

Development Management Committee

Date: Wednesday, 14th February, 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, Liz Richardson, Brian Simmons, 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 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, 14th February, 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 - 36)

To confirm the minutes of the meeting held on 17 January 2018.

9. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 37 - 44)

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 45 - 106)

11. QUARTERLY PERFORMANCE REPORT - OCTOBER TO DECEMBER 2017 (Pages 107 - 120)

The Committee is asked to note the quarterly performance report.

12. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 121 - 130)

The Committee is asked to note the appeals 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, 17th January, 2018, 2.00 pm

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

90 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

91 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

92 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Paul Crossley (substitute Cllr Neil Butters).

93 DECLARATIONS OF INTEREST

There were no declarations of interest.

94 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

95 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.

96 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

97 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 13 December 2017 were confirmed and signed as a correct record.

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

The Committee considered:

- A report by the Group Manager (Development Management) on various planning applications.
- An update report by the Group Manager (Development Management) on items 2, 3, 4 and 8 attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 3* to these minutes.

Item Nos. 1 and 2

Application Nos. 17/04208/FUL and 17/05854/LBA

Site Location: Farm Shop and Café, Newton Farm, Village Road, Newton St Loe, Bath – Extension to existing farm shop/café with new entrance, office and additional seating. Internal and external alterations for the extension to existing farm shop/café with new entrance, office and additional seating within the curtilage of a listed building

The Case Officer reported on the applications and her recommendation to grant planning permission and listed building consent.

The registered speakers spoke for and against the application.

The Case Officer explained that the reference in the listed building report to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 should be revised to read Section 16; and that Section 72 did not apply because the land was not in the Conservation Area.

Cllr Veale, local ward member, supported the application noting the success of the farm shop and its need to expand. He pointed out that much of the traffic congestion in the village stemmed from Bath Spa University rather than the farm shop.

The Case Officer responded to various questions as follows:

- 20 additional parking spaces will be provided.
- There is no pavement leading from the Bath Spa University Campus to the village.
- The proposed extension will enlarge the existing café providing seating for a further 36 covers.
- The site is located within the greenbelt.
- Material samples for the roof will be submitted to the Conservation Officer for consideration.

Councillor Kew was supportive of the proposal and moved the officer

recommendation to permit and to grant listed building consent.

Councillor Roberts seconded the motion and stated that whilst she understood the concerns of local residents regarding increased traffic movement she welcomed a thriving village business.

Councillor Appleyard supported the application and noted that any parking issues should be mitigated by the provision of additional parking spaces.

Councillor Butters was inclined to vote against the motion in light of the concerns of local residents.

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

Item No. 3

Application No. 17/04512/RES

Site Location: Unregistered Farm Shop and Café, 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 worker's dwelling

The Case Officer reported on the application and her recommendation to permit. She informed the Committee that objections had also been received from the Bath Preservation Trust and pointed out that the correct site plan was now included in the update report. She also explained that Condition 1 should be removed as the applicant had now submitted details of the landscaping scheme which were acceptable.

The registered speakers spoke for and against the application.

Cllr Butters, local ward councillor, expressed concern about the size and height of the proposed building. He queried whether a chalet bungalow could be considered for this site. Officers advised that members had to consider the specific application before them.

In response to a question the Case Officer confirmed that the proposed materials were considered to be acceptable.

Councillor Butters moved refusal of the application on the grounds of size, height, design and materials. This was seconded by Councillor Appleyard.

Councillor Kew pointed out that this was an application to approve the reserved matters and that the principle of the development was already established. He stated that he would prefer to see stone used rather than render.

Councillor Organ stated that he would prefer rubble stone to be used on the building.

Councillor Jackson also stated that she would prefer a different material rather than render and suggested that the Committee delegate to permit the application to enable officers to carry out further negotiations regarding materials.

The motion was then put to the vote and there were 2 votes in favour and 8 votes against. The motion was therefore LOST.

Councillor Organ then moved that the Committee delegate to permit the application requesting that natural rubble stone be used rather than render. This was seconded by Councillor Jackson.

Councillor Matthew Davies proposed that timber joinery should be used for the windows. Councillors Organ and Jackson accepted this amendment to the motion.

Councillor Butters felt that this proposal addressed some of the concerns expressed by the Parish Council.

The Team Manager, Development Management, explained to members that they could not change the decision to permit the construction of a dwelling but could refuse the application for reasons of detail such as size and design.

The motion was then put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT the application subject to conditions including a requirement to use natural rubble stone and timber joinery.

Item No. 4

Application No. 17/04614/FUL

Site Location: Middle Road Farm, Middle Road, Hinton Blewett – Erection of a 4 bed dwelling house

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

The registered speaker spoke for the application.

Councillor Tim Warren, local ward member, spoke in favour of the application.

In response to a question the Team Manager, Development Management, explained that each application should be considered on its merits. He explained that the applicants were required to provide details of the special circumstances that existed to warrant a dwelling being constructed outside of the Housing Development Boundary. For a rural worker's dwelling they should demonstrate need and a business plan showing financial viability. No evidence had yet been provided in this case.

The Team Manager also explained that in order to be recognised as a self-build development the applicant should be on the self-build register and no evidence had been submitted to demonstrate this.

Councillor Kew stated that if permission were to be granted outside of the Housing Development Boundary then this could set a precedent for other villages. Sufficient evidence had not been provided to enable the Committee to grant permission.

Councillor Becker noted that there were areas where building could be carried out within the Housing Development Boundary and agreed that the creation of a precedent could lead to difficulties for other areas in the future.

Councillor Roberts then moved the officer recommendation to refuse. This was seconded by Councillor Organ.

The motion was put to the vote and it was RESOLVED by 7 votes for, 1 vote against and 2 abstentions to REFUSE the application for the reasons set out in the report.

Item No. 5

Application No. 17/05022/FUL

Site Location: 10 Woodborough Hill Cottages, Woodborough Hill, Peasedown St John, Bath – Erection of a two storey side extension (Resubmission)

The Case Officer reported on the application and her recommendation to refuse. She explained that the existing dwelling would be used for an elderly relative and the extension would provide a new dwelling. This would be another reason for refusal as the site is outside of a Housing Development Boundary in addition to Policy ST7 which requires two parking spaces to be provided.

The registered speakers spoke in favour of the application.

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

Councillor Jackson noted the lack of symmetry in the proposal.

Councillor Roberts moved that consideration of the application be deferred pending a site visit to provide greater clarification of the site and location. This was seconded by Councillor Jackson.

The motion was then put to the vote and it was RESOLVED by 6 votes for, 2 votes against and 2 abstentions to DEFER consideration of the application pending a site visit.

(Note: At this point Councillor Caroline Roberts left the meeting).

Item No. 6

Application No. 17/04969/FUL

Site Location: Manor Farm, Caple Lane, Chew Stoke – 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)

The Case Officer reported on the application and her recommendation to refuse. The main issue for consideration was the extension of the residential/domestic curtilage and the proposal to position a pond in a greenbelt location.

The registered speaker spoke in favour of the application.

In response to a question the Case Officer explained that the applicant had submitted no evidence (such as a certificate of lawfulness) to confirm that the land had been used for domestic purposes for a number of years.

Councillor Jackson noted that the applicant had removed a leylandii hedge and replaced this with a hornbeam hedge around the new boundary. She felt that this

would be an improvement within the greenbelt.

Councillor Kew stated that he accepted the word of the Parish Council who had confirmed that the land in question had been used as a vegetable plot for over ten years and therefore was within the domestic curtilage of the property. He felt that the proposal would therefore constitute appropriate development and that it would not be harmful to the greenbelt location. He moved that the Committee delegate to permit the application subject to conditions.

Councillor Jackson seconded the motion stating that there would also be an ecological benefit due to the provision of a hornbeam hedge and a pond.

Councillor Appleyard spoke against this proposal stating that there was a valid route to achieve planning permission by obtaining a certificate of lawfulness. He felt that this could set a precedent for future planning applications.

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

Item No. 7

Application No. 17/04882/FUL

**Site Location: Garden Farm Cottage, Wycotte Hill, Combe Hay, Bath –
Demolition of existing cottage and erection of a replacement dwelling
(Resubmission)**

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

The registered speaker spoke in favour of the application.

Councillor Veale, local ward member, spoke in favour of the application noting the support of the Parish Council and stating that the new dwelling would be an improvement.

Councillor Appleyard noted that the new dwelling would be 23% larger in volume than the existing dwelling although the footprint would remain the same.

The Team Manager explained that planning policy was different for extensions to existing dwellings and replacement dwellings because the new build would then become the original dwelling. This meant that any future applicant could subsequently apply to extend the property, or extend it as permitted development, which could lead to a dwelling that was considerably larger than the original.

Councillor Jackson suggested that the permitted development rights could be removed to prevent further extensions. She also queried whether the design was appropriate for this rural location and stated that the proposed dwelling was too large. The Team Manager advised against the removal of permitted development rights and instead seek the construction of a replacement dwelling that was not materially larger than the existing one.

The Legal Advisor stated that members should focus on the proposed replacement dwelling rather than placing weight on policies relating to property extensions.

Councillor Kew felt that the application represented a clever design and noted that the new development would be built to a higher environmental specification than the existing property. He believed that it would be a great improvement and moved that the Committee delegate to permit the application subject to conditions and the removal of permitted development rights.

Councillor Matthew Davies seconded the motion noting the improved design.

Councillor Appleyard felt that the Committee should adhere to its policies and refuse the application.

The motion was then put to the vote and it was RESOLVED by 7 votes for and 2 votes against to DELEGATE TO PERMIT the application subject to conditions and the removal of permitted development rights.

Item No. 8

Application No. 17/05333/FUL

Site Location: 2 Princes Street, City Centre, Bath, BA1 1HL - Change of use from office (B1) to residential (C3)

The Case Officer reported on the application and his recommendation to permit. In response to a question he clarified that future residents would not be entitled to residents' parking permits.

Councillor Organ moved the officer recommendation to permit. This was seconded by Councillor Becker.

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

99 BATH AND NORTH EAST SOMERSET COUNCIL (WOODLAND ADJACENT TO EASTWELL, UPPER LANSDOWN MEWS, LANSDOWN, BATH NO. 313) TREE PRESERVATION ORDER 2017

The Committee considered a report by the Group Manager (Development Management) and an update report attached as *Appendix 1* to these minutes.

The Case Officer reported on an objection that had been received from the owner of the property following the making of the Tree Preservation Order (TPO). Since the publication of the agenda there had been correspondence from a neighbour supporting the TPO and a further letter from the landowner.

The main objection is that if the Tree Preservation Order applied to the trees by the track and within the flat area of land then this would result in it being too onerous and costly to manage the land.

The registered speaker spoke against the confirmation of the Tree Preservation Officer.

The Legal Advisor informed the Committee that if the Tree Preservation Order was not confirmed then, this would, in effect, remove the Conservation Area protection because the Committee would have decided that the trees were not worthy of

protection. With regard to the objections concerning maintenance, the focus should be on the amenity value of the trees and woodland.

In response to a question the Case Officer confirmed that in the event of urgent works being required then the necessary paperwork could be put together quickly. She also confirmed that saplings in the prescribed area were covered by the TPO.

Councillor Organ moved the officer recommendation to confirm the Tree Preservation Order without modification. This was seconded by Councillor Jackson.

The motion was put to the vote and it was RESOLVED by 6 for, 2 against and 1 abstention to CONFIRM the Tree Preservation Order without modification.

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

The Committee considered the appeals report.

RESOLVED to NOTE the report.

The meeting ended at 5.02 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date 17th January 2018

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

ITEM

ITEMS FOR PLANNING PERMISSION

**Item No. 2 Application No. 17/05854/LBA Address: Newton Farm
 Village Road
 Newton St. Loe
 Bath**

The case officers report makes reference to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This is revised to state.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether the development will affect a listed building or its setting.

**Item No.3 Application No. 17/04512/RES Address: Castle Farm
 Midford Road
 Midford
 Bath**

The revised plans list is as follows;

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

Existing and Proposed levels plans

Proposed section west elevation

Proposed section north elevation 3rd January

The site location plan included with the application shows the correct site location plan. The published agenda indicates the wrong site location and the correct site location is shown below.



Item No. 04 Application No.17/04614/FUL

**Address: Middle Road Farm
Middle Road
Hinton Blewett
Bristol
Bath And North East Somerset
BS39 5AP**

In the concluding paragraph there is a mistake. It explains:

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

The sentence should read:

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

Within the officers assessment under Residential Amenity (paragraph two) there is a mistake which reads as follows:

‘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.’

This paragraph should read as follows:

‘Due to the orientation of the property the proposal will not reduce daylight or sunlight levels to neighbouring properties. The proposed change of use will not cause overlooking to neighbouring properties.’

Tree Preservation Order :**Woodland adjacent to Eastwell, Upper Lansdown Mews, Lansdown, Bath**

An e-mail from the neighbour at 8 Hermitage Road supporting the Tree Preservation Order has been received.

The woodland owner has provided a second letter confirming her objection to the Tree Preservation Order because the owner considers that:

1. Someone would have to be paid to handle the paperwork involved in applying for works under the Tree preservation Order
2. There is no long term guarantee under the TPO that the Council would permit the vehicle access to be maintained.
3. The TPO means that advanced permission would have to be sought to undertake minor jobs such as the pruning of small branches.
4. The owner is worried about breaking the rules and feels that they no longer have control or free use of the wood.

The officers’ response to the above:

1. The owner has already employed an arboriculturalist to submit tree notifications under the conservation area requirements. However, simple works need not require an arboriculturalist to fill in the application. The Officer is able to provide guidance on how to fill in an application form.
2. It is evident that vehicular access is required for maintenance purposes so it would be unreasonable for the Council to prevent any works which ensured that the access track was maintained.
3. The situations in which there may be a need to remove small branches are considered rare and a pragmatic approach can be adopted by the Council to works such as minimal pruning requiring secateurs.
4. The woodland owner and neighbour at 8 Hermitage Road initiated the request for additional protection of the woodland above that provided by the conservation area. The officer was persuaded by the arguments presented that a TPO was merited irrespective of current and future ownership.

Jane Brewer
Senior Arboricultural Officer
Bath and North East Somerset Council
Planning Services
Lewis House
Bath
BA1 1JG
3 January 2018



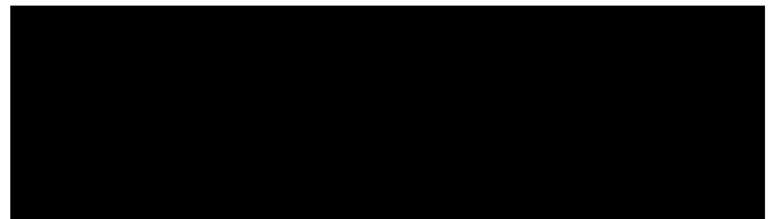
Dear Ms Brewer,

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

Following our conversation I wish to confirm my continued objection to the above TPO.

1. The costs of managing the TPO will be significant as I will need to pay someone to handle the paperwork to ensure compliance. This is much more onerous than the current conservation area requirements.
2. I require continued vehicle access along the driveway and into the flat area, and therefore need to maintain this. There is no long term guarantee that this will be permitted under the TPO.
3. The blanket ban on any maintenance work without advance permission makes it difficult to do even minor jobs such as pruning of small branches.

Sadly I now do not feel that this is 'my' wood any more as I have no control or free use of it under the TPO and am worried about breaking the rules.



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 17 JANUARY 2018

MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	Farm Shop and Café, Newton Farm, Village Road, Newton St Loe, Bath	Yvonne Orengo	Against (6 minutes)
		Celia Gay (Applicant)	For (6 minutes)
2	Unregistered Farm Shop and Café, Castle Farm, Midford Road, Midford, Bath	Cllr Jenny John (Vice-Chair South Stoke Parish Council)	Against
		Mark Edwards (Applicant)	For
3	Middle Road Farm, Middle Road, Hinton Blewitt	Lee Wright (Agent)	For
		Tim Warren (Local Ward Councillor)	For
4	10 Woodborough Hill Cottages, Woodboough Hill, Peasedown St John	Cllr Tom Clifford (Peasedown St John Parish Council)	For
		John White (Agent)	For
		Cllr Karen Walker (Local Ward Councillor)	For
6	Manor Farm, Caple Lane, Chew Stoke	Hugh Norton (Applicant)	For
7	Graden Farm Cottage, Wycotte Hill, Combe Hay, Bath	Tony Horsey (Agent)	For

TREE PRESERVATION ORDER			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
10	Woodland adjacent to Eastwell, Upper Lansdown Mews, Lansdown, Bath	Dirmuid Jennings (on behalf of applicant)	Against

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

17th January 2018

DECISIONS

Item No:	01	
Application No:	17/04208/FUL	
Site Location:	Farm Shop And Cafe, Newton Farm, Village Road, Newton St. Loe	
Ward: Bathavon West	Parish: Newton St. Loe	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Extension to existing farm shop/cafe with new entrance, office and additional seating.	
Constraints:	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,	
Applicant:	Newton Farm Foods	
Expiry Date:	19th January 2018	
Case Officer:	Alice Barnes	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 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 or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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

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

Item No:	02		
Application No:	17/05854/LBA		
Site Location:	Farm Shop And Cafe, Newton Farm, Village Road, Newton St. Loe		
Ward: Bathavon West	Parish: Newton St. Loe	LB Grade: N/A	
Application Type:	Listed Building Consent (Alts/exts)		
Proposal:	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.		
Constraints:	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,		
Applicant:	Mr Hugh Gay		
Expiry Date:	25th January 2018		
Case Officer:	Alice Barnes		

DECISION CONSENT

1 Time Limit - Listed Building Consent (Compliance)

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

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

2 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
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 or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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

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

Item No:	03		
Application No:	17/04512/RES		
Site Location:	Unregistered Farm Shop And Cafe, Castle Farm, Midford Road, Midford		
Ward: Bathavon South	Parish: South Stoke	LB Grade: N/A	
Application Type:	PI Permission (ApprovalReserved 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		

DECISION APPROVE

1 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.

2 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.

3 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.

4 Materials - Submission of Schedule and Samples (Bespoke Trigger)

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

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

5 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

6 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 the land is located within the Green Belt

7 Materials (Bespoke trigger)

Notwithstanding the submitted plans and supporting information the rear and side elevations of the dwelling hereby approved shall be constructed from Natural Bath Stone Rubble.

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

8 Materials (Bespoke trigger)

Notwithstanding the submitted plans and supporting information all window frames and external door shall be constructed from timber joinery. Prior to the construction of the external walls details shall be submitted to and approved in writing by the local planning authority and the development shall thereafter be constructed in accordance with the details so approved.

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

9 Plans List (Compliance)

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

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

PLANS LIST:

Location plan

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

Existing and Proposed levels plans

Proposed section west elevation

Proposed section north elevation 3rd January

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

Condition Categories

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

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

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

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

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

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

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

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

Item No:	04	
Application No:	17/04614/FUL	
Site Location:	Middle Road Farm, Middle Road, Hinton Blewett, Bristol	
Ward: Mendip	Parish: Hinton Blewett	LB Grade: II
Application Type:	Full Application	
Proposal:	Erection of a 4no. bed dwelling house	
Constraints:	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Listed Building, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
Applicant:	Mrs Samantha O'Nians	
Expiry Date:	18th January 2018	
Case Officer:	Chloe Buckingham	

Application withdrawn prior to the decision of the committee to refuse permission being issued.

Item No:	05		
Application No:	17/05022/FUL		
Site Location:	10 Woodborough Hill Cottages, Woodborough Hill, Peasedown St. John, Bath		
Ward:	Peasedown St John	Parish: Peasedown St John	LB
Grade:	N/A		
Application Type:	Full Application		
Proposal:	Erection of 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		

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

Item No:	06		
Application No:	17/04969/FUL		
Site Location:	Manor Farm, Caple Lane, Chew Stoke, Bristol		
Ward:	Chew Valley North	Parish: Chew Stoke	LB Grade: N/A
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		

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

PLANS LIST:

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 Policy Framework. For the reasons given, and expanded upon in the delegated report, a positive view of the submitted proposals was taken and planning permission was granted.

Item No:	07	
Application No:	17/04882/FUL	
Site Location:	Graden Farm Cottage, Wycotte Hill, Combe Hay, Bath	
Ward: Bathavon West	Parish: Combe Hay	LB Grade: N/A
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	

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 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 to prevent harm to the openness of the Green Belt

3 Removal of Permitted Development Rights - No outbuildings (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 garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to prevent harm to the openness of the Green Belt

4 Materials - Submission of Schedule and Samples (Bespoke Trigger)

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

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

5 Construction Management Plan (Pre-commencement)

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

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

6 Parking Area (Bespoke Trigger)

No construction above slab level shall commence until plans showing a parking area for 2no. 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.

7 Bat report (Compliance)

All works shall be carried out in accordance with the recommendations of the submitted Bat Detector Emergence and Re-entry survey report. If evidence of bats is discovered, works must stop and a licenced ecologist must be contacted immediately for advice.

Reason: To ensure that the scheme does not cause harm to a protected species.

8 External Lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the 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.

9 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

10 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.

11 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:

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.

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

Condition Categories

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

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

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

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

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

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

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

Item No:	08	
Application No:	17/05333/FUL	
Site Location:	2 Princes Street, City Centre, Bath, Bath And North East Somerset	
Ward: Kingsmead	Parish: N/A	LB Grade: N/A
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	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

PLANS LIST:

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 or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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

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.

Bath & North East Somerset Council		
MEETING:	Development Management Committee	AGENDA ITEM NUMBER
MEETING DATE:	14th February 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.

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.

This application was deferred at the last meeting of the Committee to allow Members to visit the site.

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

RE4 Essential Dwellings for Rural Workers

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 the description of the development is stated as being for a two storey side extension on further inspection of the plans submitted they show that it is the existing dwelling that is to be used for an elderly relative and the proposed extension is to be used as the main family dwelling. Therefore, there is no doubt now that the proposed extension is to be a new dwelling and as it is to be situated outside of a housing development boundary the principle of the development is not accepted.

The applicant has made reference within the submitted information that the additional space is required for the family to look after the surrounding land. However, no information has been submitted regarding the essential need for a rural worker to live in the new dwelling and there has been no information submitted regarding business operations or indeed the financial viability of a business. Therefore the proposal is also contrary to policy RE4 of the Placemaking Plan (2017).

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 terrace 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 kitchen, lounge and dining room on the ground floor and two bedrooms and a bathroom on the first floor. Whilst there is a door on the ground floor for connection between the extension and the main building, 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. Furthermore, it is considered by the Council that the extension will be used as an independent dwellinghouse and as policy ST7 requires 2 parking spaces per 2/3 bed dwelling and this has not been clearly shown in the submitted plans this represents a further reason for refusal.

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:

The proposed development is considered to amount to a separate planning unit and as the site is located in an unsustainable location outside of a defined settlement boundary the principle of residential development is not accepted. No information has been submitted regarding the essential need for a rural worker to live in the dwelling or the financial viability of any business operating at the site. Therefore, the proposal is contrary to policies DW1 and ST1 of the Bath and North East Somerset Core Strategy (2013) and Policy RE4 of the Bath and North East Somerset Placemaking Plan (2017).

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 is considered to amount to a separate planning unit and as the site is located in an unsustainable location outside of a defined settlement boundary the principle of residential development is not accepted. No information has been submitted regarding the essential need for a rural worker to live in the dwelling or the financial viability of any business operating at the site. Therefore, the proposal is contrary to policies DW1 and ST1 of the Bath and North East Somerset Core Strategy (2013) and Policy RE4 of the Bath and North East Somerset Placemaking Plan (2017).

2 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.

Bath & North East Somerset Council		
MEETING:	Development Management Committee	AGENDA ITEM NUMBER
MEETING DATE:	14th February 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

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- [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.

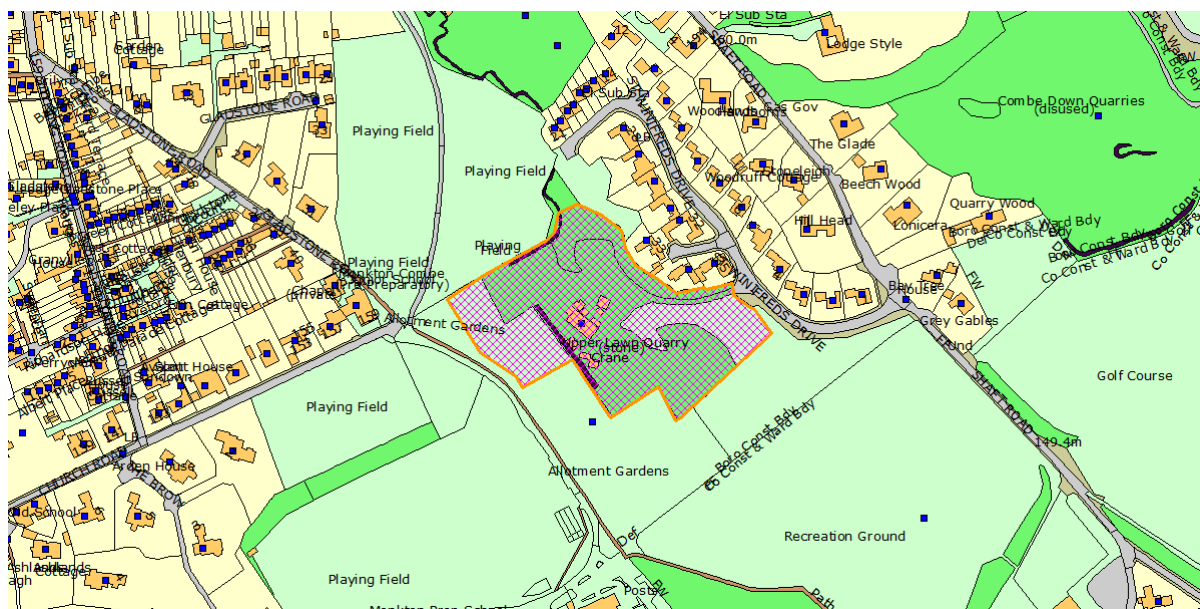
INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	16/05548/MINW 28 February 2018	Messrs Hancock Upper Lawn Quarry, St Winifred's Drive, Combe Down, Bath, Bath And North East Somerset Extension of quarry and variation of restoration strategy and period of extraction up until 2035.	Combe Down	Tim Pearce	Delegate to PERMIT
02	17/00329/FUL 28 February 2018	Messrs Hancock Upper Lawn Quarry, St Winifred's Drive, Combe Down, Bath, Bath And North East Somerset Change of use of an area of paddock land for use as allotments	Combe Down	Tim Pearce	Delegate to PERMIT
03	17/05748/FUL 22 January 2018	Mr Peter Wood Fairash Poultry Farm , Compton Martin Road, West Harptree, Bristol, BS40 6EQ Conversion and part demolition of redundant poultry sheds to form 2 No. live-work dwellings and associated access and landscaping works (Resubmission)	Mendip	Chris Gomm	REFUSE
04	17/05569/FUL 15 February 2018	Mr J Cox Roundhill Farm, Moorledge Road, Chew Magna, Bristol, Bath And North East Somerset Erection of extension and conversion of farm buildings to provide 1no. dwelling.	Chew Valley North	Chloe Buckingham	REFUSE
05	17/05316/FUL 15 February 2018	Mr James Tadman Bloomfield House, 3 Braysdown Lane, Peasedown St. John, Bath, BA2 8HQ Demolition of existing rear single storey extension and replacing with new two storey rear extension	Peasedown St John	Samantha Mason	REFUSE

Mr Matt Cochrane
27 Horsecombe Brow, Combe Down,
Bath, Bath And North East Somerset,
BA2 5QY
Erection of single storey rear extension
and two storey side extension,
replacement of existing windows and
re-cladding of existing dormer window
following demolition of existing garage
and side extension.

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

Item No: 01
Application No: 16/05548/MINW
Site Location: Upper Lawn Quarry St Winifred's Drive Combe Down Bath Bath And North East Somerset

**Ward:** Combe Down**Parish:** N/A**LB Grade:** N/A**Ward Members:** Councillor Cherry Beath Councillor Bob Goodman**Application Type:** Application for Variation of Condition**Proposal:** Extension of quarry and variation of restoration strategy and period of extraction up until 2035.**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Article 4, Existing Mineral Working, Forest of Avon, Hotspring Protection, Preferred Area for Mineral Extraction, MOD Safeguarded Areas, Regionally Important Geological Site RIG, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,**Applicant:** Messrs Hancock**Expiry Date:** 28th February 2018**Case Officer:** Tim Pearce

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

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

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

This application was deferred at the Development Management Committee of 23rd August 2017 to enable further information to be submitted by the applicant.

PROPOSAL: Extension of quarry and variation of restoration strategy and period of extraction up until 2035.

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

DESCRIPTION OF SITE AND APPLICATION:

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

It is proposed to extend Upper Lawn Quarry westwards into a small area measuring approximately 41 metres by 44 metres, similar to the previous extension to the north west approved in 2001. The proposed new working area lies adjacent to the current extraction area where stone is removed from a working face over 30 metres high.

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

It is proposed that the commencement of soil stripping and extraction will be preceded by the translocation of the existing quarry perimeter hedge, where feasible. The hedge will be supplemented by native planting to maintain the integrity of the hedge, with a new hedge being planted on the southern and western boundaries. A post and wire fence will be erected for security.

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

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

The proposals also seek to extend the extraction life of the quarry to 2035, in order to take account of the quarry extension, as well as proposing a variation to the restoration strategy for the quarry site as a whole.

The application is supported by the following additional information:

1. Planning Statement
2. Supplementary Planning Statement
3. Construction Method Statement

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

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS AND REPRESENTATIONS:

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

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

LANDSCAPE ARCHITECT: No objection, subject to conditions regarding a scheme of restoration and the implimenation of the submitted planting scheme prior to the commencement of extraction. With regard to the restoration condition it is considered that given the length of the life of extraction it would be premature to establish the proposed after use at this time, especially when considering the life of the Local Plan up to 2036. Attaching a condition that requires the submission of a restoration strategy closer to the end of the extraction life would allow the applicant and the Council the flexibility to agree a scheme and an after use that is considered most appropriate at that time.

CONSERVATION OFFICER: No comment in relation to Heritage.

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

HIGHWAY DEVELOPMENT OFFICER: No objection but recommended consultation with PRow Officer regarding the potential impact on PRow - Officer Note: This issue is being dealt with by Condition 11 detailed in the recommendation part of this report.

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

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

PLANNING POLICY: No objection, subject to condition.

MONKTON COMBE PARISH COUNCIL: The Parish Council support the historic quarrying business and proposal, and consider that wholly reasonable provision for replacement allotments has been made.

OTHER REPRESENTATIONS / THIRD PARTIES

112 consultation responses were received consisting of 97 objections, 9 general comments and 6 comments of support. With regard to the reasons for objection the main issues of concern can be summarised as follows:

1. The applicant has failed to prefer the use of land of a lesser environmental value i.e. mineral reserves lying under the Monkton School playing fields to the north where damage to the overall playing fields would be slight in comparison to the loss of allotments or the restoration completed working areas within the quarry itself. The lesser environmental impact has not been considered.
2. The application represents poor conservation of a limited mineral resource. Application does not comply with National Policy on conserving minerals as far as possible.
3. Failure by the applicant to comply with conditions to previous extension permissions including the provision of replacement allotments and the preparation of a restoration plan.
4. There is a lack of biodiversity consideration in the proposed hedgerow planting.
5. The application has failed to comply with the requirements of a development that impacts on a RIG i.e. pre-app consultation with local RIGS group.
6. Concerns over the address for the application site being misleading.
7. Concerns over the failure to submit a Geological Assessment.
8. Concerns over the absence of a restoration plan within the application that reflects the plans for the whole quarry site and a failure to consider aftercare.
9. Failure to seek a EIA screening opinion or provide an Environmental Statement.
10. Failure to consider the loss of a community space / amenity and make alternative provision for the allotments that provide community benefits including health and wellbeing, local food economy and educational and social benefits.
11. Failure to consider the historical significance of the allotments and their importance for public health both past and present.
12. Insufficient community engagement and no evidence of pre-application discussions.
13. Concerns over the proximity of the PRoW to the quarry extension.
14. Inadequate Landscape and Visual Impact Assessment and concerns over the loss of Local Green Space status.

15. Inability to provide timely reinstatement of the quarry due to the instability of fill material adjacent to working areas.
16. The application drawings provided fail to adequately define the limits of the area that will be affected by this development. The latest version of the Combe Down Allotments Mastermap is of particular importance in assessing the proposals.
17. Poor Ecological Assessment that underestimates the bio-diversity of the allotments.
18. Concerns regarding the ability of Council Officers to determine the scale of allotments to be lost.
19. Concerns that the proposed fencing and hedgerow planting are insufficient to provide an adequate and secure boundary.
20. Local Plan policy M2 states that on current levels of extraction the quarry should be sufficient for the Plan period.
21. Bath stone is available at other quarries without the need for further extraction at Upper Lawn.
22. Mineral extraction with unacceptable impact on the environment, climate change, local community, transport routes or the integrity of European Wildlife sites which cannot be mitigated should not be permitted.
23. Concerns that any change in quarrying methods would result in further noise and traffic disturbance for the local community.
24. Concerns that approval of the application will set a precedent for all the allotments to be developed with there already pressure on allotment land from further residential development.
25. Concerns that the proposals will undermine and devalue homes in the area.
26. Without a peg in the ground to define the exact loss of land the ability of allotment tenants' to comment on the applications is constrained.
27. There is a lack of information regarding the clearance of plots, storage space during the construction of the new allotments and help in relocating buildings.
28. Concerns over the lack of information regarding the allotments to be lost including questions over the need to extend the site boundary and the ability for maintenance of hedgerows adjacent to allotment plots.
29. Existing allotments rely on water troughs with new / replacement water troughs being required.
30. The proposed change to the restoration plan raises questions over the long-term impacts of the quarry on the local community and whether the extension to extraction should be granted. Without the Restoration Plan the application is incomplete and contrary to policy.
31. The site should be restored to the level of the surrounding land using inert waste so that it can revert to its current status as a Local Green Space. The traffic assessment for the planning application should include the vehicles required for the import of materials for restoration
32. The proposed timescale for eviction and clearance of plots to the provision of new plots is unclear, both in terms of length of time and the time of year. There does not appear to be any provision for vehicular access to facilitate relocation. The new allotments need to be available during the notice period so the existing allotment holders can transition their cropping to the new plots.
33. Assistance must be given by the applicant and B&NES to assist in relocating all sheds, cages, water butts etc. No comments have been made regarding compensation for lost crops.

34. There is a need for a Construction Management Plan to be agreed with clear phases and sign off procedures, including how the top soil / sub soil will be transported between the sites and managed.

35. The sequence of the proposals should be that the new plots should be laid out and sub-soil added. Tenants should then have the opportunity to remove and temporarily store the infrastructure on their plots before the top soil is carefully collected from the existing plots and added immediately to the new plots and additional compost provided.

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

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

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

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

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

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

RELEVANT PLANNING HISTORY:

00/00384/MINW

Approval of planning conditions for continued operation of the quarry

APPROVED - 17 May 2000

00/02251/MINW

Extension of Bath Stone Quarry

APPROVED - 31 January 2001

17/00329/FUL

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

Pending Consideration

POLICIES/LEGISLATION

POLICY CONTEXT:

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

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

LOCAL POLICY:

The Development Plan for Bath and North East Somerset comprises:

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

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

DW1 District Wide Spatial Strategy

SD1 Presumption in favour of Sustainable Development

CP2 Sustainable Construction

CP6 Environmental Quality

CP7 Green Infrastructure

CP8a Minerals

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

SU1 Sustainable Drainage

D6 Amenity

HE1 Historic Environment

NE1 Development and Green Infrastructure

NE2 Conserving and enhancing the landscape and landscape character

NE3 Sites, species and habitats

NE4 Ecosystem services
NE5 Ecological networks
NE6 Trees and woodland conservation
PCS1 Pollution and nuisance
PCS2 Noise and vibration
PCS5 Contamination
PCS6 Unstable Land
LCR1 Safeguarding local community facilities
LCR2 New or replacement community facilities
LCR6a Local green spaces
LCR8 Protecting allotments
LCR9 Increasing the Provision of Local Food Growing
M1 Mineral safe-guarding areas
M2 Minerals Allocations
M4 Winning and working of minerals
ST7 Transport requirements for managing development

OFFICER ASSESSMENT

OFFICER ASSESSMENT:

The main issues to consider are:

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

1. BACKGROUND

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

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

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

As detailed above, when considering the impact of the proposed development on the existing allotments, following submission of the planning application, the applicant agreed to prepare and submit a separate planning application for replacement allotments. This application should be considered in association with the allotments application that has also been referred to this Development Management Committee.

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

2. Principle of Development

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

With regard to the extension of the extraction period to 2035 it is considered that as an existing use that has been in operation for more than 150 years the continuation of its use for a further 14 years to facilitate the extraction of the quarry extension would be acceptable in this instance.

3. Loss and replacement of allotments

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

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

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

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

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

Following consultation with the Council's Parks Department it is considered that, subject to supplementary conditions regarding the timing of the notice of eviction from the existing allotments and the provision of a replacement water trough, the submitted Construction Management Plan is an appropriate methodology for the provision of the replacement allotments whilst allowing the applicant to make use of existing resources as part of their construction, with a programme for construction that is compliant with the aforementioned policies.

4. Minerals Development

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

- a. The need for Bath stone has been demonstrated and established through the allocation of the site as a minerals safeguarding area and minerals allocation area through policies M1 and M2 of the Adopted Placemaking Plan respectively, as well as through the limited number of minerals extraction sites within the BANES area to serve the needs of the development sector within the World Heritage Site;
- b. The scale and nature of the proposed development is consistent with previous extensions to the quarry and continues a working practice that has been part of the area for 150 years. It should be noted that whilst the quarry extension will require a greater resource it is for the continuation of the existing operation and not an intensification of its existing use;
- c. Through appropriate planning conditions the ecological and landscape impacts of the proposals are deemed to be acceptable, as assessed by the Council's Landscape and Ecological officers. It should also be acknowledged that the Council's Environmental Health Officer made no comment with regard to Environmental Health issues.
- d. An appropriate condition has been attached ensuring the future restoration of the site which will maintain or enhance its value to the environment and/or community; and
- e. The Highways Officer has considered the proposals, including the submitted Construction Management Plan and raises no objection. Given that the scale of operation and method of working would remain the same no traffic impacts over and above the existing are anticipated.

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

5. Amenity

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

In terms of visual amenity the Council's Landscape Officer has stated that the current site is visually contained due to the open cast and mostly below surrounding ground level nature of the extraction; the surrounding flat topography; and the intervening vegetation

and buildings. As a consequence the visual impact of the proposals is likely to be minimal and temporally limited to periods when the working face is at or close to the surface.

In terms of the visual impact during stone extraction it is felt that this can be mitigated by screen planting and appropriate condition has been attached to ensure that the proposed planting scheme is implemented prior to the commencement of extraction operations on site.

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

6. Landscape

With regard to landscape impacts the Council's Landscape Officer has commented that the stone extraction will have a marked landscape impact during the working phase, however, this is considered to be temporal in nature provided that a suitable restoration scheme is conditioned. As with previous applications for extensions to the quarry conditions have been attached that require the restoration of the quarry at a appropriate time. However, it should be noted that given the proposed increase in the extraction life of the quarry and the emergence of the Local Plan that will run until 2036 it is felt that a condition that allows greater flexibility to the end use would be more appropriate in this instance. This will place a requirement on the applicant to ensure the site is restored in accordance with these conditions and within the specified time frame.

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

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

7. Ecology

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

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

Conditions have also been attached that require the submission of new lighting details to be submitted and agreed as well as compliance with the recommendations of the submitted Ecology Assessment.

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

8. Highways

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

The Highways Officer also noted that the south-eastern corner of the proposed works area would extend close to public right of way (BC62/3). In order to ensure that this route is maintained and not hampered by the adjacent works a condition has been attached requiring the PRow to be available for use at all times.

9. Heritage

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

10. Other Matters

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

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

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

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

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

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

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

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

The planning application process allows for the submission of scale drawings to define the parameters of an application site. It is considered that following the submission of amended drawings that the parameters of the application site are easily defineable and that requiring the applicant to 'peg out' the application site boundaries would be unreasonable in this instance.

Following the submission of the Supplementary Planning Statement and Construction Management Statement it is considered that a sufficient level of information has been provided to assess the scale of allotment land to be lost, the storage space to be provided and the process of clearing the existing allotments and providing the new allotments. It should be noted that the Council's Parks Department have raised no objection and found the proposals acceptable, subject to conditions regarding the timing of the notice of eviction and the construction of the new allotments subject to application 17/00329/FUL.

It should be noted that given the liability that would be associated with the relocation of the allotment buildings, should damage occur, it would be unreasonable for the Council to require the applicant to provide such assistance.

Whilst the Council notes the request for the entirety of the allotment plot in row 7 to be included within the red line boundary it is the Council's understanding that this would result in the need for further negotiation with and payment to be made to the landowner. This is something that is a decision for the applicant alone.

In terms of the scale of allotment land to be lost it should be noted that the Council, as determining authority, is duty bound to assess the application in the form that it has been submitted. Moreover, as has been highlighted above the new allotments subject to application 17/00329/FUL are considered to be acceptable, therefore the proposals would be in compliance with policies LCR8 and LCR9.

In measuring the extent of the application boundary alongside the extent of the extension, landscaping and fencing combined it is evident that there would be approximately 1m of

land remaining outside of the security fence line. This should provide sufficient space for the relocation of the existing water trough and the maintenance of any hedgerows.

Conditions have been proposed for this application and the replacement allotments application that require the replacement of the water trough being lost and the provision of a new water trough respectively.

It should be noted that a condition has been attached requiring the submission of a restoration plan to be agreed at an appropriate date in the future which allows for the Council to assess its potential land use requirements for the wider quarry site at a time closer to the end of the extraction period which would be in line with the final years of the Local Plan period. Any restoration plan would need to be supported by an appropriate transport assessment.

It is considered that a condition requiring both the quarry extension and replacement allotments to be constructed in accordance with the Construction Management Plan, as well as individual conditions relating to the timing of construction, the replacement / provision of water troughs and the construction of the replacement allotments would ensure that there are sufficient planning controls over the developments. Should a breach of a planning condition occur and this be reported to the Council the Planning Enforcement Team will investigate the matter and take any necessary enforcement action to remedy the situation.

It should be noted that compensation for the loss of plants etc. is not a material planning consideration.

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

11. Conclusion

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

As this application is to be considered alongside application 17/00329/FUL the remaining point for consideration is the acceptability of the new allotment land subject to that application. It should be noted that the principle of development for the allotments proposals has also been found to be acceptable and in assessing the allotment

application all Consultees found the development acceptable, subject to conditions, and the proposals were considered to accord with the relevant local and national planning policies.

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

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

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

1 Standard Time Limit (Compliance)

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

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

2 Winning and Working of Minerals (Compliance)

The winning and working of minerals at the site shall take place in accordance with conditions appended to planning permission reference 00/00384/MINW, as amended or supplemented by planning permission reference 00/02251/MINW, and as supplemented or varied by conditions 3 -17 below.

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

3 Approved Details (Compliance)

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

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

4 Allotments Condition (Bespoke Trigger)

The extraction of minerals from the quarry extension site shall not commence until the allotments approved under planning permission 17/00329/FUL have been constructed and completed in accordance with the approved scheme and any relevant conditions.

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

5 Extraction / Restoration (Bespoke Trigger)

Condition 2 of planning permission reference 00/00384/MINW and Condition 2 of planning permission reference 00/02251/MINW are varied to the effect that extraction of minerals from the quarry shall cease by 31st December 2035 and restoration of the quarry shall be completed by 31st December 2036 or within 12 months of cessation of mineral extraction, whichever is the sooner, unless otherwise agreed in writing with the LPA.

Reason: To enable the Local Planning Authority to control the development and ensure that the impact of the development on the amenities of the surrounding area is minimised.

6 Planting Works (Pre-commencement)

All planting works shall be carried out in accordance with the approved detailed sketch planting plan 01/C showing hedge and hedge tree planting. The works shall be carried out prior to the commencement of any extraction operations on the proposed extension site. A 0.5m area either side of the hedgerow planting and 1m diameter area around tree planting shall be maintained in a weed and grass free condition for a period of 3 years after planting. Any trees or plants indicated on the approved scheme which, within a period of five years from planting die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

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

7 Restoration Specification (Bespoke Trigger)

Prior to 31st December 2034 or within 1 month of the cessation of minerals extraction operations, whichever is the sooner, a restoration scheme for the whole quarry site shall be submitted to and agreed in writing with the Local Planning Authority. The quarry site shall be restored in accordance with the agreed restoration scheme, unless otherwise agreed in writing with the Local Planning Authority.

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

8 Depth of Working (Compliance)

The maximum depth of working in Phases 1 and 2 of the site shall not be below 43m, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To control the development in the interests of amenity and groundwater protection.

9 Ecology Recommendations (Compliance)

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

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

10 External lighting (Bespoke Trigger)

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

Reason: To avoid harm to bats and other wildlife, in accordance with Policy NE3 of the Bath and North East Somerset Placemaking Plan.

11 PRoW Protection (Compliance)

Public right of way BC62/3 shall remain accessible at all times.

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

12 Drainage (Bespoke Trigger)

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

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

13 Written Notification (Bespoke Trigger)

Written notification shall be served on the Local Planning Authority no later than 100 days prior to the date on which the allotment land subject to the quarry extension shall be vacated.

Reason: To ensure that the Council is provided with sufficient time to serve notice on the allotment tenants.

14 Operational limitations (Compliance)

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

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

15 Stripping of topsoil (Compliance)

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

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

16 Plans List (Compliance)

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

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

17 Storage Compound (Bespoke Trigger)

The proposed storage compound shall be available for use no later than 7 days from the receipt of written notification of the need to vacate the allotment land subject to the quarry extension.

Reason: To ensure that the allotment holders are able to utilise the storage compound for the full 3 months notice period.

PLANS LIST:

This decision is based on the following drawings and information:

Topographical Survey 2257-500-01 and Planning Statement received 14/11/2017; Supplementary Planning Statement received 05/09/2017; Site Location Plan received 15/09/2017; Site Plan 01 Rev E and New Hedge Planting 01 Rev C received 05/12/2017; and Construction Management Plan received 15/12/2017.

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

Condition Categories

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

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

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

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

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

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

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

Advice from the Environment Agency:

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

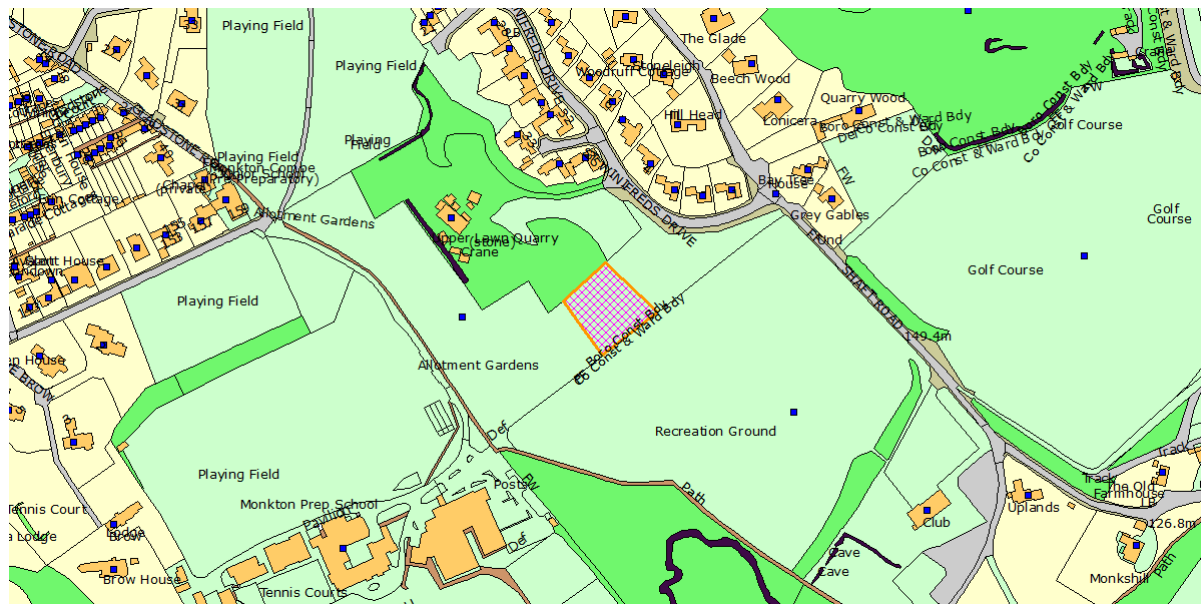
This is a requirement of the Control of Pollution (Oil Storage) (England) Regulations 2001.

Any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system.

There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters whether direct or via soakaways.

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

Item No: 02
Application No: 17/00329/FUL
Site Location: Upper Lawn Quarry St Winifred's Drive Combe Down Bath Bath And North East Somerset



Ward: Combe Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Cherry Beath Councillor Bob Goodman
Application Type: Full Application
Proposal: Change of use of an area of paddock land for use as allotments
Constraints: Affordable Housing, Agric Land Class 3b,4,5, Article 4, Existing Mineral Working, Forest of Avon, Hotspring Protection, Mineral Construction Area, MOD Safeguarded Areas, Regionally Important Geological Site RIG, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,
Applicant: Messrs Hancock
Expiry Date: 28th February 2018
Case Officer: Tim Pearce

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

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

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

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

This application was deferred at the Development Management Committee of 23rd August 2017 to enable further information to be submitted by the applicant.

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

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

DESCRIPTION OF SITE AND APPLICATION:

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

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

The application is supported by the following additional information:

1. Covering Letter;
2. Ecological Survey and Appraisal;
3. Preliminary Risk Assessment; and
4. Construction Management Plan

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

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS AND REPRESENTATIONS:

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

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

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

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

PARKS AND GREEN SPACES: Raised no objection, subject to conditions regarding allotment construction specification and the provision of a new water trough.

OTHER REPRESENTATIONS / THIRD PARTIES

27 consultation responses were received, consisting of 9 objections, 13 general comments and 5 comments of support. These comments can be summarised as follows:

The main reasons for objection consist of the following:

1. The application should not be separate to 16/05548/MINW - the company is not accountable for providing replacements for allotment tenants affected by the extension.
2. The pony paddock has a thin layer of poor topsoil and its condition should be enhanced before the area can be deemed suitable for use as allotments.
3. There seems to be no provision for vehicular access from the existing track through the site to the new plots. Bearing in mind that the existing track is about 30 to 40 metres from the existing boundary with the paddock, this will make the delivery of manures and other heavy materials impossible.
4. The new application still does not take into account of the need for new water supplies to be introduced into the new allotment area.
5. Plot holders who have to move should not be responsible for the cost and risk of moving their own sheds.
6. The new plots should be made ready in the paddock prior to the removal of the existing, allowing movement to the new plots in one operation and referred to in 2001 as "Synchronous restoration".
7. The discrete construction stages within the Construction Management Plan should indicate how the approval of the quality of work of each stage (or construction element) will be assessed so that formal approval to proceed to the next stage or sign off of the work can be given.
8. It should be ensured that the most up to date master map of the allotments is available to the Planning Committee.
9. There is an extremely high and wide Leylandii hedge running along the southern edge of the proposed allotment site, which will render a wide strip of land to the north of the hedge unuseable for cultivation.
10. Concern over the quality of the soil in the new allotments and the need to remove rubble to make the soil workable again.
11. The developer has the choice of digging the new plots out to a depth of 1.3m and then adding sub-soil, top soil and compost, or adding additional materials on top of the existing

soil to provide the required depth of soil of horticultural quality. The existing soil on the paddock should not be mixed with the top soil from the existing plots, as this would degrade the top soil.

General comments on the proposal can be summarised as follows:

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

Comments of support on the proposal consist of the following:

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

RELEVANT PLANNING HISTORY:

00/00384/MINW

Approval of planning conditions for continued operation of the quarry
APPROVED - 17 May 2000

00/02251/MINW

Extension of Bath Stone Quarry
APPROVED - 31 January 2001

16/05548/MINW

Extension to quarry
Pending Consideration

POLICIES/LEGISLATION

POLICY CONTEXT:

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

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

LOCAL POLICY:

The Development Plan for Bath and North East Somerset comprises:

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

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

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

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

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

OFFICER ASSESSMENT

OFFICER ASSESSMENT:

The main issues to consider are:

1. Background
2. Principle of development
3. Provision of new allotments

4. Contamination
5. Highways
6. Parks and Green Spaces
7. Landscape
8. Amenity
9. Ecology
10. Other Matters
11. Conclusion

1. BACKGROUND

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

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

2. PRINCIPLE OF DEVELOPMENT

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

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

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

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

3. PROVISION OF NEW ALLOTMENTS

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

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

- a) Be suitable for productive use.

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

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

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

4. CONTAMINATION

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

5. HIGHWAYS

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

6. PARKS AND GREEN SPACES

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

It should be noted that a condition has also been attached that requires the replacement allotments to be completed within 6 months of written notification being received of the need to vacate the allotment land subject to planning application 16/05548/MINW.

7. LANDSCAPE

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

8. AMENITY

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

9. ECOLOGY

An Ecological and Bat Survey and Assessment was submitted in support of the application which was assessed by the Council's Ecology Officer who accepted the report's findings. The Ecology Officer concluded that there was no objection on ecological grounds and that they did not consider the proposal capable of significant impact on the nearby SAC or bats using the SAC. This is on the provision that any new external lighting proposed is submitted to the Council for approval.

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

10. OTHER MATTERS

Despite being a separate application to application 16/05548/MINW the two are intrinsically linked. As such a condition has been proposed for the quarry extension application that requires the completion of the new allotment gardens prior to the commencement of mineral extraction operations.

It is considered that the provision of a vehicular access to the new allotments would have a detrimental impact on the existing allotment site, requiring the removal of further plots to facilitate it. As such, given the distance of the proposed allotments from the existing vehicular access, on planning balance, a vehicular access is not considered necessary in this instance.

It should be noted that given the liability that would be associated with the relocation of the allotment buildings, should damage occur, it would be unreasonable for the Council to require the applicant to provide such assistance. It should also be noted that compensation is not a material planning consideration.

Having considered the submitted Construction Management Plan and following consultation with the Council's Parks Department it is felt that the proposed use of top and sub soil from the existing allotments is a reasonable and acceptable method of construction. This would make the establishment of the allotments in advance of the existing allotments removal impossible.

It is considered that a condition requiring both the quarry extension and replacement allotments to be constructed in accordance with the Construction Management Plan, as well as individual conditions relating to the timing of construction, the replacement / provision of water troughs and the construction of the replacement allotments would ensure that there are sufficient planning controls over the developments. Should a breach of a planning condition occur and this be reported to the Council the Planning Enforcement Team will investigate the matter and take any necessary enforcement action to remedy the situation.

It should be noted that the most up to date master map of the allotments will be made available to the Planning Committee.

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

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

11. CONCLUSION

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

In assessing the application all Consultees found the proposals acceptable, subject to conditions, therefore the proposed allotments can be considered to accord with the relevant policies of the Bath and North East Somerset Core Strategy, the Bath and North East Somerset Placemaking Plan and, in accordance with paragraph 17 of the National Planning Policy Framework. However, as this application is so closely linked to application 16/05548/MINW it is recommended that the Group Manager be authorised to grant permission subject to the conditions if the Secretary of State decides not to call in that application.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

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

1 Standard Time Limit (Compliance)

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

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

2 Approved Scheme (Compliance)

The development shall be carried out fully in accordance with the application dated 23rd January 2017 together with the supporting statement and drawings (including revisions), supplementary Preliminary Risk Assessment received 6th June 2017 and the Construction Management Plan received 15th December 2017, except where varied by conditions attached to this permission.

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

3 Allotment construction specification (Compliance)

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

- (a) the soil profile after construction is to comprise of a minimum of 200mm of topsoil overlaying 800mm of subsoil.
- (b) soil stripping, handling, storage and preparation should be completed in accordance with and using the preferred methods in the recommendations of BS 3882:2015 Annex A.
- (c) the ground material of any soil receiving areas requiring additional topsoil/subsoil shall be de-compacted to increase permeability, additional soil shall be consolidated as it is laid to ensure that there is no post-construction settlement;
- (d) all stones and other debris within the upper 200mm of topsoil exceeding 50mm in diameter shall be removed;
- (e) the allotment plots shall be spread with a 100mm layer of suitable organic material with a balanced pH meeting BSI PAS 100, which shall be cultivated into the top 100mm of topsoil;
- (f) the allotment will be landscaped in accordance with the Layout Plan provided by B&NES Parks & Green Spaces on 25th January 2018; and
- (g) all wastes and all rubbish shall be removed from site.

Reason: To ensure that the land is in a condition suitable for allotment use and equivalent to the existing allotment land to be quarried, in accordance with Policy LCR8 and LCR9 of the Bath and North East Somerset Placemaking Plan.

4 Water Supply and Trough Provision (Pre-occupation)

Prior to first occupation the approved allotments shall be provided with a water supply and water troughs in accordance with the agreed allotment layout plan dated 25th January 2018.

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

5 Timing of works (Compliance)

The replacement allotments are to be completed prior to the commencement of the minerals extraction works or within 6 months from the date that written notification is received to vacate the existing allotment land associated with planning permission 16/05548/MINW.

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

6 Reporting of Unexpected Contamination (Bespoke Trigger)

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

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

7 External Lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the LPA; details to include lamp specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent light spill upwards and onto adjacent land and vegetation that is suitable for use by bats, including bats associated with the nearby Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and to avoid harm to bat activity and other wildlife. The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and other wildlife, in accordance with Policy NE3 of the Bath and North East Somerset Placemaking Plan

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 is based on the following drawings and information:

Covering letter received 23/01/2017; Ecological Survey and Appraisal 14/03/2017; Preliminary Risk Assessment received 06/06/2017; Site Location Plan and Construction Management Plan received 05/12/2017.

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

Condition Categories

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

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

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

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

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

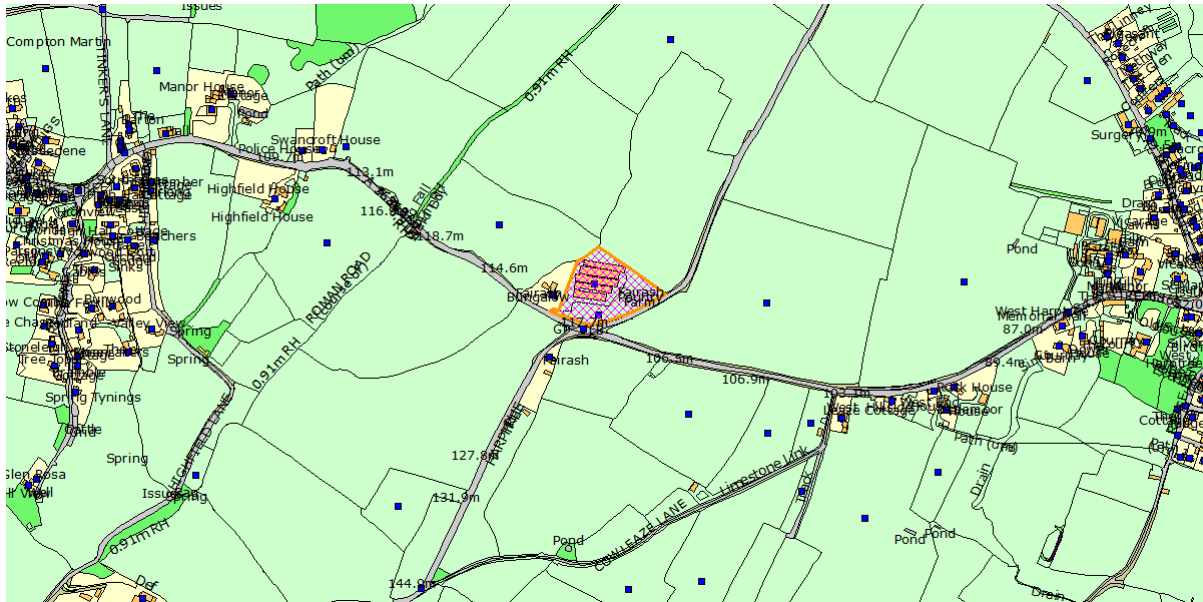
Please note all conditions should be read fully as these headings are intended as a guide only.

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

Comments of the Parks and Green Spaces Officer:

The construction of the replacement allotments will provide a cost effective opportunity for the applicant to also fulfil the requirement of application 00/02251/MINW Condition 9 to restore Area B as allotments. The Council would welcome the combined construction of these planning application requirements to minimise disruption to existing tenants and assist in meeting the high demand for allotments in the Combe Down ward.

Item No: 03
Application No: 17/05748/FUL
Site Location: Fairash Poultry Farm Compton Martin Road West Harptree Bristol BS40 6EQ



Ward: Mendip	Parish: West Harptree	LB Grade: N/A
Ward Members: Councillor T Warren		
Application Type: Full Application		
Proposal:	Conversion and part demolition of redundant poultry sheds to form 2 No. live-work dwellings and associated access and landscaping works (Resubmission)	
Constraints:	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP9 Affordable Housing Zones, 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 Peter Wood	
Expiry Date:	22nd January 2018	
Case Officer:	Chris Gomm	

REPORT

Full planning permission is sought for the change of use and conversion of two former poultry sheds to form two 'live-work' dwellings in the countryside near West Harptree.

The Application Site

The application site is situated in the open countryside mid-way between the villages of West Harptree and Compton Martin immediately to the north of the main A368 road (from

which the site is accessed). The site is within the designated Mendip Hills Area of Outstanding Natural Beauty (AONB).

The site currently comprises five tightly grouped former poultry sheds which it is understood were constructed predominantly in the early 1980s - with some earlier buildings. The sheds are of a substantial size and generally would appear to be in a poor state of repair. Three feed silos are situated at the western end of the buildings. Due to the sloping topography of the site some of the sheds have a substantial under-croft storey. There is extensive hard standing adjacent to and surrounding the buildings.

A residential dwelling 'Fairash Bungalow' is situated immediately to the west of the application site but is not within it.

There are no longer any birds housed at the site although it was evident from the site inspection (some months ago) that at least one of the buildings is currently in use for storage and egg-packing purposes.

The Proposal

It is proposed to retain two of the five existing poultry buildings and convert them both into two separate live-work dwellings; the three remaining buildings will be demolished except those parts which will be retained to form two detached garages and two detached work units. Substantial structural landscaping (tree planting) is proposed surrounding the development on its south, east and northern sides. The proposal includes moving the site access (to/from the A368) approximately 10m to the west in order to improve highway visibility.

Relevant Planning History

- o 17/04129/FUL: Conversion and part demolition of poultry sheds to form 3 No. dwellings and associated access and landscaping works. REFUSED
- o 17/02511/FUL: Conversion and part demolition of redundant poultry sheds to form 5 No. dwellings and associated access and landscape works. WITHDRAWN
- o 12/02165/OUT: Erection of 3no. dwellings following demolition of existing poultry farm (revised resubmission). REFUSED and APPEAL DISMISSED
- o 11/03843/OUT: Erection of 7no. dwellings following demolition of existing poultry farm. REFUSED
- o 09/01216/FUL: Change of use of poultry buildings to business (Use Class B1, B2 and B8). WITHDRAWN

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ward Member (Cllr Warren): Comments

"I write concerning the above application. I believe now that most of the planning issues have been met, although agree that the issue still remains around new dwellings. I believe this has partly been taken care of by the revised design and reduction of properties proposed. The chicken sheds have now outlived their lifespan and are no longer used for egg production, although one shed is still used for sorting. I am concerned that when these buildings fall into further disrepair they will become more of an eyesore to the

houses around the site, and the general area. Therefore can I please request that if you are minded to refuse this application, it be decided by the DM committee".

B&NES Arboriculturalist: Not acceptable in its current form

The trees to be retained remain as previously proposed and a more substantial tree belt is to be located to the south and west. Insufficient information has been submitted however with regard to how trees to be retained would be protected during the realisation of the development proposals as well as how they will be protected from pressure to carry out further works or felling following occupation.

B&NES Landscape Officer: Objection

Continue to object to the development proposals because through the retention and adaptive reuse of some of the existing buildings they would conserve a feature that does not enhance the character of the landscape; adversely affects the natural beauty of the Mendip Hills AONB and would be visually detrimental to the Green Belt by reason of its siting, design and the materials used in its construction [the site is not within the Green Belt but can be seen from it]. In addition the proposal would be likely to have an adverse impact on trees of wildlife, landscape and amenity value.

B&NES Highways: Objection

Objection due to the site's unsustainable location (there is no objection on road safety grounds subject to improvement works to the access and there is sufficient space within the site for adequate parking).

West Harptree Parish Council: Comment

"Access onto the busy A368 is very near Fairash crossroads A368/junction with Harptree Hill/C406, it is a staggered junction on the brow of a hill and is a safety concern. West Harptree Parish Council would be mindful to support this application if fundamental improvements to Fairash Crossroads and the Site access/turn in from the A368 could be achieved.

The proposed design and building materials should be sympathetic and reflective of the Chew Valley Neighbourhood Plan criteria and the Area of Outstanding Natural Beauty in which it sits. Whilst we are unhappy with the access to this Site which is outside the village boundary, development of this site will ensure that the redundant chicken sheds will not deteriorate further and become an eyesore."

Compton Martin Parish Council: Object on highway grounds

"The overall look of the new submission is definitely an improvement on previous ones, but, this still does not mean that the predominant issues with developing this site have been removed.

We thank the applicant for the use of the CVNP. The reduction in the number of buildings is certainly welcome, and the innovative design and use of the space is to be commended. However, even reduced traffic movement on this site is dangerous, and the safest solution

to this is to rework the whole junction, not only to Fairash, but the crossroads as well. We do not know whether the studio units would be let out by homeowner's, or if employees would attend the site, leading to a possible increase traffic flow. As the Design and Access statement notes, there are several amenities in the 2km radius as stated but getting to them by foot in real terms is extremely hazardous, again we suggest the planners make a site visit. The labelling on page 22 of the design and access statement would seem to be incorrect, perhaps this could be clarified"

B&NES Flooding & Drainage Team: No objection

POLICIES/LEGISLATION

Policies/Legislation:

The Council's Development Plan now comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan (2007) Policy GDS1 (K2;NR2;V3 &V8) only
- o Made Neighbourhood Plans (where applicable)

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

Policy DW1: District Wide Spatial Strategy
Policy SD1: Presumption in favour of Sustainable Development
Policy CP1: Retrofitting Existing Buildings
Policy CP2: Sustainable Construction
Policy CP5: Flood Risk Management
Policy CP6: Environmental Quality
Policy CP7: Green Infrastructure
Policy CP13: Infrastructure Provision

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

Policy SCR1: On-site renewable energy requirement
Policy SCR5: Water efficiency
Policy SU1: Sustainable drainage policy
Policy D1: General urban design principles
Policy D2: Local character and distinctiveness
Policy D3: Urban fabric
Policy D5: Building design
Policy D6: Amenity
Policy NE2: Conserving and enhancing the landscape and landscape character
Policy NE4: Ecosystem services
Policy NE5: Ecological network

Policy NE6: Trees and woodland conservation
Policy CP7: Green infrastructure
Policy NE1: Development and Green Infrastructure
Policy GB1: Visual amenities of the Green Belt
Policy PCS5: Contamination
Policy H1: Housing
Policy H3: Residential uses in existing buildings
Policy H7: Housing accessibility
Policy H8: Affordable housing regeneration schemes
Policy LCR7B: Broadband
Policy LCR9: Increasing the provision of local food growing
Policy RE6: Re-use of rural buildings
Policy ST1: Promoting sustainable transport
Policy D8: Lighting
Policy NE2A: Landscape setting of settlements
Policy NE3: Sites species and habitats
Policy ST7: Transport requirements for managing development

Chew Valley Neighbourhood Plan (Made 2017)

Policy HDE1: Rural Landscape Character
Policy HDE3: Important Views

OFFICER ASSESSMENT

Principle - Sustainability of the location

The site is located in the open countryside outside of any Housing Development Boundary as defined in the Development Plan.

A Planning Inspector dealing with the 2013 proposal for 3 dwellings on this site previously considered the sustainability of the site. That Inspector recognised that the site is relatively close to the two settlements of Compton Martin and West Harptree, and that creating additional households would help underpin local facilities. Furthermore the Inspector also recognised that there is a bus service along the A368 and that the villages are within reasonable walking and cycling distances. However he went on to conclude that the lack of footpaths along the A368 would dissuade residents from walking and furthermore residents would be unlikely to be dissuaded from using their private cars by the bus service due to its relative infrequency; the appeal was ultimately dismissed.

It is evident that the application site is in an unsustainable location. There are no footways between the site and the two villages and as such the relative close proximity of those villages carries little weight. It is highly likely that residents of the proposed development will be entirely reliant on the private car to access local services and facilities. It is noted that the proposal, unlike previous applications, now includes home-working facilities and the application describes the units as 'live-work' dwellings.

The home-working facilities are described as ancillary work studios in the submission and are to be provided within detached buildings alongside each dwelling. These two buildings will be formed from retained elements of two of the former poultry buildings and will have a Gross Internal Area of 59sqm. The submission argues that the provision of ancillary work

studios will enable occupants to work from home and this could minimise or potentially eliminate commuting trips. This is not disputed; it is accepted that the proposals are such that home working is more likely, however whilst measures could be put into place to ensure that the work studios are only used for ancillary home working, and no other purpose, such a restriction would not force a future occupier to work from home and would not prevent them from commuting to employment elsewhere. It is considered therefore that the weight to be attached to the proposals live-work nature and the impact that this has on commuting patterns for the lifetime of the development is limited. Notwithstanding homeworking and commuting patterns it remains the case the proposal is isolated from the other local services required by residents (such as retail and education for example), employment is only one such service. The conversion of these poultry sheds to residential use, albeit with enhanced home working facilities, is unacceptable in principle and accordingly the proposal is contrary to the Bath & North East Somerset Core Strategy in particular policies DW1 and SD1, and is contrary to the Bath & North East Somerset Placemaking Plan in particular policy ST1 (Policy RE6 is dealt with below).

Form, Bulk and General Design

Notwithstanding that the proposal is unacceptable in principle, the LPA is nevertheless obliged to go on to assess all relevant material considerations before reaching an overall final conclusion. Policy RE6 of the Placemaking Plan deals with applications for the conversion of rural buildings to alternative uses. Policy RE6 sets out a number of tests applicable to proposals for the change of use of rural buildings. This policy (as with all policies) cannot be applied in isolation but in the context of the development plan as a whole and other material considerations. The first test is that the form, bulk and general design of the building must in keeping with its surroundings and the proposal must respect the style and materials of the existing building.

Whilst the existing poultry sheds cannot be described as attractive or aesthetically pleasing they are nonetheless in keeping with their surroundings. Linear poultry sheds and associated paraphernalia are what is to be expected in rural areas, particularly in mixed agricultural areas such as the Chew Valley. The buildings are simple in form, bulk and general design; they are appropriate to their former intended function. Furthermore the aforementioned Planning Inspector concluded in 2013 that the buildings in question had "no significantly harmful effect upon the AONB".

The proposed conversion will result in a small group of residential buildings which in design terms will not be substantially different to the buildings as they currently exist. The most significant visual change will be to the roofs; a significant number of roof lights will also be added and glazing will be fitted to the eastern gable-ends at ground floor level. It will be evident that the buildings are no longer in agricultural use but have been converted to residential use but the previous agricultural use will be equally evident (rather than disguised). The buildings themselves will remain of a form, design and general design in keeping with their surroundings. The breaking-up of the two central buildings to form garaging and work units will not be easily apparent beyond the site; the outward appearance of this cluster of buildings will not be significantly affected by this particular change. The application complies with the first test of Policy RE6.

Structural Soundness of the Building(s)

The second proviso of Policy RE6 is that the subject building, to be eligible for conversion pursuant to this policy, not be of temporary or insubstantial construction and must be capable of conversion without substantial or complete reconstruction/major extension.

A structural survey has been submitted with the application. This survey concludes that the buildings are in a reasonable structural condition. Recommended structural work includes the replacement of timber ground floor joists with concrete in places. It has also been recommended that certain timber aisle props should be replaced by steel beams to maximise parking and storage space. It has been stated that all existing wall structures can be utilised albeit the wall thickness should be augmented to provide better insulation. Externally it is recommended that the timber cladding be renewed.

The buildings are clearly not of temporary or insubstantial construction; whilst they have the outward appearance of insubstantial sheds, they are timber framed structures built off of blockwork lower walls and supported in places by steel beam. The proposed structural recommendations summarised above whilst not insignificant are not considered to be 'substantial' or 'complete'. The replacement of the external timber cladding in its entirety will clearly significantly affect the appearance of the building but these works are essentially cosmetic. The application complies with the second test of Policy RE6.

Ecology

The third test of Policy RE6 requires such proposals to enhance visual amenity and not harm ecological function; visual amenity is dealt with separately below as part of the landscape section. There are no ecological concerns in respect of this proposal. An Ecological Report has been submitted with the application. The report confirms that the poultry sheds were inspected for evidence of use by roosting bats or nesting birds and no signs of these species were found. When the barns were still in active use for poultry rearing the noise, light and dust would have made them unsuitable for these purposes and they lack thermal stability or crevice features which would be suitable for roosting bats. The barns are light and draughty internally, further reducing their suitability. The barns have negligible potential to support roosting bats or nesting birds.

The report also confirms however that the trees and hedgerows at the boundaries of the site do have the potential to support a range of species; be that as it may the current proposals for the site include the retention and enhancement of these features and no adverse impact is therefore anticipated. The surrounding grassland is also suitable for common reptile species; again the current proposals include the retention of this habitat. No evidence of dormice has been identified.

The application complies with the third test of Policy RE6 in so far as it relates to ecological matters; as stated visual amenity is dealt with separately below.

The Prejudice of Town and Villages and the Balance of Isolated Location vs Benefit

The fourth and fifth stipulations of Policy RE6 are that the proposal should not result in the dispersal of activity which prejudices town or village vitality and viability and; in circumstances where the building is isolated from public services and community facilities and unrelated to an established group of buildings the benefits of re-using a redundant or

disused building and any enhancement to its immediate setting should outweigh the harm arising from the isolated location.

The development in itself is unlikely to prejudice the vitality and viability of nearby villages; Compton Martin and West Harptree themselves are unlikely to be significantly affected by this proposal. However as outlined above (in the 'Principle' section) the site is evidently in an isolated rural location where heavy reliance on the private car is a certainty; the live-work nature of the proposal does not mitigate this concern for the reasons set out above. The proposed development will encourage highly unsustainable patterns of movement. It is noted that the development brings with it the benefits associated with the provision of two additional dwellings but these benefits are limited and do not outweigh the aforementioned harm resulting from the site's isolated location. The application is contrary to this element of Policy RE6 and therefore contrary to the policy as a whole.

In respect of the final two criteria of Policy RE6 (that the conversion should not lead to the erection of harmful replacement agricultural buildings or undermine the Green Belt); the subject buildings have been redundant for some time so replacement buildings are highly unlikely, furthermore the site is outside of the Green Belt.

Landscape Impact and Visual Amenity

The site is located within the Mendip Hills Area of Outstanding Natural Beauty (AONB). The site is also within an area which is identified (by the adopted Core Strategy) as forming part of the district's Strategic Green Infrastructure. Policy CP6 of the Core Strategy seeks to, amongst other things, conserve or enhance the distinctive character and quality of the district's landscape. Placemaking Plan Policy NE2 similarly seeks to conserve or enhance local landscape character. As stated above the third test of Policy RE6 is that proposals involving the conversion of rural buildings must enhance visual amenity.

Policy CP7 of the Core Strategy seeks to maintain, protect and enhance the integrity, multi-functionality, quality and connectivity of the strategic Green Infrastructure. Policy NE1 of the Placemaking Plan similarly sets out the circumstances that development may be permitted in the context of Policy CP7. Policy HDE1 of the CVNP (Chew Valley Neighbourhood Plan) states that development proposals must conserve and not harm the characteristic rural features of the area. Policy HDE3 of the CVNP states that development must demonstrate regard for sensitivity to relative visual prominence and not significantly harm the important views including those identified in the plan.

The previous application (to convert three poultry buildings to three dwellings) was refused amongst other things on landscape impact grounds. There was concern that the development, as previously proposed, would have introduced significant domestic activity into the area. There was concern that the extensive domestic car parking would have been apparent within the landscape as well as manicured planting and other domestic paraphernalia such as washing lines and children's play equipment. This would not have conserved or enhanced the distinctive character and quality of the landscape and would not have enhanced visual amenity; it would have undermined it. There was also concern at that time that the scenic beauty of, and public views within/of, the AONB would have been harmed.

The current proposal differs from that previously refused in a number of ways relevant to its landscape impact and visual amenity. The development is now very insular in nature. The demolition and removal of additional buildings within the site has enabled additional space in between the retained buildings to be released for use as domestic gardens/private amenity areas. These spaces are enclosed by existing/retained built form and as such domestic paraphernalia will be largely screened. Alongside this, amenity space on the outward periphery of the buildings will be limited and the site as a whole will be enclosed by significant landscaping/planting. Once the planting is established and is of a reasonable level of maturity the site will take on the appearance of a copse (albeit with buildings within it). The concerns of the Landscape Officer in respect of the potential adverse landscape impact of retaining the buildings themselves are noted, but as set out above this issue has recently been explored in depth by an appeal Inspector and it was concluded that the landscape impact of these poultry sheds was acceptable. It is considered that the development as now proposed overcomes previous landscape and visual amenity concerns and now complies with Policy RE6 in this respect as well as Cores Strategy CP6 and CP7; Placemaking plan NE1 and NE2 and; CV Neighbourhood Plan HDE1 and HDE3.

Residential Amenity

The application site is in a remote rural location however two residential properties are located nearby. 'Fairash Bungalow' is situated immediately beyond the western boundary of the site and a property known simply as 'Fairash' is situated to the near-south beyond the main road. The proposed change to residential is likely to result in a less intrusive use which is more compatible with the existing neighbouring residential uses than the current egg-packing business. Furthermore the proposed dwellings will not cause unacceptable levels of loss of privacy or loss of light to the aforementioned existing properties.

The proposed work studios are to be ancillary to the primary dwelling houses and had permission been granted would have been limited to use by the occupants of the principal dwelling (albeit with occasional visitors expected). On this basis the impact of these studios on the amenity of the host dwelling and on the neighbouring dwellings is considered to be acceptable.

Highway Matters

The submitted Transport Assessment summarises the proposed highway arrangements as follows:

- o Site access junction to be relocated east, approximately 10m from its existing location to ensure maximum available visibility splay to the right;
- o Simple priority T-junction with 5m wide minor arm and 6m junction radii;
- o Visibility to the left 2.4m x 120m, visibility to the right 2.4m x 24.5m;
- o 1.8m wide footway to be provided along eastern side of the site access road and continued along northern side of A368 to the existing bus stop;
- o Alteration to A368 / Harptree Hill North kerb line to improve junction radii; and
- o Provision of new uncontrolled crossing with dropped kerbs and tactile paving across Harptree Hill north to provide a continuous pedestrian route to the adjacent bus stop.

The scheme proposes six car parking spaces per unit (i.e. a total of twelve); these are all located within garaging; this includes three parking spaces to serve each work unit. Whilst this level of provision would seem rather excessive, the Council's Highway Team have confirmed that this level of parking proposed is appropriate as are the associated turning areas.

The Highways Team have confirmed that the existing access to the A368 is substandard. The proposal includes significant improvements to the access including re-siting it 10metres to the west (to achieve maximum visibility), various alterations to the kerb line and the provision of an uncontrolled crossing over Harptree Hill. The Highway Team have acknowledged that the submitted Transport Statement suggests that the level of traffic generated by the proposal will be slightly reduced and that over time HGV movements associated with the site will be reduced. Accordingly the Highway Team have no objection to the application from a highway safety perspective (there is however an objection on sustainability grounds as explored above).

Summary, Planning Balance and Final Conclusion

The proposed development is poorly located in an isolated rural location remote from the services and facilities required by residents. This isolated location will foster the need to travel particularly by private car as there are limited alternative options. Access (by alternative means of transport) to the villages of Compton Martin and West Harptree is severely restricted by virtue of the lack of safe pedestrian/cycle links; furthermore public transport provision is poor. The development constitutes unsustainable development and is contrary to the development plan in this respect.

The public benefits of the scheme must be taken into account. It is acknowledged that the development will provide two additional homes (with home-working facilities) but the wider public benefit of two additional homes is not significant. There are also benefits in respect of bringing the redundant buildings back into use and potential highway improvements but again these benefits carry limited weight due to their scale. The need to ensure sustainable patterns of development is promoted by the NPPF and thus must be given significant weight. There are no public benefits (or other material considerations) overriding the concerns identified above and accordingly it is concluded that the development is unacceptable in principle and it is recommended that permission be refused.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The application site is situated in a rural location, outside of any defined housing development boundary, isolated from the day-to-day services and facilities required by residential occupants. Pedestrian links to local villages are poor as are public transport connections; the residents of the proposed development will be heavily, if not totally, reliant upon the private car. The public benefits of reusing the buildings do not outweigh the harm caused by the site's location isolated from local services and facilities. The proposal constitutes unsustainable development and accordingly is contrary to the Bath &

North East Somerset Core Strategy in particular policies DW1 and SD1, and is contrary to the Bath & North East Somerset Placemaking Plan in particular policies RE6 and ST1.

PLANS LIST:

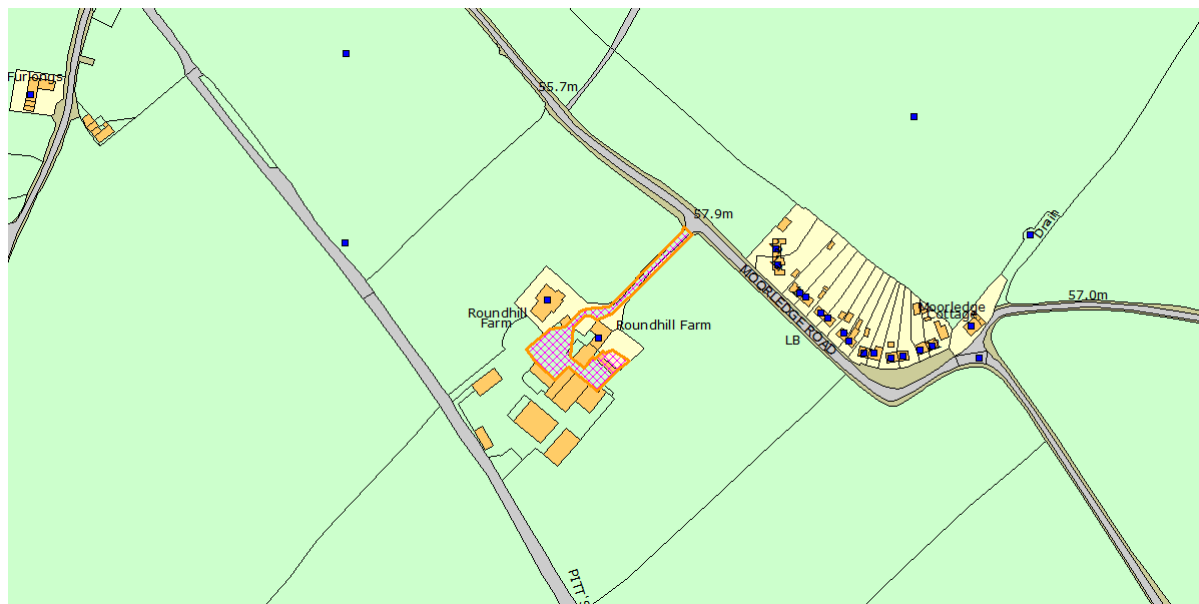
LANDSCAPE PLAN: 063-002
TREE RETENTION AND REMOVAL: 063-004
EXISTING IMPERMEABLE SURFACES PLAN: 063-005
PROPOSED IMPERMEABLE SURFACES PLAN: 063-006
PLANTING PLAN: 063-201
TREE PIT DETAILS: 063-401
TREE PIT DETAILS, UNDER 20CM GIRTH: 063-402
TREE PIT DETAILS, SEMI MATURE: 063-403
KERB DETAIL: 063-404
SECTION AA: 063-500
SECTIONS BB: 063-501
ILLUSTRATIVE LANDSCAPE MASTERPLAN: 063-802
ILLUSTRATIVE SECTION AA: 063-803
ILLUSTRATIVE SECTION BB: 063-804
AP(0)10 REV D PROPOSED SITE PLAN
AP(0)11 REV B PROPOSED GROUND FLOOR DEMOLITION PLAN
AP(0)13 REV C PROPOSED DRAINAGE PLAN
AP(0)15 REV E PROPOSED GROUND FLOOR PLAN
AP(0)16 REV E PROPOSED ROOF PLAN
AP(0)20 REV E PROPOSED SITE ELEVATIONS
AP(0)21 REV E PROPOSED ELEVATIONS - DWELLING 1
AP(0)22 REV E PROPOSED ELEVATIONS - STUDIO 1
AP(0)23 REV C PROPOSED ELEVATIONS - STUDIO 2
AP(0)24 REV E PROPOSED ELEVATIONS - DWELLING 2
AP(0)30 REV E PROPOSED SITE SECTIONS
AP(0)01 SITE LOCATION PLAN

Community Infrastructure Levy

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

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: 04
Application No: 17/05569/FUL
Site Location: Roundhill Farm Moorledge Road Chew Magna Bristol Bath And North East Somerset



Ward: Chew Valley North **Parish:** Chew Magna **LB Grade:** N/A
Ward Members: Councillor Liz Richardson
Application Type: Full Application
Proposal: Erection of extension and conversion of farm buildings to provide 1no. dwelling.
Constraints: Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, Public Right of Way, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Mr J Cox
Expiry Date: 15th February 2018
Case Officer: Chloe Buckingham

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Chew Magna Parish Council have supported the application. The chair of committee has agreed to take the application to committee for the following reason:

I have looked at the application & all relevant information noting the PC reasons for supporting it.

The application has been assessed in line with relevant planning policy & paragraphs 89 & 90 of the NPPF supports the PC aspiration of bringing back into use redundant agricultural buildings but the size of the proposed dwelling & its impact on the openness of the Greenbelt & surrounding area is controversial.

I therefore recommend the application be determined by the DMC so the issues can be debated.

DESCRIPTION OF SITE AND APPLICATION:

The proposal is in relation to an existing out-building currently used for agricultural storage positioned to the side of the main detached dwelling located within the Green Belt. The development proposal involves the conversion and extension of the building to provide one dwelling.

Relevant Planning History:

DC - 05/01789/FUL - PERMIT - 9 August 2005 - Agricultural building for animal food storage

DC - 07/00566/FUL - PERMIT - 19 April 2007 - Erection of 18m monopole with 3 no. antennas, (revised description) as amended by plans received on 19 April 2007 (In field N W of Roundhill Farm)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Chew Magna Parish Council: Chew Magna Parish Council supports this proposal because it is compliant with our desire to bring redundant agricultural buildings into use. Although significant new build would be required to create first floor accommodation, the existing farm building would be mostly incorporated with a modest increase in footprint. Being within the wider curtilage of existing buildings relating to the farm, the new dwelling would not look out of place or affect distant neighbours.

Highways: No objection subject to 2 conditions.

Drainage and Flooding: No objection.

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

Ecology: No objection subject to 1 condition.

Third party comments: 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

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

CP6 Environmental Quality
 CP2 Sustainable construction
 CP8 Green Belt

The relevant Placemaking Plan policies should be considered:

DW1 District Wide Spatial Strategy
 RE6 Re-use of Rural Buildings
 RE4 Essential dwellings for rural workers
 D2 Local character and distinctiveness
 D4 Streets and Spaces
 D5 Building Design
 D6 Amenity
 ST1 Promoting sustainable travel
 ST7 Transport Access and Development Management
 GB1 Visual Amenities of the Green Belt
 GB2 Development in Green Belt Villages
 GB3 Extensions and Alterations to buildings in the Green Belt
 H7 Housing Accessibility
 LCR9 Local Food Growing
 LCR7 Broadband
 SCR5 Water Efficiency

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

HDE1 - Rural Landscape Character
 HDE2 - Settlement Build Character

LEGAL FRAMEWORK

- o Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK, MARCH 2014

- o 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 development lies outside of the Settlement Boundary of Chew Magna within designated Green Belt land. Whilst development is not generally considered acceptable

outside of a settlement boundary, it should be noted that the proposal is to re-use and extend an existing building positioned within the curtilage of the existing farmhouse.

Paragraph 90 of the NPPF (2012) lists a number of forms of development which are not considered to be inappropriate development in the Green Belt. One of such exceptions is the reuse of buildings provided they are of permanent and substantial construction and that the re-use of the building preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt.

Policy RE4 of the Placemaking Plan (2017) states that new dwellings will not be permitted outside a Housing Development Boundary in the open countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside and where it can be demonstrated:

- i) there is a clear functional need for the worker to live on the holding;
 - ii) the business is financially viable
 - iii) the need for the accommodation is for a fulltime worker;
 - iv) the functional need could not be fulfilled by another existing dwelling in the holding or other existing accommodation in the area or through the reuse of an existing building in the holding;
 - v) such dwellings are sited within a hamlet or existing group of buildings and are restricted in size relative to the functional requirements of the business; and
 - vi) occupancy will be restricted to rural workers.
- 2) New dwellings essential to support a newly established rural business will only be granted for a temporary period provided there is clear evidence of a firm intention and ability to develop the enterprise concerned and the provisions of clause 1) are satisfied.

However, there has been no submission of the evidence required to satisfy policy RE4 in terms of the need for the dwelling and the financial viability of the business.

The Existing Dwellings in the Green Belt SPD (2008), paragraph 89 of the NPPF and policy GB3 state that extensions will be permitted providing that they do not result in disproportionate additions over and above the existing dwelling. The Existing Dwellings in the Green Belt SPD goes on to state that extensions over 33% of the original building as of 1st July 1948 would be viewed as disproportionate additions. The proposal is to extend above the existing single storey building to create a second storey. As the proposed extension of the original building brings the total volume to approximately 465.72 cubic metres this is a proposed increase of approximately 41.5% of the original volume of approximately 328.5 cubic metres.

As the volume increase is above the recommended 33% the application is recommended for refusal due to the disproportionate volume increase to a dwelling in the green belt.

Whilst it is considered that the building is of a permanent and substantial construction, due to the size, scale and positioning of the proposed development it is considered that this will have a significant negative impact on the openness of the Green Belt. Therefore the proposal does not comply with the specification within paragraph 90 of the NPPF (2012),

policy CP8 of the Core Strategy (2013), policy RE6 of the Placemaking Plan (2017) and the Green Belt SPD (2008).

Paragraph 87 of the NPPF (2012) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The applicant has not put forward any 'very special circumstances' in support of the proposal and so it is considered that there are no very special circumstances for the application.

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

Policy RE6 lists a number of conditions where, if met, the conversion of a building or buildings to a new use in the countryside outside the scope of Policies RA1, RA2 and GB2 will be permitted. One of such conditions is that the form, bulk and general design of the building is in keeping with its surroundings and respects the style and materials of the existing building and that the development enhances visual amenity. Whilst the plans state that the existing stone walls will be re-pointed which is welcomed, the size of the proposed building is considered to be over-development of the site to the detriment of the character of the main building and wider area. Overall the proposed dwelling is considered to be over-development of the site, contrary to policies RE6, D2, D5 and GB1.

The proposal is also not considered to result, or be likely to result, in replacement agricultural buildings or the outside storage of plant and machinery which would be harmful to visual amenity. However, policy RE6 goes on to explain that in the case of buildings in the Green Belt, the conversion must not have a materially greater impact than the present use on the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt. However, as previously explained that the extension to create a second storey above the existing building will have over an approximate 41.5% volume increase on the existing building and this will have an unacceptable impact on the openness of the Green Belt.

Policy RE6 goes on to explain that the proposal must not result in the dispersal of activity which prejudices town or village vitality and viability. Here it is considered that the creation of a dwelling will not prejudice the vitality and viability of Chew Magna. Furthermore, whilst the site is located outside of the defined housing development boundary for Chew Magna the site is related to an established group of buildings and is close to Chew Magna and so the location is not considered to be isolated.

IMPACT ON RESIDENTIAL AMENITY:

Whilst it is shown on the plans that there will be garden space to the front and rear of the proposed dwelling, due to the positioning of the garden for the main dwelling being directly to the rear of the newly separated garden space for the main dwelling, it is considered that there will be a significant negative impact in terms of over-looking and loss of privacy for both properties due to the first floor windows of the proposed dwelling directly over-looking the existing property's garden. Therefore, the proposal is also contrary to policy D6 of the Placemaking Plan (2017).

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

There is no highways objection to the proposal subject to two conditions regarding parking. However, this is not considered to overcome the issues described above and so such conditions are not considered necessary.

ECOLOGY:

There is no objection to the proposal in terms of ecological impacts subject to a condition. However, such conditions are not considered necessary as the proposal is unacceptable for other reasons as identified in the report.

CONCLUSION:

The proposal represents inappropriate development within the Green Belt as it has not been demonstrated that the dwelling is essential for a rural worker, contrary to policy CP8 of the Core Strategy (2013) and policy RE4 of the Placemaking Plan (2017).

The proposed development which materially alters and extends an existing building represents inappropriate development in the Green Belt and will have a significant negative impact on the openness of the Green Belt contrary to Policies GB3 and RE6 of the Bath and North East Somerset Placemaking Plan (2017), CP8 of the Bath and North East Somerset Core Strategy (2013) and the aims of the National Planning Policy Framework (2012).

The proposal represents overdevelopment of the site and due to the close proximity of the rear first floor windows of the proposed building to the outdoor private amenity space of the existing dwelling a significant negative impact for both dwellings in terms of overlooking and loss of privacy will be created. The proposal is therefore contrary to policy D6 of the Bath and North East Somerset Placemaking Plan (2017).

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposal represents inappropriate development within the Green Belt as it has not been demonstrated that the dwelling is essential for a rural worker, contrary to policy CP8 of the Bath and North East Somerset Core Strategy (2013) and policy RE4 of the Bath and North East Somerset Placemaking Plan (2017).

2 The proposed development which materially alters and extends an existing building represents inappropriate development in the Green Belt and will have a significant negative impact on the openness of the Green Belt contrary to Policies GB3 and RE6 of the Bath and North East Somerset Placemaking Plan (2017), CP8 of the Bath and North East Somerset Core Strategy (2013) and the aims of the National Planning Policy Framework (2012).

3 The proposal represents overdevelopment of the site and due to the close proximity of the rear first floor windows of the proposed building to the outdoor private amenity space of the existing dwelling a significant negative impact for both dwellings in terms of overlooking and loss of privacy will be created. The proposal is therefore contrary to policy D6 of the Bath and North East Somerset Placemaking Plan (2017).

PLANS LIST:

This decision relates to the:

Site Location Plan received 15th November 2017.

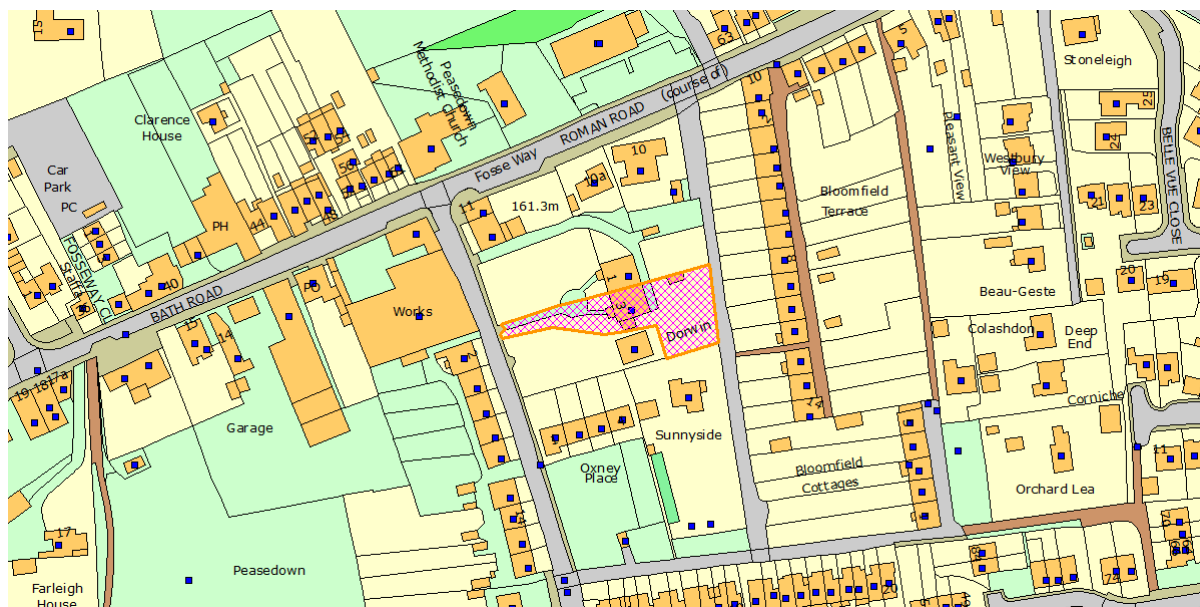
Proposed Floor Plans (1726/04), Proposed Elevations (1726/05) and Existing Plans and Elevations (17/01) received 26th January 2018.

Existing and Proposed Block Plan received 29th January 2018.

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: 05
Application No: 17/05316/FUL
Site Location: Bloomfield House 3 Braysdown Lane Peasedown St. John Bath BA2 8HQ



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: Demolition of existing rear single storey extension and replacing with new two storey rear extension

Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Neighbourhood Plan, SSSI - Impact Risk Zones,

Applicant: Mr James Tadman

Expiry Date: 15th February 2018

Case Officer: Samantha Mason

REPORT

Reason for going to Committee:

Peasedown St John Parish Council supports the scheme and the case officer is minded to refuse. As per the councils scheme of delegation the application was referred to the Chair of the committee.

Although not expressly calling the application in, Cllr Walker also supports the scheme.

It is also noted that the applicant is related to a staff member of the development management team. Whilst this does not automatically trigger the need for the application to go to the committee it is a consideration for the chair.

The Chair stated the following in her decision; 'I have studied the application, I note the PC and third party comments both supporting and objecting to the proposal. The officer has assessed the application in line with relevant planning policy addressing the concerns raised. However I am also aware the applicant is related to a Senior Planning Officer in the Authority therefore to ensure transparency in decision making I recommend this application be determined by the DMC.

Site description and proposal:

The application refers to a two storey semi-detached house located in Peasedown St John. The property is located in the Housing Development Boundary.

Planning permission is sought for the demolition of the existing rear single storey extension and replacing it with a new two storey rear extension.

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Peasedown St John Parish Council: Support. It was noted that the proposed development would not significantly increase the footprint of the existing extension, nor would it increase the number of bedrooms. It was thought that the house sits in large grounds which can accommodate the planned build and it was therefore resolved that this application should be supported.

Cllr Walker: I wish to support this planning application because; the property benefits from a substantial rear garden and has the capacity to undertake the increase to the host building. The proposed two storey extension has no impact on the appearance to front of the property. There will be no loss of light to either neighbour adjacent to the property.

Representations Received :

Two objections and one comment of support were received. The following is a summary of the objections:

- Impact through overlooking and loss of privacy
- Impact through overshadowing and loss of light
- Visually overbearing due to bulk and mass
- The large scale and materials will impact on character and appearance
- Out of keeping with the pair of semis

One comment of support was also received from a third party.

POLICIES/LEGISLATION

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

and will be given full weight in the determination of planning applications. The Development Plan for Bath and North East Somerset comprises:

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

Core Strategy:

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

CP2: Sustainable Construction

CP6: Environmental Quality

DW1: District Wide Spatial Strategy

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

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).

OFFICER ASSESSMENT

The application refers to a two storey semi-detached house located in Peasedown St John. The property is located in the Housing Development Boundary. The site is not within a conservation area nor is the property listed. There are no other relevant planning constraints on the site.

Therefore the main issues to consider are:

- Character and appearance
- Residential amenity

Character and appearance:

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

The existing dwelling is a two storey semi-detached dwelling located in the centre of Peasedown St John. The site is within the Housing Development Boundary. The property is a Victorian house and the pair of semi-detached houses were designed with three rear gable projections. The application property benefits from a small single storey historic rear gable extension that is shared with neighbours and a further more recent single storey extension both projecting out from the existing rear gable.

The existing house is stone built with a slate roof and white UPVC windows, the current single storey element has a small amount of timber and render to the rear elevation.

This proposal seeks to demolish the single storey rear extension and replace it with a larger two storey extension and part single storey element.

The proposed two storey extension will project out from the current two storey rear gable extension by approximately 7m. The original depth of the house (up to the two storey gable but not including the single storey extension) is 8m. The proposal will result in the length of the house being 15m approximately. The current width of the semi is 10m, therefore the rear projection will result in a proposal that is larger than the width of the existing house.

The proposed two storey extension will effectively extend the rear gable projection by approximately the same length as the existing width of the property. The application property is easily open to view from the side and rear and will easily be apparent. In such a situation the proposed extension is considered to result in the overdevelopment of the site as well as causing a visual imbalance to the two semis in such a way that is harmful to the character and appearance of the host dwelling and its pair. The proposed extension is not subservient to the main house and it is not considered that a two storey extension of the proposed proportions can be achieved here without harm to the appearance of the building.

Furthermore, the proposed two storey extension will have render to the ground floor elevations and timber weatherboarding to the first floor elevations. The roof will be slate and the fenestration will be aluminium. It is considered that the resulting proposal is a mix that is overly complicated and a simplified materials palette is required. The timber weatherboarding will be visually prominent as it is set at second storey. Overall the materials result in an incongruous appearance that harms the character of the existing dwelling and locality.

It is therefore considered that the proposal, by reason of its design, siting, scale, massing, layout and materials is unacceptable and harms the character and appearance of the surrounding area.

Residential Amenity:

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

The proposal site is part of a pair of semis. Number 1 is the adjoining property and is located to the north. A detached bungalow called Dorwin is located in close proximity to the south. It is considered that the proposed two storey extension will result in an overbearing impact on the neighbours at number 1 due to its size causing a visual dominance from the outlook of number 1.

It is also considered that the proposal will result in the increased overlooking of the garden amenity space of Dorwin to the south. The proposed master bedroom has a window in the south elevation that will directly overlook the garden of Dorwin.

Given the design, scale, massing and siting of the proposed development the proposal would cause harm to the amenities of adjacent occupiers through loss of light, overshadowing, overbearing impact, and loss of privacy.

Conclusion:

It is considered that the proposal is contrary to the relevant planning policies as outlined above and the proposal is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed two storey rear extension is considered to harm the character and appearance of the host dwelling and locality, as well as negatively impacting on the residential amenity of neighbours. Therefore the proposal is contrary to policy D1, D2, D3, D5 and D6 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

This decision relates to the following plans:

31 Oct 2017 3491-03 Site Location Plan

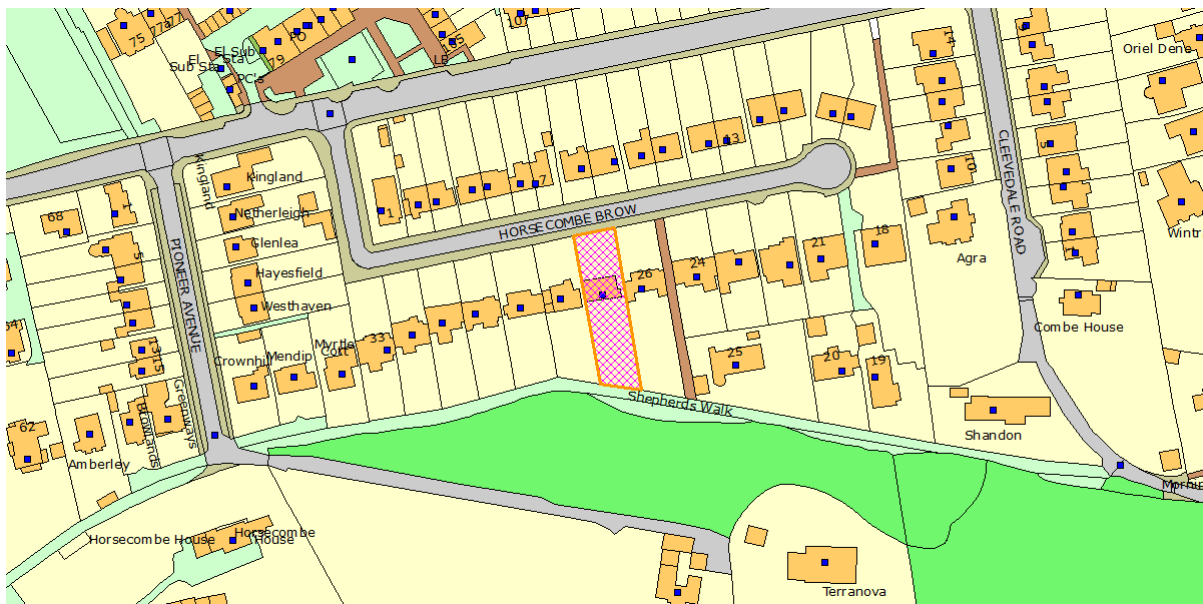
31 Oct 2017 3491-04 Existing & Proposed Block Plans

31 Oct 2017 3491-02 Proposed Floor Plans & Elevations

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was

unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No: 06
Application No: 17/05269/FUL
Site Location: 27 Horsecombe Brow Combe Down Bath Bath And North East Somerset BA2 5QY



Ward: Combe Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Cherry Beath Councillor Bob Goodman
Application Type: Full Application
Proposal: Erection of single storey rear extension and two storey side extension, replacement of existing windows and re-cladding of existing dormer window following demolition of existing garage and side extension.
Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Mr Matt Cochrane
Expiry Date: 15th February 2018
Case Officer: Nikki Honan

REPORT

This application has been referred to the Development Management Committee as the applicant is an elected Member.

Planning permission is sought for a single storey rear extension; two storey side extension; replacement of existing windows; re-cladding of the existing dormer; and demolition of existing garage and side extension.

The application property is a detached house on the southern side of Horsecombe Brow, a residential cul-de-sac in the Combe Down ward. The site is within the World Heritage Site.

Following discussions, revised plans have been submitted showing alterations to the design and materials.

Planning History:

The property has no relevant planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways:

No objection subject to condition

Although the proposed development will not result in an increase in parking demand in accordance with policy ST7 of the BANES Placemaking Plan (PMP), the loss of the existing garage will result in one less potential parking space. However, it is noted that there is ample space within the driveway to accommodate a sufficient level of parking to meet the demands of the PMP.

Highways DC therefore do not anticipate any impacts of significance on the public highway as a result of the development and have no objection to its approval subject to condition.

1 neighbour support:

We thoroughly approve of the plans; a great improvement to a long neglected property, and an enhancement to the neighbourhood.

POLICIES/LEGISLATION

On 13th July 2017 the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- 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:

CP2: Sustainable Construction

CP.6: Environmental Quality

B.4: World Heritage Site

Placemaking Plan:

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

D.1: General Urban Design Principles

D.2: Local Character and Distinctiveness

D.3: Urban Fabric

D.4: Streets and Spaces

D.5: Building Design

D.6: Amenity

D10: Public Realm

NE.2: Conserving and Enhancing the Landscape Character and Landscape Character

NE2A: Landscape setting of settlements

HE.1: Historic Environment

ST7: Transport requirements for managing development and parking standards

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

OFFICER ASSESSMENT

Site Context:

27 Horsecombe Brow is a detached house constructed of natural Bath stone walls. The hipped tile roof includes a large rear dormer, clad in white UPVC, which is prominent within the street scene. The house includes a single storey side element, set back from the principle elevation. The house also includes an attached single storey lean to garage.

Proposed Development:

The application as first submitted incorporated a flat roof on the two storey side extension. External wall included black timber cladding on the two storey extension, single storey extension and dormer.

Following the submission of revised plans a set down hipped roof has been incorporated into the two storey extension. The external walling of the two storey and single storey extensions have been amended to natural timber. The existing dormer is now proposed to be clad in tiles to match the host dwelling. Windows on the front elevation have also been altered to reflect the position and proportions of the existing dwelling.

Character and Appearance:

Following the submission of revised plans the scheme is considered suitability sympathetic to the host dwelling. Although a new material (natural timber cladding) is introduced, the scheme has other ways to link the additions to the host dwelling. In this case natural timber this material is considered to complement the host dwelling. Matching fenestration (proportions, heights and materials) as well as a hipped roof with matching roof tiles on the two storey extension will allow the additional elements to integrate to the host dwelling. Revised plans show the eaves level maintained. The roof of the extension is stepped down to appear subservient.

Cladding the dormer in dark tiles will soften the visual prominence of the dormer. Matching roof tiles will help the dormer to integrate to the host dwelling.

The single storey side and rear extension is not as prominent in the street scene. Timber cladding and natural Bath stone walls will help to integrate it to the host dwelling.

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

Residential Amenity:

Although the two storey side extension is on the boundary, the roof is hipped away from the neighbouring property (number 28). Number 28 is built off the boundary and has 2no. side windows at first floor level. Given the characteristics of the site the impact of the two storey side extension on the neighbouring occupants at number 28 is not considered significantly harmful to warrant refusal of the application.

The single storey side and rear extension and cladding of the existing dormer are not considered significantly harmful to neighbouring residential amenity.

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

Highways:

The highways authority has confirmed the application meets parking standards.

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

World Heritage Site:

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

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Materials (Compliance)

All external roofing materials to be used on the two storey side extension hereby permitted and the dormer cladding hereby permitted shall match those of the existing building in respect of size, material, colour, texture and profile.

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 Parking (Compliance)

The area allocated for parking (driveway) shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking is retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

4 Plans List (Compliance)

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

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

PLANS LIST:

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

1715-P-010, 1715-P-020-, 1715-P-040, 1715-P-050-, 1715-P-001 - received 27th October 2017

1715-P-110-A, 1715-P-120-B, 1715-P-140-A, 1715-P-150-B, 1715-P-160-A - received 22nd January 2018

Condition Categories

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

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

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

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

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

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

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

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

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

Bath & North East Somerset Council		
MEETING:	Development Management Committee	
MEETING DATE:	14 February 2018	AGENDA ITEM NUMBER
TITLE:	Quarterly Performance Report October – December 2017	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Analysis of Chair referral cases		

1 THE ISSUE

At the request of Members and as part of our on-going commitment to making service improvements, this report provides Members with performance information across a range of activities within the Development Management function.

This report covers the period from 1 October – 31 December 2017.

Keep up to date with the latest Planning news on our Latest News web page here:
<http://www.bathnes.gov.uk/services/planning-and-building-control/latest-news>

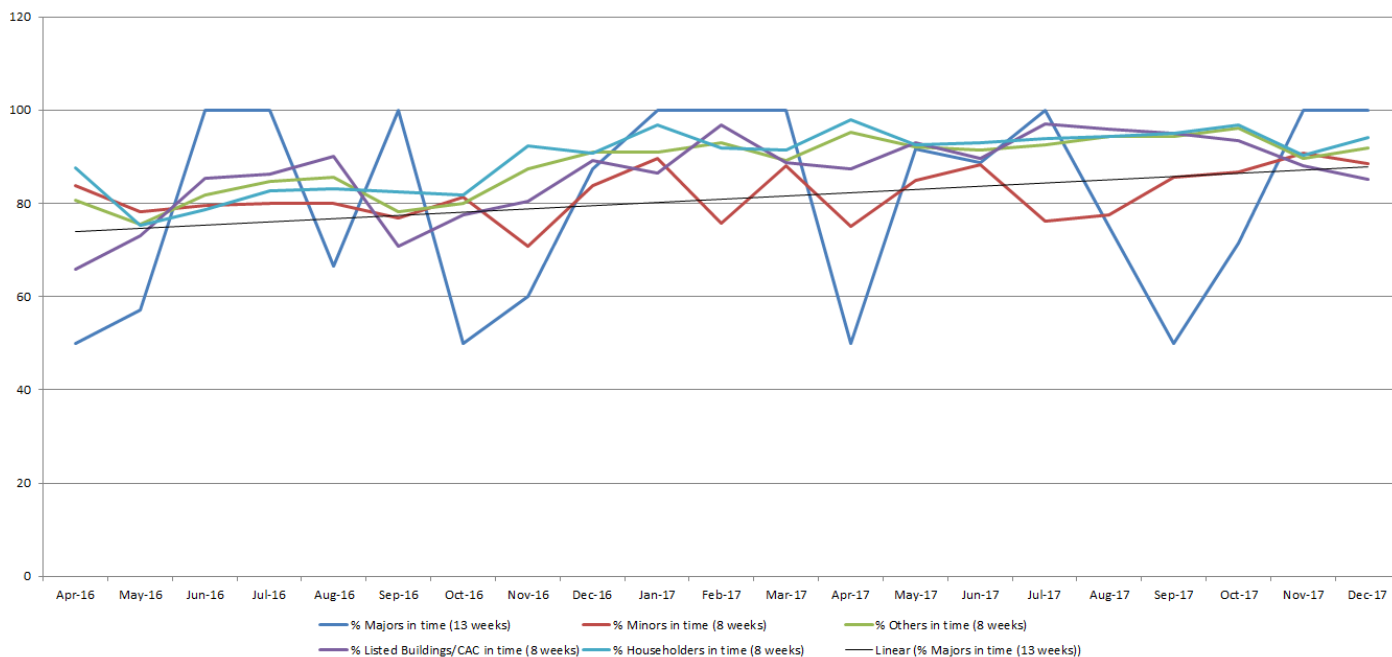
2 RECOMMENDATION

Members are asked to note the contents of the performance report.

3 THE REPORT

Tables, charts and commentary

1 - Comparison of Applications Determined Within Target Times



% of planning applications in time	2016/17				2017/18			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
% Majors in time	71%	89%	73%	100%	87%	73%	88%	
% Minors in time	81%	79%	79%	85%	83%	80%	89%	
% Others in time	80%	83%	86%	91%	93%	94%	93%	

Highlights:

- The chart and table above shows excellent performance on all three of the planning application categories. All three categories have been above target consistently every quarter for 2 years now.

Note: Major (10+ dwellings/0.5 hectares and over, 1000+ sqm/1 hectare and over);

Minor (1-10 dwellings/less than 0.5 hectares, Up to 999 sqm/under 1 hectare);

Other (changes of use, householder development, adverts, listed building consents, lawful development certificates, notifications, etc).

2 - Recent Planning Application Performance

Application nos.	2016/17				2016/17			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Received	740	671	630	729	719	719	672	
Withdrawn	56	55	75	50	56	66	93	
Delegated no. and %	601 (95%)	643 (96%)	560 (95%)	520 (96%)	603 (95%)	597 (96%)	577 (96%)	
Refused no. and %	59 (9%)	56 (8%)	59 (10%)	53 (10%)	52 (8%)	52 (8%)	68 (11%)	

Highlights:

- B&NES have shown a 4% rise in planning application numbers when compared to the previous 12 month period which is above the national trend (1% decrease).
- The current delegation rate is slightly above the last published England average of 94% (Year to Sept 2017).

- Percentage of refusals on planning applications remains low when compared with the last published England average of 12% (Year ending Sept 2017).

3 – Dwelling Numbers

Dwelling numbers	2016/17				2016/17			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Major residential (10 or more dwellings) decisions	2	6	4	5	12	4	10	
Major residential decisions granted	1	6	4	4	9	4	7	
Number of dwellings applied for on Major schemes	203	640	952	260	438	197	143	
Number of dwellings permitted on schemes	116	537	110	147	579	349	To follow in the Spring report	
Number of dwellings refused on schemes	80	32	10	26	106	52	To follow in the Spring report	

Highlights:

- Numbers of major residential planning decisions (10 or more dwellings) has risen in the last quarter and more than half were permitted.

4 - Planning Appeals

	Jan – Mar 2017	Apr – Jun 2017	Jul – Sep 2017	Oct – Dec 2017
Appeals lodged	31	31	22	33
Appeals decided	43	17	24	21
Appeals allowed	15 (36%)	4 (25%)	6 (25%)	3 (14%)
Appeals dismissed	27 (64%)	12 (75%)	18 (75%)	18 (86%)

Highlights:

- In the year to Dec 2017 there has been a 33% rise in appeal numbers.
- Over the last 12 months our performance on appeals allowed is very good and within the national average at 27% (national average approx. 33%).

5 - Enforcement Investigations

	Jan – Mar 2017	Apr – Jun 2017	Jul – Sep 2017	Oct – Dec 2017
Investigations launched	165	194	180	126
Investigations in hand	350	408	340	284
Investigations closed	147	125	234	190
Enforcement Notices issued	1	3	7	7
Planning Contravention Notices served	1	9	17	4
Breach of Condition Notices served	0	0	0	2

6 – Other Work (applications handled but not included in national returns)

The service also has formal procedures to process pre-application advice, householder development questionnaires, discharging conditions, prior approvals, prior notifications and non-material amendments to list a few. The table below shows the total number received which require resource to action and determine.

	Jan – Mar 2017	Apr – Jun 2017	Jul – Sep 2017	Oct – Dec 2017
Other types of work	594	583	574	534

7 – Works to Trees

The number and percentage of determined tree applications and notifications

	Jan – Mar 2017	Apr – Jun 2017	Jul – Sep 2017	Oct – Dec 2017
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	27	16	21	21
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	96%	100%	86%	100%
Number of notifications for works to trees within a Conservation Area (CA)	162	157	184	241
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	99%	99%	99%	100%

Highlights:

- There has been an autumn seasonal rise in the numbers of TPOs and Notifications the last quarter.
- Performance on determining applications for works to trees subject to Tree Preservation Orders and on dealing with notifications for works to trees within a Conservation Area is excellent.

8 – Corporate Customer Feedback

Customer Feedback	Jan – Mar 2017	Apr – Jun 2017	Jul – Sep 2017	Oct – Dec 2017
Compliments received	15	18	9	30

Complaints received	7	18	10	15
Complaints upheld	2	0	0	1
Complaints Not upheld	4	9	3	7
Complaints Partly upheld	0	0	1	2

Highlights:

- There have been more compliments received than complaints in the last quarter.

9 - Ombudsman Complaints

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

Ombudsman Complaints	Jan – Mar 17	Apr – Jun 17	Jul – Sep 17	Oct – Dec 17
Complaints received	2	1	1 (Premature Complaint- referred back to Council)	0
Complaints upheld	0	0	0	1
Complaints Not upheld	0	0	0	0

Highlights:

- There has been one upheld complaint last year.

10 – Working With Our Customers

'[Latest News](#)' is still up and running with new articles added regularly from Development Management, Building Control, GIS and Land Charges and Policy & Environment teams. It has proved popular with both formal and informal content.

A slight change to the Pre Application Advice charging schedule was made in December as a response to requests from customers for more clarity on which schemes fit into which categories

A customer survey has been launched to gather feedback on our services. The survey closes on 28 January and results will be analysed and published shortly after that.

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

Members will be aware of the Planning Obligations SPD first published in 2009. Planning Services have spent the last few years compiling a database of Section 106 Agreements. This is still in progress, but does enable the S106/CIL Monitoring Officer to actively monitor the delivery of agreed obligations. CIL financial overview sums will be refreshed for every quarterly report. A CIL annual report is also published on our website: <http://www.bathnes.gov.uk/services/planning-and-building-control/planning/planning-advice-and-guidance/community>

(**Note:** all figures are for guidance only and could be subject to change due to further updates with regards to monitoring S106 funds)

Section 106 and CIL	Apr – Jun 2017	Jul – Sep 2017	Oct – Dec 2017	Jan – Mar 2018	Annual running total (fin year)
S106 Funds agreed	£1,447,527.64	£2,305,912.30	£371,211.97		£4,124,651.91
S106 Funds received	£962,090.49	£2,365,820.16	£1,075,608.36		£4,403,519.01
CIL sums overview Potential to date	£10,660,711.19 (since April '15)				
CIL sums overview Collected to date	£4,861,166.80 (since April '15)				

12 – Chair Referrals

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

	Jan – Mar 2017	Apr – Jun 2017	Jul – Sep 2017	Oct – Dec 2017
Chair referral delegated	8	25	20	27
Chair referral to DM Committee	12	19	15	12

13 – 5 Year Housing Land Supply

A	Total planned housing 2011-2029		13,000
B	Completions 2011-2017	2011-2017	3,866
C	Plan requirement	2011-2022	7,942
D	5 year supply requirement (100%)	2017-2022	4,076
E	5 year supply requirement (with 5% buffer)	2017-2022	4,280
F	5 year supply requirement (with 20% buffer)	2017-2022	4,891
G	Deliverable supply (#)	2017-2022	6,294
H	Deliverable supply buffer (%)	2017-2022	54%
I	Deliverable supply (#) over 100% requirement	2017-2022	2,218
J	Deliverable supply (#) over 105% requirement	2017-2022	2,014
K	Deliverable supply (#) over 120% requirement	2017-2022	1,403

	Alternative calculation method			
A	5 year requirement (722x5)		3,610	
B	Surplus/deficit		-466	
C	Deliverable supply		6,294	
D	5 year requirement + backlog		4,076	Supply as a % of requirement
E	5 year requirement + backlog + 5% buffer		4,280	147%
F	5 year requirement + backlog + 20% buffer		4,891	129%
				Supply in years
				7.35
				6.43

Between 2017 and 2022 BANES needs to deliver 4,076 dwellings and be able to identify a deliverable supply of 4,891 dwellings. The 20% buffer is a national requirement needed to ensure delivery. Against these requirements the Council can currently identify a deliverable supply of 6,294. Not all of this deliverable supply has a full, reserved matters, or outline planning permission. Further, the supply figure can change if planning and development timetables change. For example if a major planning application is refused, this would entail time to prepare revisions or appeal the decision, or, it may take longer than expected for a land trader to sell on a planning permission to a developer.

Contact person	John Theobald, Project/Technical and Management Support Officer, Development 01225 477519
Background papers	CLG General Development Management statistical returns PS1 and PS2 + Planning applications statistics on the DCLG website: https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics
Please contact the report author if you need to access this report in an alternative format	

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Application no	ADDRESS	PROPOSAL	Decision Level	Decision Date	Status	Notes
17/02485/FUL	Honey GastonFeatherbed LaneCluttonBristol	New barn to replace the original barn which was destroyed by fire. Remedial arboricultural works to fire-damaged trees.	COMMDC	10-Nov-17	PERMIT	Applicant is Councillor Paul May, who is a Member of Bath and North East Somerset Council.
17/03629/FUL	Manor House FarmNorth Stoke LaneNorth StokeBathBath And North East SomersetBA1 9AS	Widening of front entrance and garden access with installation of aluminium frame doors.	COMMDC	16-Nov-17	PERMIT	Application submitted by Councillor R S Goodman.
17/03630/LBA	Manor House FarmNorth Stoke LaneNorth StokeBathBath And North East SomersetBA1 9AS	Internal and external alterations for the re-arrangement of internal stud walls, exposing of original stone walling in lobby and widening of garden and front access with replacement aluminium framed doors.	COMMDC	16-Nov-17	CON	Application submitted by Councillor R S Goodman.
17/03761/FUL	3 Pera PlaceWalcotBathBath And North East SomersetBA1 5NX	Change of use from 3 bed dwelling house (use class C3) to 3 bed house in multiple occupation (use class C4)	CHAIR	06-Oct-17	PERMIT	Chair referral delegated decision
17/03054/FUL	Rosedale65A The StreetMarksburyBathBath And North East SomersetBA2 9HP	Erection of single storey rear extension and raised deck access to garden.	CHAIR	06-Oct-17	PERMIT	Chair referral delegated decision
17/04062/FUL	43 WoodcroftBishop SuttonBristolBath And North East SomersetBS39 5XW	Clearing of the earth mound at the front of the property and creation of a hardstanding for parking	CHAIR	17-Oct-17	PERMIT	Chair referral delegated decision
17/03384/FUL	9 Keel's HillPeasedown St. JohnBathBath And North East SomersetBA2 8ER	Change of use of land from agricultural to equestrian and erection of stable block with storage for feed stuffs, machinery store and tack room with permeable hardstanding apron.	CHAIR	20-Oct-17	RF	Chair referral delegated decision
17/04129/FUL	Fairash Poultry Farm Compton Martin RoadWest HarptreeBristolBS40 6EQ	Conversion and part demolition of poultry sheds to form 3 No. dwellings and associated access and landscaping works (Resubmission)	CHAIR	24-Oct-17	RF	Chair referral delegated decision
17/04062/FUL	43 WoodcroftBishop SuttonBristolBath And North East SomersetBS39 5XW	Clearing of the earth mound at the front of the property and creation of a hardstanding for parking	CHAIR	24-Oct-17	PERMIT	Chair referral delegated decision
17/00667/FUL	135 Coronation AvenueSouthdownBathBath And North East SomersetBA2 2JX	Erection of extract ductwork to rear elevation. Removal and replacement of shop fascias and signage. Erection of internal partitions (Retrospective).	CHAIR	01-Nov-17	PERMIT	Chair referral delegated decision
17/02109/FUL	Parcel 4200Parkhouse LaneKeynsham	Change of use of the existing ground floor commercial units to 9 No. residential apartments and alteration of existing parking provision and cycle storage accordingly.	CHAIR	03-Nov-17	PERMIT	Chair referral delegated decision
17/04385/VAR	Chewton PlaceChewton RoadChewton KeynshamKeynsham	Variation of condition 8 (plans list) of application 14/05746/VAR (Variation of condition 8 (plans list) of application 14/05746/VAR (Variation of condition 8 (plans list) of application 14/02775/VAR. (Variation of condition 8 (plans list) of application	CHAIR	07-Nov-17	PERMIT	Chair referral delegated decision
17/04422/FUL	Portbridge MillLimeburn HillChew MagnaBristolBath And North East SomersetBS40 8QL	Erection of a home office building following removal of existing outbuilding	CHAIR	07-Nov-17	RF	Chair referral delegated decision
17/04386/VAR	1 Chewton PlaceChewton RoadChewton KeynshamKeynsham	Variation of condition 6 (plans list) of application 16/00251/FUL (Erection of two storey detached dwelling with garage and associated landscaping.)	CHAIR	07-Nov-17	PERMIT	Chair referral delegated decision
17/01706/FUL	17 ChurchwaysWhitchurchBristolBath And North East SomersetBS14 0PL	Erection of one two storey house attached to No.17 and associated works.	CHAIR	08-Nov-17	PERMIT	Chair referral delegated decision
16/05891/LBA	Charlcombe Grove FarmAccess Road To Ravenswell HouseCharlcombeBathBath And North East SomersetBA1 9BQ	Erection of two storey extension to the house. Provision of upper floor to South Barn. Construction of single storey glazed links. Internal alterations.	CHAIR	22-Nov-17	RF	Chair referral delegated decision
16/05890/FUL	Charlcombe Grove FarmAccess Road To Ravenswell HouseCharlcombeBathBath And North East SomersetBA1 9BQ	Erection of two storey extension to the house. Provision of upper floor to South Barn. Construction of single storey glazed links. Associated landscaping and ground works.	CHAIR	22-Nov-17	RF	Chair referral delegated decision
17/04522/FUL	168 Holcombe LaneBathamptonBathBath And North East SomersetBA2 6UU	Erection of Single Storey Rear Extension and Front Porch	CHAIR	23-Nov-17	PERMIT	Chair referral delegated decision
17/04179/FUL	Lower Tunbridge CottageTunbridge RoadChew MagnaBristolBS40 8SX	Erection of two storey side extension following removal of ground floor bay window and first floor balcony.	CHAIR	24-Nov-17	PERMIT	Chair referral delegated decision

17/04816/FUL	4 Lytton GroveKeynshamBristolBath And North East SomersetBS31 1NE	Single storey side extension and erection of two small utility sheds in the rear garden.	CHAIR	29-Nov-17	PERMIT	Chair referral delegated decision
17/04763/VAR	East BarnWhitecross FarmBristol RoadWest HarptreeBristol	Variation of condition 2 of Application 16/05845/FUL (Conversion of an existing barn to office accommodation (Use Class B1))	CHAIR	01-Dec-17	PERMIT	Chair referral delegated decision
17/04998/FUL	12 Wells RoadCorstonBathBath And North East SomersetBA2 9AX	Erection of rear conservatory with flat roof to replace existing (Retrospective).	CHAIR	07-Dec-17	PERMIT	Chair referral delegated decision
16/03808/FUL	White ChimneysPaulton RoadHallatrowBristolBath And North East SomersetBS39 6EG	Erection of 4 no. dwellings following demolition of existing dwelling, garage and outbuildings	CHAIR	11-Dec-17	PERMIT	Chair referral delegated decision
17/05063/FUL	20 Staunton FieldsWhitchurchBristolBath And North East SomersetBS14 0QD	Erection of first floor side extension, front bay extension, replacement of existing rear conservatory with two-storey extension, provision of loft conversion with rear dormer.	CHAIR	13-Dec-17	PERMIT	Chair referral delegated decision
17/05163/SDCOU	Beechwood StablesNorman RoadSaltford	Prior approval request for change of use from Storage Class B8 to 2 no. Dwelling Houses Class C3	CHAIR	19-Dec-17	APP	Chair referral delegated decision
17/05720/FUL	The Blue BowlBristol RoadWest HarptreeBristolBS40 6HJ	Erection of 2 polytunnels for horticultural use (Resubmission).	CHAIR	20-Dec-17	PERMIT	Chair referral delegated decision
17/05122/FUL	28A Marsden RoadSouthdownBathBA2 2LW	Change of use from residential dwelling (Use Class C3) to a 6 bedroom HMO (Use Class C4).	CHAIR	21-Dec-17	PERMIT	Chair referral delegated decision
17/04645/FUL	Ap Tattoos499 Bath RoadSaltfordBS31 3HQ	Change of use from Use class B1 to Tattoo shop (Use class Sui Generis) (Retrospective)	CHAIR	21-Dec-17	PERMIT	Chair referral delegated decision
17/05351/FUL	Woodwick HallMidford LaneLimpley StokeBathWiltshireBA2 7GP	Erection of two dwellings and associated access drive.	CHAIR	22-Dec-17	PERMIT	Chair referral delegated decision
17/05274/FUL	39 Clevedon RoadMidsomer NortonRadstockBath And North East SomersetBA3 2ED	Erection of 2 storey side extension with carport following demolition of garage, and Erection of single storey rear extension.	CHAIR	22-Dec-17	PERMIT	Chair referral delegated decision
17/01453/FUL	Parcel 5400Fosseway SouthMidsomer Norton	Erection of 20 no. dwellings, associated infrastructure, vehicular access points from existing estate road network, parking and landscaping	COMMDC	22-Nov-17	PERMIT	Chair referral to committee. I have looked at the application and report presented to me which explains the reasons for objections from both MSNTC and Westfield PC. I note some weight was given to the original proposal for this part of the site when it was originally determined and it is for this reason I think the change should be debated by the DMC and therefore recommend this application be heard by them.
17/04031/FUL	The PaddocksPilgrims WayChew StokeBristolBath And North East SomersetBS40 8TZ	Erection of a new dwelling (Resubmission).	COMMDC	16-Nov-17	RF	Chair referral to committee. I have looked at the application including all its history and the related documents. I note the Ward Cllr DMC request, support from the PC, statutory consultee observations and third party comments which are fairly evenly split between support and objections. The report has assessed the issues raised in line with relevant planning policies however it is clearly controversial regarding the interpretation of infill and for this reason I recommend the application be determined by the DMC so debate can take place in the public arena.

17/03041/FUL	28 MeadlandsCorstonBathBath And North East SomersetBA2 9AS	Erection of single storey rear extension.	COMMDC	16-Nov-17	PERMIT	Chair referral to committee. I have studied the application & note changes have been made as the application has progressed however there remains controversy linked to the impact the proposal would have on the neighbour as is evident in the comments on the planning portal I therefore recommend the application be determined by the DMC so the concerns can be debated in public.
17/01709/LBA	2 Manor Farm CottagesAnchor LaneCombe HayBathBath And North East SomersetBA2 7EH	Interior and exterior alterations (part retrospective), including a two-storey extension and partial demolition of rear boundary wall to create a vehicle access.	COMMDC	19-Oct-17	RF	Chair referral to committee. I have studied the application carefully & note the support from the PC & third party consultees, I am aware of the Conservation Officer's support for part of the application but objection to the part linked to the wall & parking. I recommend the application be determined by the DMC as aspects remain controversial in respect if the impact on the Conservation area so the issues causing concern can be debated fully.
17/01708/FUL	2 Manor Farm CottagesAnchor LaneCombe HayBathBath And North East SomersetBA2 7EH	Interior and exterior alterations, including a two-storey extension and creation of new vehicle access.	COMMDC	19-Oct-17	RF	Chair referral to committee. I have studied the application carefully & note the support from the PC & third party consultees, I am aware of the Conservation Officer's support for part of the application but objection to the part linked to the wall & parking. I recommend the application be determined by the DMC as aspects remain controversial in respect if the impact on the Conservation area so the issues causing concern can be debated fully.
17/03930/FUL	1 Audley AvenueLower WestonBathBath And North East SomersetBA1 3BL	Removal of front boundary low wall and fence and formation of off street parking with permeable hardstanding	COMMDC	16-Nov-17	RF	Chair referral to committee. I have studied the application carefully and note the number of objections, the majority of reasons given are echoed by the Ward Cllr. The arboricultural report address the safe retention of a tree which was an issue but changes have been made to reduce the spaces provided by 1 so it no longer contravenes planning policy. The concerns raised regarding Highways are clearly controversial however when I read the Highways report the same concerns are not seen as a reason for refusal, in fact the additional parking is seen as a positive for road safety in the area providing the suggested conditions are included as explained by the Officer's report. I recommend the application be determined by the DMC so debate on the issues can be debated fully so all views can be expressed.

17/03341/FUL	St John's Ambulance Hall North Road Timsbury Bath Bath And North East Somerset BA2 0JJ	Conversion of former hall to 2 no. dwellings	COMMD C	14-Dec-17	PERMIT	Chair referral to committee. I have studied the application noting objections from both the Ward Cllr and PC as well as third party and statutory consultee comments. The application has been modified as it has progressed to address the impact rear of the first floor would have on neighbours, the report explains how the application is in line with relevant planning policy however the issue of parking remains controversial and for this reason I recommend the application be determined by the DMC so the concerns raised can be debated fully.
17/02826/FUL	Matfen House Packhorse Lane South Stoke Bath Bath And North East Somerset BA2 7DL	Erection of single storey garden room extension and first floor bedroom extension over garage	COMMD C	19-Oct-17	PERMIT	Chair referral to committee. I have studied the applications noting PC & third party comments which are mainly objections these are linked to the impact the proposals would have on the area & neighbours amenities. I am aware of existing permission on a neighbouring property but this does not set a precedent as each application is dealt with on its own merits. The Officer has addressed the points raised in relation to relevant planning policy but I recommend the application be determined by the DMC as some aspects remain controversial particularly linked to impact on the Conservation Area with the AONB & Greenbelt.
17/03603/FUL	9 Partis Way Lower Weston Bath Bath And North East Somerset BA1 3QG	Erection of single garage and detached 4 bed house with garage following demolition of existing rear conservatory and side extension (accommodating garage) to existing dwelling	COMMD C	16-Nov-17	PERMIT	Chair referral to committee. I have studied this application and note the changes made as it has progressed which the Officer has reconsulted on. I note Ward Cllr DMC request if the Officer minded to approve the application, comments from Statutory consultees who support the application however there are a number of third party comments, the majority of which object to the proposals for several reasons, these have been addressed in the assessment of the application by the Officer however I note the controversy it has rised particularly linked to residential amenities. I therefore recommend the application be determined by the DMC.
17/02607/FUL	University Of Bath University Of Bath Campus Claverton Down Bath Bath And North East Somerset BA2 7PB	Works to refurbish existing waste compound with the erection of raised canopy to cover plant, erection of new welfare unit following demolition of existing, relocation of confidential waste shed and alterations to entrance roadway.	COMMD C	20-Oct-17	PERMIT	Chair referral to committee. This application is clearly controversial & although the proposals including many of the comments made have been assessed against planning policy I recommend the application be determined by the DMC as requested by the Ward Cllr. so the issues can be debated in the public arena.

17/04236/FUL	30 WoodcroftBishop SuttonBristolBath And North East SomersetBS39 5XN	Erection of first floor side extension to form bedroom with en-suite	COMMDC	15-Dec-17	PERMIT	Chair referral to committee. I have studied the application & note the reasons given to support the proposed development by the PC are clearly related to their neighbourhood plan. The Officer has assessed the application in line with relevant planning & has concluded that the proposal will have an overbearing impact on the host dwelling. However I feel the points raised by the PC, who know their area well, are relevant & should be debated therefore I recommend the application be determined by the DMC.
17/03012/LBA	The Clock HouseBathford HillBathfordBathBA1 7SW	Replacement front door (Retrospective)	COMMDC	19-Oct-17	RF	Chair referral to committee. I have studied this application & note the PC support, the Officer has assessed the application in line with relevant planning policy & explains the impact the door has on the listed building however having looked at the photos I feel the issue should be debated by the DMC as it is clearly controversial.
16/04872/FUL	Church HallSchool LaneBatheastonBathBath And North East SomersetBA1 7EP	Erection of new single storey Church Hall, activity rooms, kitchen, toilets, stores and associated car park/landscaping and external works following demolition of existing Church Hall.	COMMDC	19-Oct-17	PDE - Non-determination	The application has been brought to Development Management Committee as the applicant has appealed for non determination. The Council is not in a position to determine the application because the appeal for non-determination has been lodged and registered as a valid appeal. Members may therefore only resolve as to what decision they would make had they of been able to determine the application.
17/02591/FUL	143 Calton RoadLyncombeBathBath And North East SomersetBA2 4PP	Erection of 2no townhouses following demolition of existing 2 bed apartment	COMMDC	19-Oct-17	PERMIT	The application has been referred to committee following the request of Cllr Gillchrist. The Chair of the Committee has reviewed this request and considers that this application should be determined at committee.
16/04499/FUL	17 Station RoadWeltonMidsomer NortonBA3 2AZ	Erection of 6no. new dwellings following demolition of existing dwelling and outbuildings (resubmission) - revised plans	COMMDC	19-Oct-17	RF	The application is being reconsidered following a decision to quash the previous planning approval. This application was previously discussed at committee and therefore the Group Manager has considered it appropriate for it to again be discussed at committee.
17/02313/FUL	6 High BannerdownBatheastonBathBath And North East SomersetBA1 7JY	Erection of two storey side extension, new front boundary wall and change of layout of existing gardens.	COMMDC	16-Nov-17	PERMIT	The application is being referred to the committee as the parish council have objected to the application. The application has been referred to the chair of the committee who has agreed that the application should be considered by the committee.
17/04541/FUL	104 High StreetBathfordBathBath And North East SomersetBA1 7TH	Erection of single and double storey rear extension.	COMMDC	22-Dec-17	PERMIT	The parish council have not objected to the application contrary to the case officers recommendation to refuse.
16/00850/OUT	Land Parcel 7200Bath RoadKeynsham	Residential and related development comprising approximately 250 dwellings, new Primary School with associated outdoor playing facilities, means of access thereto, associated open space, landscaping, access roads, footways/cycleways and infrastructure works (Revised Plans)	COMMDC	04-Oct-17	PERMIT	This application has been referred to committee by the Group Manager, Development Management due to the large number of third party comments and the quantum of development proposed.

16/05219/EOUT	Street RecordFox HillCombe DownBath	Application for Outline planning permission for the redevelopment of the Foxhill Estate comprising:-the demolition of up to 542 dwellings;-the re-provision of up to 700 dwellings;-demolition and re-provision of the local centre to include up to 560	COMMDC	29-Nov-17	PERMIT	This application has been reported to the Planning Committee by the Group Manager owing to its strategic nature and the considerable level of public interest.
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Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	14th February 2018
RESPONSIBLE OFFICER:	Mark Reynolds, Group Manager, Development Management (Telephone: 01225 477079)
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

APPEALS LODGED

App. Ref: 17/04090/FUL
Location: 1 Chaucer Road Bear Flat Bath Bath And North East Somerset BA2 4QU
Proposal: Installation of rear dormer.
Decision: REFUSE
Decision Date: 13 October 2017
Decision Level: Delegated
Appeal Lodged: 15 January 2018

App. Ref: 17/02709/FUL
Location: 10 Moorledge Road Chew Magna Bristol Bath And North East Somerset BS40 8TB
Proposal: Erection of two storey rear extension with single storey elements, and single storey lean-to side extension.
Decision: REFUSE
Decision Date: 26 July 2017
Decision Level: Chair Referral - Delegated
Appeal Lodged: 22 January 2018

App. Ref: 17/03239/FUL
Location: 95 Hawthorn Grove Combe Down Bath Bath And North East Somerset BA2 5QG

Proposal: Erection of 1 no. 1 bedroom dwelling, associated landscaping and car parking (Resubmission)
Decision: REFUSE
Decision Date: 25 August 2017
Decision Level: Delegated
Appeal Lodged: 24 January 2018

APPEALS DECIDED

App. Ref: 17/02976/FUL
Location: 55 Fairfield Park Road Fairfield Park Bath Bath And North East Somerset BA1 6JP
Proposal: Conversion of loft with side hipped dormer
Decision: REFUSE
Decision Date: 16 August 2017
Decision Level: Delegated
Appeal Lodged: 7 November 2017
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 5 January 2018

App. Ref: 17/01344/FUL
Location: Parking Area Between 4 And 6 Greenvale Drive Timsbury Bath
Proposal: Erection of 1no attached dwelling with revisions to previously approved site layout and parking
Decision: REFUSE
Decision Date: 9 May 2017
Decision Level: Delegated
Appeal Lodged: 27 September 2017
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 10 January 2018

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
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 11 January 2018

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
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 11 January 2018

App. Ref: 17/01539/FUL
Location: 42 Gainsborough Road Keynsham Bristol Bath And North East Somerset BS31 1LS
Proposal: Erection of 2 self-contained flats adjacent to 42/44 Gainsborough Road (Re-submission).
Decision: REFUSE
Decision Date: 16 June 2017
Decision Level: Delegated
Appeal Lodged: 12 October 2017
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 12 January 2018

App. Ref: 17/01736/FUL
Location: 7 Red Lion Lane Odd Down Bath Bath And North East Somerset BA2 2FN
Proposal: Change of use from use class C3 (Residential) to use class C4 (House of multiple occupation) (Retrospective).
Decision: REFUSE
Decision Date: 21 June 2017
Decision Level: Delegated
Appeal Lodged: 12 October 2017
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 12 January 2018

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

Appeal Decision: Appeal Dismissed
Appeal Decided Date: 12 January 2018

App. Ref: 16/05657/FUL
Location: Land And Buildings Between The Spinney And Barn Cottage Old
Bristol Road Keynsham
Proposal: Conversion of existing barn to 1no dwelling including partial
demolition
Decision: REFUSE
Decision Date: 16 January 2017
Decision Level: Delegated
Appeal Lodged: 23 August 2017
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 17 January 2018

App. Ref: 17/02708/FUL
Location: 16 May Tree Road Westfield BA3 3TU
Proposal: Erection of two storey attached dwelling following demolition of
existing garage.
Decision: REFUSE
Decision Date: 3 August 2017
Decision Level: Delegated
Appeal Lodged: 27 October 2017
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 18 January 2018

App. Ref: 17/00555/FUL
Location: 25 Wells Square Westfield BA3 3UF
Proposal: Addition of vehicles access onto the existing adjoining rear gardens
(Retrospective)
Decision: REFUSE
Decision Date: 28 April 2017
Decision Level: Delegated
Appeal Lodged: 29 September 2017
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 19 January 2018

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
Appeal Decision: Appeal Allowed
Appeal Decided Date: 22 January 2018

App. Ref: 16/04872/FUL
Location: Church Hall School Lane Batheaston Bath Bath And North East Somerset
Proposal: Erection of new single storey Church Hall, activity rooms, kitchen, toilets, stores and associated car park/landscaping and external works following demolition of existing Church Hall.
Decision: Non-determination
Decision Date: 19 October 2017
Decision Level: Planning Committee
Appeal Lodged: 5 October 2017
Appeal Decision: Appeal Allowed
Appeal Decided Date: 29 January 2018

App. Ref: 17/00538/FUL
Location: Hay Tor Old Midford Road Midford Bath Bath And North East Somerset
Proposal: Erection of single storey side extension.
Decision: PERMIT
Decision Date: 26 May 2017
Decision Level: Delegated
Appeal Lodged: 23 August 2017
Appeal Decision: Appeal Allowed
Appeal Decided Date: 29 January 2018

App. Ref: 17/00539/FUL
Location: Hay Tor Old Midford Road Midford Bath Bath And North East Somerset
Proposal: Erection of garden building following demolition of existing building.
Decision: REFUSE
Decision Date: 12 May 2017
Decision Level: Delegated

Appeal Lodged: 23 August 2017
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 29 January 2018

App. Ref: 16/02520/FUL
Location: 27 Rockliffe Avenue Bathwick Bath Bath And North East Somerset
BA2 6QP
Proposal: Erection of 4 storey, 5no bedroom dwelling following demolition of
existing property
Decision: REFUSE
Decision Date: 3 February 2017
Decision Level: Delegated
Appeal Lodged: 27 October 2017
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 30 January 2018

FORTHCOMING HEARINGS & INQUIRIES

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 6th 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 6th February at the Guildhall, Bath.

App. Ref: 16/05078/TPO
Location: Widcombe Manor, Church Street, Widcombe, Bath, BA2 6AZ.
Proposal: T4, Western Red Cedar- reduce height by 7-8m.
Decision: REFUSE
Decision Date: 7 December 2016
Decision Level: Delegated
Appeal Lodged: 30 01 2017
Hearing Date: 14th March 2018
Hearing venue: Lewis House, Manvers Street, Bath (Meeting Room 3.2).

App. Ref: 16/02607/OUT
Location: Welton Bibby & Baron Station Road Welton Midsomer Norton
Proposal: Demolition of existing buildings and mixed-use redevelopment of employment (including Light Industrial/Office B1 & B2 Uses/Retail A1, A3 & A4 (Incl. convenience store and Public House), A5/C1 Hotel/Sui Generis Uses), C2/D1 (Institutional Uses), C3 Residential Uses (Elderly Care, Market & Affordable) including

approximately 3,730 sqm business development and No. 200 housing units and associated car parking, landscaping and roads/ links. Part Change of Use From B1, B2 & B8 Employment to C3 Residential Land, Retail A1, A3 & A4, A5/C1 Hotel/Sui Generis Uses), community facilities and C2/D1 (Institutional Uses)

Decision: REFUSE

Decision Date: 02 March 2017

Decision Level: Delegated

Appeal Lodged: 03 November 2017

Inquiry to be held on 20th-23rd March at Farrington Gurney Golf Club.

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