2 reference to material changes of use being appropriate "other" forms of development in the Green Belt and thus it must be taken that the proposed change of use represents inappropriate development in the Green Belt.

Furthermore, whilst the Parish Council have explained that this land has been in use as residential land for more than ten years, no evidence has been submitted to support this.

Paragraph 87 of the NPPF states that inappropriate development is by definition harmful to the Green Belt. As stated above the proposed development is considered to be inappropriate development and is therefore harmful to the Green Belt.

Paragraph 88 explains that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of appropriateness, and any other harm, is clearly outweighed by other considerations.

The very special circumstances put forward have included a very detailed Green Belt visual impact assessment concluding that the proposed change of use would have a positive impact on the appearance and biodiversity of the surrounding area. The very special circumstances put forward have been considered in detail but it is considered that the reasons as outlined could apply to many other cases where people wish to turn agricultural land into residential land and construct a swimming pond with associated landscaping. Therefore, the special circumstances put forward cannot be considered to be very special in this instance.

#### DESIGN OF THE DEVELOPMENT AND IMPACT ON THE STREET SCENE AND SURROUNDING AREA:

It is noted that this application is a resubmission of a previously refused application. The applicant has submitted a comprehensive green belt visual impact report setting out why the proposal would have a positive impact on the surrounding area. However, as also explained within the previous assessment of the scheme, the change of use from agricultural to residential land and the siting of the swimming pond would have limited visibility within the landscape and is not considered to harm the openness of the surrounding Green Belt. Similarly, the proposal would be unlikely to adversely affect the natural beauty of the landscape of the AONB to any significant degree.

The main issue here is that the principle of the change of use from agricultural to residential land in the green belt is unacceptable.

#### **IMPACT ON RESIDENTIAL AMENITY:**

There are not considered to be any significant negative residential amenity impacts as a result of the development.

#### **PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:**

The existing access arrangement is to remain unchanged and the proposed development is not considered to cause harm to highway safety.

#### **CONCLUSION:**

The proposal amounts to inappropriate development in the Green Belt, which is harmful by definition. In the absence of very special circumstances to outweigh this harm, the proposed development is contrary to Policy CP8 of the Core Strategy and the aims of the National Planning Policy Framework.

#### **RECOMMENDATION**

**REFUSE**

#### **REASON(S) FOR REFUSAL**

1 The proposed material change of use of the land from its lawful use as agriculture, to a residential use, in the absence of very special circumstances to clearly outweigh any harm to the Green Belt, would comprise inappropriate development within the Green Belt which is, by definition harmful, and therefore unacceptable in principle. The proposed material change of use of the land is contrary to policy CP8 of the Bath and North East Somerset Core Strategy (2013) and Chapter 9 of the National Planning Policy Framework, 2012.

#### **PLANS LIST:**

This decision relates to;

Site Location Plan and Block plan (no reference) and Green Belt visual impact assessment (1491-17-102) received 11th October 2017.

Existing and Proposed Block Plans (1491-17-101 Rev A) received 17th October 2017.

#### **DECISION TAKING STATEMENT:**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The applicant was advised that the application was to be recommended for refusal. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

**Item No:** 07  
**Application No:** 17/04882/FUL  
**Site Location:** Graden Farm Cottage Wycotte Hill Combe Hay Bath Bath And North East Somerset



**Ward:** Bathavon West      **Parish:** Combe Hay      **LB Grade:** N/A  
**Ward Members:** Councillor David Veale  
**Application Type:** Full Application  
**Proposal:** Demolition of existing cottage and erection of a replacement dwelling. (Resubmission)  
**Constraints:** Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Greenbelt, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,  
**Applicant:** West Hill Land And Property Ltd  
**Expiry Date:** 19th January 2018  
**Case Officer:** Rae Mephram

## REPORT

### Reason application being referred to committee

Support from Combe Hay Parish Council contrary to officer recommendation.

### Details of location and proposal

Graden Farm Cottage is a single storey dwelling house located on Wycotte Hill in Combe Down. This application is for the erection of a replacement dwelling following the demolition of the existing property.

### Relevant history

15/04609/CLEU - LAWFUL - 9 December 2015 - Use of dwelling in breach of condition of previous application dated 3rd November 1949 (Certificate of Lawfulness for an existing use).

17/00583/FUL - WD - 7 April 2017 - Demolition of existing cottage and erection of a replacement dwelling.

17/02332/CLPU - RF - 13 July 2017 - Erection of a rear conservatory extension (Certificate of Lawfulness for a proposed development)

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### Consultation responses

*Combe Hay Parish Council* - Support:

#### Observations

1. The replacement dwelling is not materially larger than the existing dilapidated and rather shabby building
2. The new building would enhance character and appearance of the area and would not have a materially greater impact on the openness of the green belt than the current building.
3. Before demolition takes place the ecology of the site should be sensitively assessed and considered in accordance with the Ecology Report recommendations, and measures should be in place to protect the area surrounding the property from unnecessary disturbance

In the event that you recommend refusal, Combe Hay Parish Council requests that this application be considered by the Development Management Committee.

### Third party representations

None received.

## **POLICIES/LEGISLATION**

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

- 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 Core Strategy policies would be applicable:

- DW1 - District Wide Spatial Strategy
- CP5 - Flood risk management
- CP8 - Green Belt



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

- D1 - General Urban Design Principles
- D2 - Local Character & Distinctiveness
- D3 - Urban Fabric
- D4 - Streets and Spaces
- D5 - Building Design
- D6 - Amenity
- D8 - Lighting
- D10 - Public Realm
- GB1 - Visual amenities of the Green Belt
- H7 - Housing Accessibility
- LCR9 - Increasing the Provision of Local Food Growing
- NE3 - Sites, species and habitats
- SCR5 - Water Efficiency
- ST1 - Promoting sustainable travel
- ST7 - Transport requirements for managing development

Consideration has been given to the National Planning Policy Framework and the National Planning Practice Guidance.

### **OFFICER ASSESSMENT**

This application is an exact resubmission of an application withdrawn earlier this year. Although not an overly prominent building, the property is easily seen when at road level.

#### Principle of development

The main issue is the principle of development. As set out within Section 9 of the NPPF, replacement buildings can be considered as appropriate development provided the new building is in the same use and not materially larger than the one it replaces.

The proposed dwelling sits on roughly the same footprint as the existing dwelling, and is around 23% larger in volume. The proposed building sits around 60cm higher at its tallest point, and incorporates the addition of a gable end to the rear. When on the ground, the proposal building albeit not much taller would be bulkier and larger than the existing building, especially when viewed from either side.

Given that the property is larger volumetrically, larger in height, and larger in bulk and massing, the proposal is considered to constitute a materially larger building, and therefore inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful. No very special circumstances have been brought forward under this submission.

The "fall back" position of an extension being constructed under permitted development has been put forward by the applicant, however due to the location of the property within Article 2(3) land, and the fact that the property is rendered, only a small rear conservatory could potentially be allowed under permitted development. The fall back position, if any, is down to the applicant to demonstrate, and a Certificate of Lawfulness as proposed was refused in 2017. There must also be a reasonable chance of the fall back position being carried out, and given the deterioration and poor condition of the property, as set out by

the applicant, it is considered unlikely that an extension to the current property would be constructed.

### Character and appearance

The proposal dwelling is located within a relatively isolated lane, with some farm buildings to the north and south. It is recognised that the existing building is in a poor state of repair, and there is no objection to its removal. The proposed building is to be of natural rubble stone, with ashlar detailing, with features such as a staircase turret, small dormers, and an oak framed gable to the rear. It is not considered that the proposal would appear out of context in this location, and in terms of character and appearance is considered to be acceptable.

### Residential amenity

Given the isolated location of the property it is not considered that the proposal would cause harm to residential amenity.

### Highways

The existing cottage is accessed off a Bridleway, BA7/5, which forms junction with the C467 Combe Hay Lane at an oblique angle. It is served by a steep sloping driveway up to a parking area with a similar oblique angle at its junction with the bridleway, which does make access and egress more difficult due to the limited width of the bridleway at this point.

The supporting statement with the application suggests that there are no proposals to materially change the access and parking arrangements, but a rolled gravel is suggested as a surface material. Such a material would not be suitable on such a steep driveway, where loose material is likely to be discharged onto the bridleway, and therefore a bound material would be required.

The construction of the new dwelling would require careful management due to the restrictive nature of the means of access to the site, together with the gradient of the site. A Construction Management Plan would be required as a condition of any approval, in order to agree details of working/delivery times, method of work, wheel wash facilities, traffic management etc. and to ensure the safety of all users of the bridleway.

No highway objection is raised, subject to conditions requiring a construction management plan to be submitted prior to development commencing, and no construction above slab level to commence until plans showing a parking area for 2no. vehicles including full details of surfacing materials.

### Flooding and drainage

No objection. Proposal will have minimal effect on drainage and flood risk. Drainage to be constructed in accordance with Building Regulations.

### Ecology

A Bat Detector Emergence and Re-Entry Survey Report has been carried out, and no evidence of use of bats has been found. Any permission should be conditioned for works to be carried out in line with the report, and all details of external lighting shall be conditioned.

#### Increasing the Provision of Local Food Growing

Policy LCR9 states that all residential development will be expected to incorporate opportunities for informal food growing where possible. The proposal site benefits from garden areas where future occupiers could grow food if they wished.

#### Water Efficiency

All dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Rainwater harvesting or other methods of capturing rainwater for use by the residents (e.g. water butts) will be required for all residential development, where technically feasible.

### **RECOMMENDATION**

REFUSE

### **REASON(S) FOR REFUSAL**

1 The proposed development would result in inappropriate development, which is by definition harmful to the Green Belt contrary to Section 9 of the NPPF, and Policy CP8 of the Core Strategy.

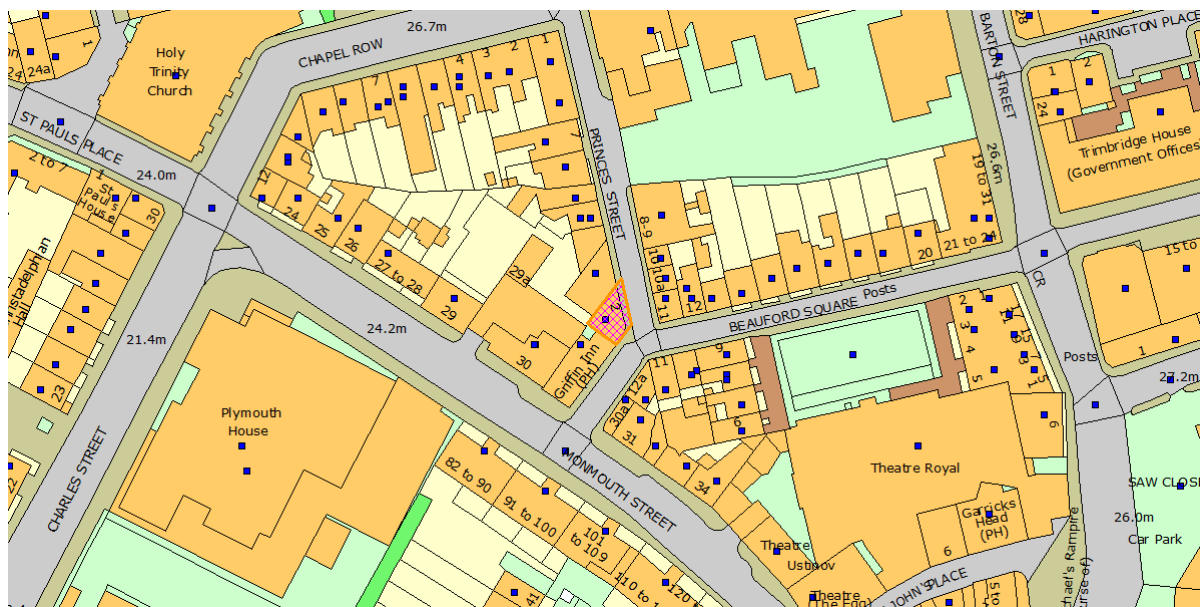
### **PLANS LIST:**

This decision relates to:

06 Oct 2017	12	PROPOSED LANDSCAPE PLAN
06 Oct 2017		SITE LOCATION PLAN
24 Oct 2017	10A	PROPOSED FLOOR PLANS
01 Dec 2017	11 B	PROPOSED ELEVATIONS 1
01 Dec 2017	12 B	PROPOSED ELEVATIONS 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.

**Item No:** 08  
**Application No:** 17/05333/FUL  
**Site Location:** 2 Princes Street City Centre Bath Bath And North East Somerset BA1 1HL



**Ward:** Kingsmead      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Chris Pearce      Councillor Andrew Furse  
**Application Type:** Full Application  
**Proposal:** Change of use from office (B1) to residential (C3)  
**Constraints:** Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones,  
**Applicant:** Mr Alan Brook  
**Expiry Date:** 27th December 2017  
**Case Officer:** Hayden Foster

## REPORT

Reason for the application being referred to Committee

The application has been referred to Committee due to a local councillor having an ownership interest in the site.

Site Description and Proposal:

The application relates to a grade II Listed building on Princes Street, which is located within the City Centre of Bath. The site is located within the City of Bath Conservation Area and is within the wider World Heritage Site.

The application seeks consent for the Change of use from office (B1) to residential (C3).

Relevant Planning History:

None of relevance.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses:

### **Conservation Team**

No objection to change of use however converting rooms into kitchen/bathroom/drainage/ventilation likely to require listed building consent. Granting planning permission will not guarantee outcome of LBC application. The decision notice should make it clear either by condition or informative that they cannot implement the planning permission without first obtaining listed building consent.

Treat this application as an opportunity to secure removal of redundant signage from the building.

### **Highways DC**

There is no objection to the planning proposal, however, the applicant should be made aware of the following advisory relating to parking.

The applicant shall note that future residents will not be entitled to residents parking permits in accordance with Single Executive Member Decision E2911, dated 14th November 2016. This is due to the number of existing permits exceeding the supply of parking spaces within the Controlled Parking Zone. This, however, is considered to be at the developers risk given the sustainable location of this development proposal.

### **Drainage**

No objection. Proposal will not affect drainage and flood risk.

### **Planning Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Bath & North East Somerset Core Strategy (CS), adopted in July 2014, the Bath & North East Somerset Placemaking Plan (PMP), adopted in July 2017, saved policy GDS1 (in relation to four partly implemented sites) of the Bath and North East Somerset Local Plan (BANESLP), adopted in October 2007 and the West of England Joint Waste Core Strategy (JWCS), adopted in 2011. The site lies within an area which does not have a neighbourhood plan which has been made, or passed a referendum.

This response is concerned with the principle of the proposed development.

Relevant development plan policies

ED1B

## Other relevant policies (material considerations)

Discussion- PMP ED1B is concerned with the change of use & redevelopment of B1(a) office to residential use. ED1B states that conversion of office space (B1a) to residential C3 is normally permitted development, subject to the exceptions set out in the GDPO (which includes listed buildings). The principle of change of use through conversion of listed buildings in B1a use to C3 residential use is also accepted. Therefore there is no objection.

## Economic Development

The application proposes the change of use of a 90sqm B1 office to a C3 residential property. At the time of the application the property was not occupied, but does have the capacity to employ approximately 10 people.

The annual office accommodation monitoring figures for Bath show a net loss of over 13,000 sqm (completions) of office accommodation in the City between 2011 - 2016.

Employment growth in the City has been relatively poor with a net increase of 159 jobs<sup>1</sup> since 2011.

The adopted Core Strategy (2014) Bath Spatial Policy B1.2, seeks the development of 40,000s sqm<sup>2</sup> (net) of office accommodation in the City with an increase of 7,000 jobs across the plan period until 2029.

Place Making Plan Policy ED1B provides the basis for the change of use of B1a offices to residential premises, under national permitted development rights, exceptions to this include listed buildings. However, PMP policy ED1B permits the conversion of listed buildings in B1A use to C3 residential premises.

In economic development terms it is a concern that this application will, if approved further reduce the stock of available office accommodation in the City, compounding the issues that are presently being faced in meeting the growth targets in Core Strategy Policy B1.2.

However under the present B&NES planning policy framework there is no basis to refuse this application on economic development grounds, hence there is no objection.

## Representations Received:

None received.

## POLICIES/LEGISLATION

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

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)

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

#### Core Strategy:

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

B1.2: Bath Spatial Strategy- Economic Development

B4: Impact of development on World Heritage site of Bath or its setting

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.3: Urban Fabric

D.5: Building Design

D.6: Amenity

HE1: Historic Environment

ST7: Transport requirements for managing development

ED1B: Change of Use & Redevelopment of B1(a) Office to Residential Use

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).

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**

Planning permission is sought for the change of use from an existing office (B1) to residential use (C3). The proposal is set to be associated with a grade II listed terrace property located within the City Centre of Bath.

Policy D.1 of the Placemaking Plan states that development will only be permitted if, amongst other things, the development enriches the character and qualities of places and contributes positively to local distinctiveness. Policy D.2 states that development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Policy D.3 states that development proposals must contribute positively to the urban fabric and should, amongst other things, be designed in a way that does not adversely prejudice existing/ future development or

compromise adjoining sites. Policy D.5 states that 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 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. 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. 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. Policy ED1B states that the conversion of office space (B1a) to residential C3 is normally permitted development, subject to the exceptions set out in the GDPO (which includes listed buildings). The principle of change of use through conversion of listed buildings in B1a use to C3 residential use is also accepted.

Core Strategy Policy B4 states that there is a strong presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity. This presumption applies equally to development within the setting of the World Heritage Site.

Core Strategy Policy B1.2 sets out for the development of 40,000s sqm2 (net) of office accommodation in the City with an increase of 7,000 jobs across the plan period until 2029.

### Change of Use

The proposal involves the use of an existing office (B1 use) as a residential dwelling (C3). A consultation response has been received from the Planning Policy team. Within the comments given it was noted that the conversion of office space (B1a) to residential use (C3) is normally permitted development, subject to the exceptions set out in the GDPO (which includes listed buildings). The principle of change of use through conversion of listed buildings in B1a use to C3 residential use is also accepted. Based on the points raised it can be seen that the proposed change of use is acceptable in principle and complies with policy ED1B of the Placemaking Plan.

A consultation response has also been received from the economic development team, within the response it was noted that if the application were to be approved it would further reduce the stock of available office accommodation in the City. However, it was also noted that under the present B&NES planning policy framework there is no basis to refuse this application on economic development grounds, hence there is no objection.

As such the proposal is acceptable in principle, unless there are other material considerations. The main considerations now are character and appearance, the impact on the listed building, the Conservation Area, residential amenity and highways safety.

### Character and Appearance

It is noted that there will be no external alterations to the building with changes only planned to be made to the buildings interior.



## Conservation Area

Following a consultation response from the Historic Environment team it is noted that there is no objection to the principle of the change of use for this listed building. However, it is noted that regardless of planning permission being granted this will not guarantee the outcome of a listed building consent application. Such an application will be required before any changes are implemented.

## Residential Amenity

With regard to the impact upon the adjacent properties (Griffin Inn, 29A-30 Monmouth Street, and 3, 10, 10A, 11, 11A, 12 and 12A Princes Street), it is considered that the proposed change of use would not have a detrimental impact upon the residential amenity of the neighbouring occupiers in terms of loss of privacy, light or overbearing impact. The proposed change of use is not considered to have a negative impact on levels of daylight or sunlight to Griffin Inn, 29A-30 Monmouth Street, and 3, 10, 10A, 11, 11A, 12 and 12A Princes Street.

The proposed garden room will integrate satisfactorily with the existing dwelling. Due to the orientation of the property and the location of the garden room, the proposal will not reduce daylight or sunlight levels to neighbouring properties. The proposed garden room to the rear will not cause overlooking to neighbouring properties.

## Drainage and Flooding

The council's drainage and flooding officer has no objection to the proposal. It is noted that the proposal will not affect drainage and flood risk.

## Highways and Transport

The Council's Highway Development Officer has no objection to the proposal. However, the following comments have been raised in regards to parking:

'Future residents will not be entitled to residents parking permits in accordance with Single Executive Member Decision E2911, dated 14th November 2016.'

This is due to the number of existing permits exceeding the supply of parking spaces within the Controlled Parking Zone. This, however, is considered to be at the developers risk given the sustainable location of this development proposal.'

## Conclusion

In light of the points raised above, the proposal is considered to have be acceptable in principle. The proposal is not considered to pose a negative impact in regards to highways safety and parking, Character and Appearance, the Conservation Area and Residential Amenity. Therefore the application 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 Plans List (Compliance)**

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

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

## **PLANS LIST:**

This decision relates to the following plans received 1st November 2017: Proposed Floor Plans.

### **Condition Categories**

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

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

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

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

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

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

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

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

Informative: The applicant is advised that any works to the building may require listed building consent and that future residents will not be entitled to residents parking permits in accordance with Single Executive Member Decision E2911, dated 14th November 2016.

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<b>Bath &amp; North East Somerset Council</b>	
MEETING:	Development Management Committee
MEETING DATE:	17th January 2018
TITLE:	Bath and North East Somerset Council ( Woodland adjacent to Eastwell, Upper Lansdown Mews, Lansdown, Bath No.313 ) Tree Preservation Order 2017
WARD:	Lansdown
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b> Tree Preservation Order map Letter of objection dated 31st August 2017 Letter to objector dated 15th September 2017	

## 1.0 THE ISSUE

- 1.1 An objection letter has been received from the owner of the property following the making of the Tree Preservation Order entitled Bath and North East Somerset Council ( Woodland adjacent to Eastwell, Upper Lansdown Mews, Lansdown, Bath No.313) Tree Preservation Order 2017 ("the TPO").
- 1.2 The TPO was provisionally made on the 27<sup>th</sup> July 2017 to protect a woodland of mixed tree species which included Ash, Beech, Sycamore, Yew and Holly shown on the accompanying map. The woodland is considered to make a contribution to the landscape and visual amenity of the locality which is within Bath Conservation Area and World Heritage Site.

## 2.0 RECOMMENDATION

- 2.1 The Development Management Committee is asked to confirm the Tree Preservation Order without modification.

### **3.0 FINANCIAL IMPLICATIONS**

- 3.1 Financial: Under the law as it stands the owner of the trees cannot claim compensation from the Council for making them the subject of a tree preservation order. However if a tree is covered by a tree preservation order and the Council refuses an application to fell the tree, the owner may be able to claim compensation if he or she suffers a loss or damage as a consequence of that refusal.
- 3.2 Staffing: None.
- 3.3 Equalities: In deciding to make the TPO the provisions of the Human Rights Act 1998 have been taken into account. It is considered that Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property) of the convention rights apply in this matter. Confirmation of the TPO is however, considered to be a proportionate interference in the wider public interest.
- 3.4 Economic: None.
- 3.5 Environment: The trees which are the subject of this report make an important contribution to visual amenity and landscape in the local area.
- 3.6 Council Wide Impacts: The confirmation of the TPO will involve officers from Legal Services. Officers from Development Management will need to take account of the trees when considering any application for development or alterations on the site which might affect it.

### **4.0 THE REPORT**

#### **4.1 Background**

- 4.2 A request was received from the woodland owner and neighbour for a Tree Preservation Order because they considered that the woodland was an important visual amenity forming part of the local green infrastructure and skyline of the Bath World Heritage Site. The owner was concerned that should she move away and the house be sold that there was a danger of the woodland being eroded or lost.
- 4.3 The site was visited as a result of the request and it was considered that the diversity in the age range of trees within the woodland was important in contributing towards the quality; character and future contribution to the area. The site is within Bath Conservation Area which affords protection, however, the natural regeneration with trunk diameters under the threshold requiring notification could be removed and future tree notifications relating to individual trees could result in an incremental erosion and damage to the integrity of the woodland.
- 4.4 The woodland is considered to provide an important visual amenity and to contribute to the landscape character of the locality and it is considered expedient to make a Tree Preservation Order at this time.

#### **4.5 Responses to the Tree Preservation Order**

- 4.6 The Council is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.
- 4.7 One letter of objection has been received from the owner of the woodland in which the owner objected to the inclusion of a flat area of land within the northern half of the site and a track accessed from Somerset Lane along the western boundary of the site. A response to the objection was sent to the owner however no written response has been received. The decision on whether the TPO should be confirmed or not must therefore be made by Councillors. Committee Members are advised to read the letter of objection.
- 4.8 The main objection is that the TPO on the trees by the track and within the flat area of land would result in it being too onerous and costly to manage the land.
- 4.9 The objection to the Tree Preservation Order outlined in section 4.8 has been considered by the officer and the following comments are made:

i) Irrespective of the Order, the whole area is already protected by the Bath Conservation Area so any works to trees with a trunk diameter of 7.5cm or above when measured at 1.5m above ground level would require 6 weeks notification to the Council. This also applies to the remaining part of the track which links to Somerset Lane. A notification does not have to be made on any particular form but must be in writing. There is no record of previous notifications to undertake such works by the track so the objection may relate to the potential for future requirements rather than current requirements.

ii) A TPO means that an application is required for any works. The application must be made on a particular form and the Council has up to 8 weeks in which to determine an application. This means that the Council has an extra two weeks in which to respond compared to a conservation area notice.

iii) Under the Neighbourhood Planning Protocol a decision can not be made prior to the expiry of 21 days following receipt of either a TPO application or conservation area notice. However, if the proposed works are proportionate to and based on sound justification and are not contentious then a decision on either a TPO application or conservation area notice can be issued immediately after the expiry of 21 days.

iv) A TPO application can be made for repeat works for a given number of operations over a period of time which is not readily possible within a conservation area notice. An opportunity therefore exists to maintain clearance of the track without the requirement to submit annual applications should regular clearance be required in the future.

v) There is no fee to submit a TPO application just as there is no fee to submit notifications for tree works within a conservation area.

vi) The woodland designation provides an opportunity for succession trees to establish in the flat area which would provide continuity in tree cover on the site for the future. The flat area also provides a better position for trees to grow rather than on more steeply sloping land. The development of mature trees in the flat

area would also reduce the need for replacement planting near to the property as and when the existing trees must be removed.

vii) The woodland category's purpose is to safeguard the woodland as a whole irrespective of whether some trees contained within the woodland lack individual merit. In addition, trees and saplings which grow naturally or which are planted within the woodland after the TPO has been made are also protected by the TPO.

viii) Any attempt to exclude certain parts of the parcel of land from the TPO is likely to introduce uncertainty over which trees are protected or not for the current and any subsequent land owner, their agents and the Council.

#### **4.10 Relevant History**

- 4.11 12/00374/TCA – T1 Bay Laurel - crown reduction to roof line, trim side; T2 Yew - 5 cuts off the roof; T3 Leyland Cypress- trim by 1m to roof; T4 Ash - remove one branch back to stem; T5 x2 Sycamore - Pollard to 1.8m; T6 Apple - remove one branch by 1m – No Objection.

#### **5.0 LEGAL AND POLICY FRAMEWORK**

##### Tree Preservation Order

- 5.1 A Tree Preservation Order is an order made by a local planning authority in respect of trees and woodlands. The principal effect of a Tree Preservation Order is to prohibit the:

Cutting down, uprooting, topping, lopping, wilful damage or wilful destruction of trees without the council's consent.

- 5.2 The law on TPOs is in the Town and Country Planning Act 1990 and in the Town and Country Planning (Tree Preservation) (England ) Regulations 2012 which came into effect on 6<sup>th</sup> April 2012 .

- 5.3 A local planning authority may make a tree preservation order if it appears

“Expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”

- 5.4 The Council's Arboricultural Officers have a written method for assessing the 'Amenity' of trees and woodlands. This is in keeping with Government guidance, and takes account of the visual impact of trees and their contribution to the landscape, their general overall health and condition, their longevity and their possible or likely impact on services and property.

- 5.5 This assessment concluded, having taken account of, visual amenity, tree health considerations and impact considerations, that it would be expedient in the interest of amenity to make provision for the preservation of the woodland. The TPO was made on 27th July 2017 and took effect immediately and continues in force for a period of six months (27th January 2018).



## Planning Policy

### 5.6 Bath and North East Somerset Placemaking Plan 2015

272. 'Trees are an important part of our natural life support system: they have a vital role to play not just in the sustainability of our urban and rural areas, but as an important component of green infrastructure networks. They benefit:

- the local economy – creating potential for employment, providing a sustainable source of compost and biofuels and the raw materials for businesses, encouraging inward investment, bringing in tourism and adding value to property.
- the local environment - by reducing the effects of air pollution by removing sulphur dioxide, ozone, nitrogen oxides and particulates and reducing storm water run-off and soil erosion, acting as carbon sinks and producing oxygen; reducing energy consumption through moderation of the local climate by providing shelter and shade and reducing glare, reflection and wind speeds. They can provide screening and privacy or emphasize views and architecture. They provide a wide range of wildlife habitats.
- the health and wellbeing of our community – by providing shade from harmful ultra-violet radiation and improving the visual quality of our landscape and our sense of wellbeing. Studies have shown that the calming effect of trees can reduce stress levels and improve recovery time after surgery. Trees and woodlands provide opportunities for recreation and education.'

273. 'Much of the tree cover in the urban areas is in a critical condition and there is little or no replacement planting for over-mature trees in decline. Infill development has often reduced the space available for planting large tree species. In addition, new tree planting takes many years to mature. The management and retention of significant trees is therefore pressing.'

274. 'Bath & North East Somerset has a duty under the Town and Country Planning Act 1990 to ensure tree and woodland preservation wherever it is appropriate. The Council will continue to protect trees and woodlands through Tree Preservation Orders (TPOs) as appropriate. There is also a level of protection afforded to trees in Conservation Areas (CAs). However there are many trees of value outside these designations and careful consideration should be given to the removal of any tree.'

## **6.0 CONCLUSION**

- 6.1 The woodland contributes towards the local visual amenity and landscape character of Bath Conservation Area and World Heritage Site.
- 6.2 Confirmation of the TPO would help to support the retention of the woodland and would ensure that its contribution is duly considered when determining any future applications.
- 6.3 An application supported by sound arboricultural reasons for pruning or felling as the need arose in the future can be made under the TPO. The Council will then be able to condition the quality of the workmanship or replacement planting as appropriate.

6.4 In keeping with the Council’s commitment to conserve and enhance the environment, it is recommended that the Committee confirm the TPO without modification.

Contact person	Jane Brewer 01225 477505
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Scale 1:1000  
Date: July 2017  
Plan No: 500/313;  
17/00005/TPO  
Grid Ref: ST 745661

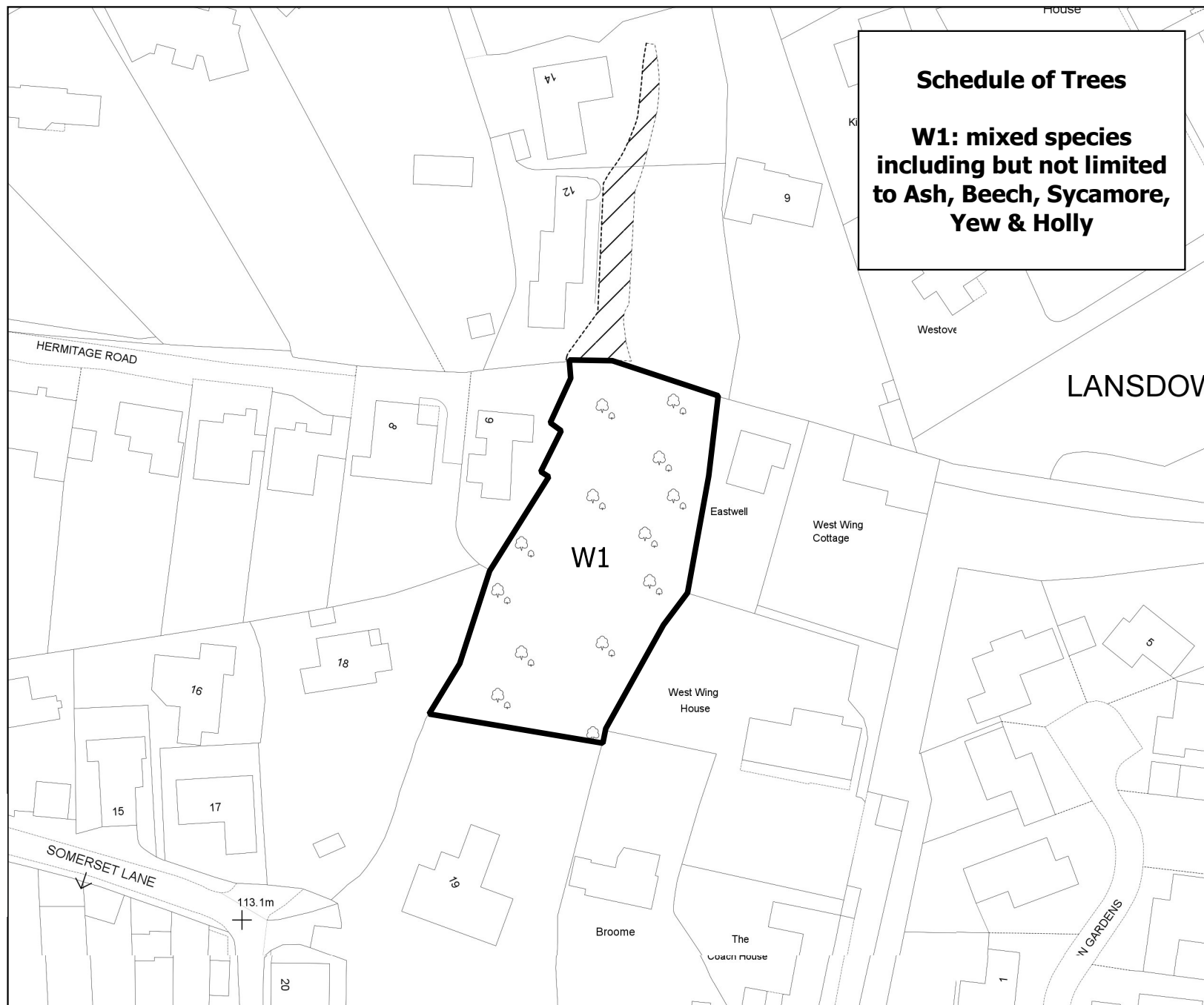
Title:  
TOWN AND COUNTRY  
PLANNING ACT 1990  
BATH AND NORTH EAST  
SOMERSET COUNCIL

(Woodland adjacent to  
Eastwell, Upper Lansdown  
Mews, Lansdown,  
Bath no. 313)

TREE PRESERVATION  
ORDER 2017

*Mark Reynolds*

Mark Reynolds, Group Manager  
Development Management



Eastwell  
Upper Lansdown Mews  
Bath  
BA1 5HF

Jane Brewer  
Senior Arboricultural Officer  
Bath and North East Somerset Council  
Planning Services  
Lewis House  
Bath  
BA1 1JG

31 August 2017



Dear Ms Brewer,

**Re: Bath and North East Somerset Council (Woodland adjacent to Eastwell, Upper Lansdown Mews, Lansdown, Bath No. 313) Tree Preservation Order 2017.**

I am responding to the above Tree Preservation Order (the 'Order'), which came into force on 27 July 2017 on a temporary basis, and for which any representations are requested by 1<sup>st</sup> September 2017.

As the owner of the subject woodland, whilst I am keen to conserve the key benefits of the space I have a direct interest in this Order since it will affect the way in which the land is maintained as well as the cost and time involved. I am most concerned that the application of the Order to the whole woodland, instead of a more focussed approach on the larger trees, is too onerous and costly and will also prevent vehicle access required to maintain the site.

I would like to make the following points :

1. The woodland consists of two principal areas;
  - i) the main wooded area in the gully and along the eastern edge of the woodland, where most of the larger and well established trees are located; and
  - ii) an old established vehicular access track entering on the SW corner and running along the West of the wood leading to a mainly open and flat area at the northern end. It should also be noted there is a mains sewer running under this area of land which could also require access in future.

Note that there is no public right of way through the land.

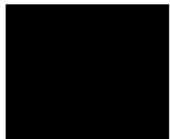
2. The vehicle track is required for maintenance work in the woodland, including allowing access for any arboricultural work and maintenance/repair of the high boundary walls. This track has recently become overgrown in some places with a number of sapling and shrubs which need to be cut back to allow access. The current open area would need to be kept clear of any sapling so that maintenance

equipment can be moved and positioned. My intention has therefore been to clear the track and keep the open area free of any larger growth.

3. I therefore propose that the Order be amended in such a way as to focus on conserving the trees in the gully (see para 1(i) above), whilst removing any restrictions on the driveway and flat areas (see para 1(ii) above). By amending the Order on the Woodland and applying instead on a defined area of trees, it would also enable the area to be maintained more easily and in a less costly way by the property owner.
4. It is my belief that the proposed limitations in para 3 above, would not significantly impact the amenity of the woodland, as set out below;
  - a. Visual amenity and skyline: the visibility and skyline from the public road on Lansdown Place West and Somerset Place would be unaffected as the large trees in the gully which provide these features would still be protected; it would retain a significant contribution to the landscape and the character of the conservation area
  - b. Diversity and green infrastructure— there would still be a diversity of age range of trees and natural regeneration in the main wooded area, as well as more open areas. There would be fewer sapling/shrubs along the trackway, but this growth has occurred mainly within the last 10 years, and has not been a long term feature of the woodland. There would still be a large green infrastructure, as has been maintained by my family since acquiring the land some 50 years ago.
5. I believe that the council should also take into account that I have voluntarily asked for advice from the council as to how to conserve this area. I had not envisaged, nor had fully explained to me, that the Order, by covering the entire woodland, would be as onerous nor that it would make it more difficult and costly for me to maintain the area.

I trust that my representations will be fully considered. I would also welcome an opportunity to discuss further with the arboricultural team and council before any decision is made to extend or amend the Order

Yours faithfully



**(Mrs) Jean F Jennings**

Date: 15th September 2017  
Our Ref: TPO 500/313  
Direct line: (01225) 477505  
E Mail: Trees\_andwoodlands@bathnes.gov.uk

Mrs J F Jennings  
Eastwell  
Upper Lansdown Mews  
Lansdown  
Bath  
BA1 5HF

Dear Mrs Jennings,

**Bath and North East Somerset Council ( Woodland adjacent to Eastwell, Upper Lansdown Mews, Lansdown, Bath No.313 ) Tree Preservation Order 2017**

Thank you for your letter dated 31<sup>st</sup> August 2017 relating to the above.

I am sorry to note that you do not consider that I had fully explained to you the implications of the Order when we met. Please accept my apologies since it was not my intention.

I note that you consider that the TPO would result in it being too onerous to manage the land. Irrespective of the Order, the whole area is already protected by the Bath Conservation Area so any works to trees which are 7.5cm in diameter or above when measured at 1.5m above ground level would require 6 weeks notification to the Council. This also applies to the remaining part of the track which links to Somerset Lane.

A notification for tree works in a conservation area does not have to be made on any particular form, however, it must be made in writing, whereas, a TPO application must be on a particular form which I have enclosed. Any reputable Tree Surgeon should be able to submit a notification or application on your behalf, however, I can provide guidance should you wish to submit a notice or application yourself.

The woodland designation provides an opportunity for succession trees to establish in the flat area which would provide continuity in tree cover on the site for the future. The flat area also provides a better position for trees to grow rather than on more steeply sloping land.

I noted during my visit that the trees which you refer to near the eastern boundary are closer to your property. Any subsequent owner is more likely to be concerned about these trees than those further away in the flat area.

Development of mature trees in the flat area would also reduce the need for replacement planting near to the property as and when the existing trees must be removed.

Any attempt to exclude certain parts of the parcel of land from the TPO is likely to introduce uncertainty over which trees are protected or not for you, any subsequent owner and the Council.

I have noted your concerns relating to keeping the track clear. Under the Order, you are able to apply for repeat works within a set period of time. For instance, in one application you can apply for repeat pruning works to maintain clearance of the track to a given width and given height above the track of all growth for a period of 5 years.

You consider that the Order introduces additional cost and time to undertake maintenance of the site.

There is no fee required to submit Tree Preservation Order applications, just as there is no fee to submit notifications for tree works within a conservation area.

I acknowledge that there is a difference between time scales between a notification and application. A notification lasts for 6 weeks, whereas the Council must respond to a Tree Preservation Order application within 8 weeks. However, the Council is able to respond to both after 21 days if the works proposed are not considered contentious.

I have considered your comments and do not consider that the track and flat area should be excluded from the TPO. If you wish to maintain your objection then the decision on whether to confirm the Tree Preservation Order or not will be determined by the Development Management Committee.

I note that you would welcome an opportunity to discuss your concerns further which I am happy to do. I do not have your telephone number to arrange this so I would be grateful if you call on me on 01225 477505.

Yours sincerely

Jane Brewer (Mrs)  
Senior Arboricultural Officer  
Environment and Design Team

enc

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<b>Bath &amp; North East Somerset Council</b>		
<b>MEETING:</b>	<b>Development Control Committee</b>	<div>AGENDA ITEM NUMBER</div> <div></div>
<b>MEETING DATE:</b>	<b>17<sup>th</sup> January 2018</b>	
<b>RESPONSIBLE OFFICER:</b>	Mark Reynolds, Group Manager, Development Management (Telephone: 01225 477079)	
<b>TITLE:</b>	<b>NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES</b>	
<b>WARD:</b>	ALL	
<b>BACKGROUND PAPERS:</b>	None	
<b>AN OPEN PUBLIC ITEM</b>		

## APPEALS LODGED

**App. Ref:** 17/02653/FUL  
**Location:** 64 St John's Road Bathwick Bath BA2 6PT  
**Proposal:** Loft conversion with side dormer and rear flat roof dormer  
**Decision:** REFUSE  
**Decision Date:** 31 July 2017  
**Decision Level:** Delegated  
**Appeal Lodged:** 11 December 2017

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**App. Ref:** 17/03040/FUL  
**Location:** 13A Chatham Row City Centre Bath Bath And North East Somerset BA1 5BS  
**Proposal:** Creating a patio on flat roof at rear of property and access door.  
**Decision:** REFUSE  
**Decision Date:** 2 August 2017  
**Decision Level:** Delegated  
**Appeal Lodged:** 11 December 2017

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**App. Ref:** 17/02943/FUL  
**Location:** 7 Lower Camden Place Walcot Bath Bath And North East Somerset BA1 5JJ  
**Proposal:** Erection of a single storey garden shed within the curtilage of a Grade II listed building. (Retrospective)

**Decision:** REFUSE  
**Decision Date:** 22 September 2017  
**Decision Level:** Delegated  
**Appeal Lodged:** 12 December 2017

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**App. Ref:** 17/04675/AR  
**Location:** 9 - 10 Trim Street Bath BA1 1HB  
**Proposal:** Display of externally illuminated temporary decorative scaffold shroud screen advertisement during scaffolding and works to the building for a period of 12 month.  
**Decision:** REFUSE  
**Decision Date:** 10 November 2017  
**Decision Level:** Delegated  
**Appeal Lodged:** 12 December 2017

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**App. Ref:** 17/01411/FUL  
**Location:** 10 Stonehouse Lane Combe Down Bath Bath And North East Somerset BA2 5DW  
**Proposal:** Three storey side extension and garage to include demolition of existing single story side extension, partial demolition of existing garage, minor changes to rear ground floor fenestration of existing main house and front landscaping.  
**Decision:** REFUSE  
**Decision Date:** 27 July 2017  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 20 December 2017

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**App. Ref:** 17/03220/FUL  
**Location:** 19 Bloomfield Grove Bloomfield Bath Bath And North East Somerset BA2 2BZ  
**Proposal:** Erection of two storey side extension  
**Decision:** REFUSE  
**Decision Date:** 4 October 2017  
**Decision Level:** Delegated  
**Appeal Lodged:** 20 December 2017

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**Case Ref:** 17/00264/UNDEV  
**Location:** Greenleigh Farm Wells Road Chew Magna Bristol Bath And North East Somerset BS40 8QR  
**Breach:** Without planning permission the erection of a dwelling

**Notice Issued Date:** 13 May 2017  
**Appeal Lodged:** 02 January 2018

## **APPEALS DECIDED**

**App. Ref:** 17/00931/FUL  
**Location:** 41 The Brow Twerton Bath Bath And North East Somerset BA2 1EA  
**Proposal:** Erection of a two storey side extension and conversion of the existing roof space including the provision of 1no. rear dormer following demolition of existing detached garage. (Resubmission of 16/01363/FUL)  
**Decision:** REFUSE  
**Decision Date:** 3 July 2017  
**Decision Level:** Delegated  
**Appeal Lodged:** 2 November 2017  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 22 December 2017

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**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  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 30 November 2017

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## FORTHCOMING HEARINGS AND ENQUIRIES

**App. Ref:** 17/00264/FUL  
**Location:** Parcel 6785 Summer Lane Monkton Combe Bath  
**Proposal:** Erection of a disabled accessible agricultural dwelling.  
**Decision:** REFUSE  
**Decision Date:** 21 March 2017  
**Decision Level:** Delegated  
**Appeal Lodged:** 07 November 2017

Hearing to be held on 23<sup>rd</sup> January at the Guildhall, Bath.

**Case Ref:** 08/00792/UNAUTH  
**Location:** Parcel 7143 Bonhill Lane Bishop Sutton Bristol Bath And North East Somerset  
**Breach:** Unauthorised change of use of land to a caravan site, and the siting of a static caravan, timber clad mobile home and the creation of areas of hardstanding.  
**Appeal Lodged:** 29 August 2017

Inquiry to be held on 6<sup>th</sup> February at the Guildhall, Bath.

**App. Ref:** 14/01259/CLEU  
**Location:** Parcel 7143 Bonhill Lane Bishop Sutton Bristol Bath And North East Somerset  
**Proposal:** Use of site as touring caravan park. (Certificate of Lawfulness for an Existing Use)  
**Decision:** REFUSE  
**Decision Date:** 25 July 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 29 August 2017

Inquiry to be held on 6<sup>th</sup> February at the Guildhall, Bath.