

# Development Management Committee

**Date: Wednesday, 11th April, 2018**

**Time: 10.00 am**

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

4. **Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two working days before the meeting. This means that for Development Management meetings held on Wednesdays, notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme:

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

5. **Emergency Evacuation Procedure**

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

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

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

**Development Management Committee- Wednesday, 11th April, 2018**

**at 10.00 am 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, ie 3 minutes for the Parish and Town Councils, 3 minutes for the objectors to the proposal and 3 minutes for the applicant, agent and supporters. This allows a maximum of 9 minutes per proposal.

7. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

To deal with any petitions or questions from Councillors and where appropriate Co-opted Members

8. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 46)

To confirm the minutes of the meeting held on 14 March 2018.

9. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 47 - 94)

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 95 - 148)

11. PLANNING ENFORCEMENT REPORT - "QUARRY LODGE" (PARCEL 8593), WOOLLARD LANE, PUBLOW, BS14 0QS (Pages 149 - 158)

The Committee is asked to authorise the seeking of an injunction from the County Court or High Court, under Section 187B of the Town and Country Planning Act 1990 (the "**1990 Act**"), to restrain the Breach on the Land.

12. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 159 - 164)

The Committee is asked to note the report.

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

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

**DEVELOPMENT MANAGEMENT COMMITTEE**

**Minutes of the Meeting held**

Wednesday, 14th March, 2018, 2.00 pm

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

**113 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

**114 ELECTION OF VICE CHAIRMAN (IF DESIRED)**

A Vice Chairman was not required on this occasion.

**115 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Cllr Matthew Davies – substitute Cllr Patrick Anketell-Jones.

It was noted that Cllr Caroline Roberts would be arriving late due to a prior commitment.

**116 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**117 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was no urgent business.

**118 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.

**119 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

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

**120 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 14 February 2018 were confirmed and signed as a correct record.

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

The Committee considered:

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

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

**Item No. 1**

**Application No. 17/05316/FUL**

**Site Location: Bloomfield House, 3 Braysdown Lane, Peasedown St John, BA2 8HQ – Demolition of existing rear single storey extension and replacing with new two storey rear extension**

The Case Officer reported on the application and her recommendation for refusal.

The registered speaker spoke in favour of the application.

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

Cllr Kew felt that the application was acceptable, noted that changes would only be made to the side and rear elevations and stated that the extension would be a good addition to the property. He moved that the Committee delegate to permit. This was seconded by Cllr Jackson who stated that the extension would be at the rear of the property and would not be detrimental to the street scene.

Cllr Appleyard noted the importance of the site visit and stated that he supported the application provided conditions were put in place to ensure obscure glazing to prevent overlooking.

The motion was put to the vote and it was **RESOLVED** unanimously to **DELEGATE TO PERMIT** the application subject to conditions (including the provision of obscure glazing).

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

The Committee considered:

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

items 1, 2, 4, 5, and 9 attached as *Appendix 1* to these minutes.

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

**RESOLVED** that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 4* to these minutes.

**Item No. 1**

**Application No: 16/03829/RES**

**Site Location: Land between Hillside View and Bath Road, Greenlands Road, Peasedown St John, Bath – Approval of reserved matters with regard to outline application 12/05477/OUT allowed on appeal on 3<sup>rd</sup> June 2014 for the erection of 89 dwellings (72 houses and 17 flats), provision of public open space and landscaping; 1 vehicular access from Greenlands Road, undergrounding of overhead lines**

The Case Officer reported on the application and the recommendation for approval. He explained that outline planning permission had previously been granted and that this application was in respect of the reserved matters. There were a number of updates including the following representations that had been received:

A letter from residents of Hillside View expressing the following concerns:

- Stability due to the steep sloping bank on the site.
- Curo could build fewer houses on the site.
- The application is non-compliant with Policy D6.
- The application breaches Article 8 of the Human Rights Act.
- No human rights assessment has taken place.
- The scale of the development is not in keeping with the area.
- This is a poor design and there are health and safety concerns.
- The impact of HGVs has not been considered.
- A solicitor's letter had been received which set out concerns regarding open space, ecology, lack of human rights assessment, no assessment on the impact of HGV movements, inability to consider engineering works as a reserved matter and the detrimental impact on the amenity of no's 1 and 45 Hillside View.

Two letters from "Residents Protecting Peasedown" outlining concerns regarding the nature of the proposed public open space, particular concerns were expressed in relation to the inaccessible nature of some of the public open space and the removal of two areas of public open space from the earlier layout (submitted at the outline stage). Other concerns included:

- Steep nature of site
- Development is unachievable
- Outside the scope of the reserved matters
- Contrary to policy
- Poor design/out of scale and keeping
- Health and safety concerns
- Deviates from what was previously agreed

- No human rights assessment
- Poor location for allotments
- Heavily engineered platforms proposed rather than tiered arrangement

He also explained that 35% of the properties would be affordable housing with 75% of these being for social rent and 25% shared ownership. He informed the Committee that the recommendation was a delegation to permit subject to completing a deed of variation of an existing unilateral undertaking. The content of the Unilateral Undertaking imposed at the outline stage was explained by the officer as well as the variations that were now proposed to it and the reasoning behind those proposed variations.

It was noted that the Committee had visited the site.

The registered speakers spoke for and against the application.

Cllr Karen Walker, local ward member, spoke against the application.

The Case Officer responded to questions as follows:

- The public space could either be transferred to the Council for maintenance or be managed by the applicant themselves.
- There were 206 parking spaces (160 private parking spaces, 28 private garages and 18 visitor spaces).

Cllr Kew noted that this was a difficult site, although not an unusual one. He noted the large number of objections to the application. He explained that permission had been granted by the Planning Inspectorate following an appeal. He found the design acceptable with good variation, colours and materials. He noted that discussions and consultation had taken place prior to the submission of the application, the land was allocated for development and outline permission was in place. He then moved the officer recommendation to delegate to permit the application.

The motion was seconded by Cllr Organ who also noted the difficulty concerning the contours of the land on the site. He pointed out that the highway officer considered the proposed development to be acceptable.

Cllr Jackson felt that the design was unsuitable for a rural setting such as this. She also referred to a leaflet that had been circulated by Curo and whether this should be given any weight when making the decision. The Group Manager, Development Management, advised that the leaflet should be disregarded as it did not form part of the planning application process. He also confirmed that the unilateral undertaking set out a commitment to provide allotments for the residents.

Cllr Anketell-Jones felt that the design was appropriate and noted that open space would be provided.

The motion was put to the vote and it was RESOLVED by 6 votes for, 1 vote against and 2 abstentions to DELEGATE TO PERMIT the application subject to conditions and the prior completion of a deed of variation to the unilateral undertaking.

*(Note: Cllr Caroline Roberts expressed concern about the way that additional papers from a developer had been posted to Committee members requiring a signature for collection).*

## **Item No. 2**

### **Application No. 17/04338/FUL**

**Site Location: Bath Cricket Club, North Parade Road, Bathwick, Bath –  
Erection of 136 bed spaces of purpose built student accommodation (sui generis) and associated communal and ancillary facilities, re-provision of car parking, demolition and replacement of indoor cricket training facility, formation of new access and landscaping works**

The Case Officer reported on the application and his recommendation for refusal. He explained that revised drawings had been submitted but that the reduction of harm did not significantly tip the balance in favour of the application. He also informed the Committee of a change to the second proposed reason for refusal and the removal of the fourth proposed reason for refusal.

The Case Officer explained that the flood risk on this site was high and that National Planning Policy required that this should be taken into consideration. The flood risk should be balanced against the public benefit. Loss of trees was also a concern.

Cllr Becker, local ward member on the Committee, supported the officer recommendation to refuse the application. He noted that the proposed development was against the National Planning Policy Framework and the Placemaking Plan. He did not think that the modern design was appropriate for this special site in the centre of Bath and felt that the opportunity should be used to create a beautiful building for this site.

The Case Officer then responded to questions as follows:

- The building would be on stilts but whether water would reach the building would depend on the severity of the flooding. There could be additional pressure on emergency services should people become trapped in the building.
- If considering the development of a site within a flood zone than the Committee must feel that no other site could meet this need.
- A condition could be put in place to ensure that replacement trees were more mature so that they would grow more quickly. However, it would still take a long time for the new trees to grow to the height of the existing trees. The replacement trees would be more evenly spaced than the existing ones.
- There is no specific target figure for the provision of purpose built student accommodation.
- A small amount of weight could be given to the potential improvements to the cricket club which could be provided by this development, however, planning issues should be the main consideration and not financial matters which fell outside the planning application.

Cllr Jackson noted that the proposed building was not accessible for anyone with a disability and was therefore not inclusive. She felt that the building would be too high, was concerned about the loss of trees in this area and also queried the

demand for additional student accommodation in Bath.

Cllr Kew noted that there would normally be advance warning if flooding was expected.

Cllr Appleyard stated that there was a shortage of student accommodation and that a recent report had shown a need for 4,000 bed spaces in the city. The Group Manager, Development Management, explained that this was a fluid situation and that the requirement for student accommodation could change. Any specific figures should be treated with caution.

Cllr Becker then moved the officer recommendation for refusal. This was seconded by Cllr Organ who stated that flooding was a concern, mature trees would be lost and the building was of poor design.

Cllr Appleyard spoke against the motion to refuse stating that the flooding arguments were not strong enough. There would not be a negative impact on the city views from above. An emergency plan would be in place should flooding occur and advance warning would normally be given. There should be modern buildings within the city and this presented a good opportunity for the Bath Cricket Club to improve its facilities.

Cllr Crossley felt that the proposal offered a chance to repurpose the car park site in an imaginative way. It would be a gain for the Cricket Club and would be a positive addition to the community. He felt that the architecture was appropriate with interesting and varied design.

Cllr Kew agreed that the design was good and felt that this development would be an asset for Bath.

Cllr Anketell-Jones noted that Bath needed to grow internally as it could not expand outwards into the greenbelt. The current car park was ugly and this development would provide much needed student accommodation and a cricket school. The site did not constitute prime green space within the city.

The Group Manager, Development Management, clarified the flooding issue, stating that there would be a 5% chance of flooding on this site in any given year (it was within Flood Zone 3a). He explained that planning advice was clear that building on flood plains should be avoided. Escape routes could be hazardous at any level of flooding.

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

Cllr Appleyard then moved that the Committee delegate to permit the application subject to conditions. This was seconded by Cllr Crossley.

The motion was put to the vote and it was RESOLVED by 5 votes in favour and 4 against to DELEGATE TO PERMIT the application subject to conditions following advertisement as a departure from the development plan and to no new planning issues being raised.

*(Note: Cllr Anketell-Jones left the meeting at this point).*

**Item No. 3**

**Application No. 17/04739/FUL**

**Site Location: 6 Madams Paddock, Chew Magna, BS40 8PN – Demolition of the existing dwelling, associated garage and greenhouse and erection of a new dwelling and garage. The proposal also includes the associated landscape and drainage works.**

The Case Officer reported on the application and her recommendation for refusal.

The registered speakers spoke in favour of the application.

Cllr Liz Richardson, local ward member, spoke in favour of the application.

In response to a question the Case Officer explained that the proposal represented a 118% increase in volume. She also confirmed that the property was located within the housing development boundary.

Cllr Crossley moved that consideration of the application be deferred pending a site visit. This was seconded by Cllr Appleyard.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 1 abstention to DEFER consideration of the application pending a site visit.

*(Note: Cllr Anketell-Jones returned to the meeting at this point).*

**Item No. 4**

**Application No. 17/06106/FUL**

**Site Location: Hinton House, Branch Road, Hinton Charterhouse, Bath – Installation of helipad**

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

The registered speakers spoke for and against the application.

Cllr Neil Butters, local ward member, also spoke regarding the application.

Councillor Jackson then moved that consideration of the application be deferred pending a site visit. This was seconded by Cllr Crossley.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 3 votes against to DEFER consideration of the application pending a site visit.

*(Note: Cllr Roberts arrived at the meeting at this point).*

**Item No. 5**

**Application No. 17/05969/FUL**

**Site Location: Avonlea House, Station Road, Freshford, Bath – Erection of single-storey side extension (Resubmission)**

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

The registered speakers spoke against the application.

Cllr Neil Butters, local ward member, spoke against the application.

Councillor Crossley moved the officer recommendation to permit the application. This was seconded by Cllr Kew.

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

#### **Item No. 6**

##### **Application No. 17/06011/FUL**

##### **Site Location: Cromwell Farm, Combe Hay Lane, Combe Hay, Bath, BA2 8RF – Erection of a temporary (3 year) rural worker's dwelling**

The Case Officer reported on the application and the recommendation to permit. He explained that an amendment was proposed to condition no. 2 restricting occupation of the temporary dwelling to a person working for the business permitted and any dependents.

The registered speakers spoke for and against the application.

Cllr Veale, local ward member on the Committee, spoke against the application and stated that he supported the objections raised by Combe Hay Parish Council.

In response to a question the Case Officer explained that after the three year temporary period any permanent dwelling associated with the business would require planning permission.

Cllr Crossley welcomed this rural business and moved the officer recommendation to permit. This was seconded by Cllr Appleyard.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 against to PERMIT the application subject to conditions as set out in the report.

#### **Item No. 7**

##### **Application No. 17/05135/FUL**

##### **Site Location: Greenhill Farm, Brittens, Paulton – Resiting of existing mobile home for a temporary period of three years following demolition of existing barn**

The Case Officer reported on the application and his recommendation for refusal.

The registered speakers spoke in favour of the application.

Cllr Liz Hardman, local ward member, spoke in favour of the application.

Cllr Kew stated that he did not feel that the proposal would create any harm to the character of the area. He noted that both the Parish Council and local ward member supported the application. He then moved to delegate to permit the application

subject to conditions. This was seconded by Cllr Crossley.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 abstention to DELEGATE TO PERMIT the application subject to conditions.

**Item No. 8**

**Application No. 17/06179/FUL**

**Site Location: 12 Williamstowe, Combe Down, Bath, BA2 5EJ – Conversion of the garage and extension of roof to create annex (Resubmission)**

The Case Officer reported on the application and the recommendation for refusal.

Cllr Bob Goodman, local ward member, spoke in favour of the application.

In response to a question the Case Officer confirmed that clay tiles were the proposed roof materials.

Cllr Kew stated that he did not feel that the proposal would be harmful to the character of the area. He moved that the Committee delegate to permit the application. This was seconded by Cllr Anketell-Jones subject to the inclusion of a condition to secure appropriate roofing materials.

The motion was then put to the vote and it was RESOLVED by 8 votes in favour, 1 against and 1 abstention to DELEGATE TO PERMIT the application subject to conditions.

**Item No. 9**

**Application No. 18/00075/FUL**

**Site Location: 43 Fairfield Avenue, Fairfield Park, Bath, BA1 6NJ – Erection of a two storey side extension following demolition of existing detached single garage**

The Case Officer reported on the application and his recommendation for refusal.

The registered speaker spoke in favour of the application.

Cllr Appleyard, local ward member on the Committee, spoke in favour of the application stating that the property would not be overbearing and noting that there would not be a tunnelling effect on the streetscene.

It was noted that the original plan for this site had been for the erection of three terraced houses.

Cllr Jackson felt that the proposal would improve the property.

Cllr Appleyard moved that the Committee delegate to permit the application subject to conditions. This was seconded by Cllr Crossley.

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

*(Note: At this point Cllr Crossley left the meeting).*

**Item No. 10**

**Application No. 17/05413/FUL**

**Site Location: Willow Barn, Priston Hill, Priston – Erection of two storey rear extension**

The Case Officer reported on the application and his recommendation for refusal.

A statement from the applicant in favour of the application was read out at the meeting.

Cllr Kew noted that the property was neither listed nor in a Conservation Area. He felt that the design was in keeping with the area and the property and moved that the Committee delegate to permit the application subject to conditions. This was seconded by Cllr Anketell-Jones who felt that the character of the property would be retained.

Cllr Appleyard noted the 17% increase in volume which he felt was modest. He stated that the proposal would improve the usability of the property.

Cllr Jackson stated that the proposal appeared reasonable given that the property was not listed and was not a historical asset.

The Group Manager, Development Management, explained that the Case Officer objections related to the harm to the building and the need to retain its agricultural appearance.

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

**Item Nos. 11 and 12**

**Application Nos. 17/05621/FUL and 17/05622/LBA**

**Site Location: 9 Henrietta Villas, Bathwick, Bath, BA2 6LX – Erection of a rear single storey timber conservatory and replacement of the first floor door with a window. Internal and external alterations for the erection of a rear single storey timber conservatory and replacement of the first floor door with a window.**

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

The registered speakers spoke for and against the applications.

Cllr Peter Turner, local ward member, spoke against the applications.

In response to a query the Case Officer explained that a listed building has a great deal fewer permitted development rights than a building that is not listed.

Cllr Jackson moved that consideration of the applications be deferred pending a site visit. This was seconded by Cllr Kew.

The motion was put to the vote in respect of each application and it was RESOLVED

unanimously to DEFER consideration of each application pending a site visit.

**Item Nos. 13 and 14**

**Application Nos. 17/06210/FUL and 17/06211/LBA**

**Site Location: 14 Bathford Hill, Bathford, Bath, BA1 7SL – Erection of side extension following demolition of existing lean-to extension and associated alterations to existing dwelling. Erection of side extension following demolition of existing lean-to extension and associated alterations to include demolition of existing porch and replacement porch to front.**

The Case officer reported on the applications and her recommendation for refusal.

The registered speaker spoke in favour of the applications.

In response to a question the Case Officer explained that the size of any extension should be proportionate but that there was no fixed volume that was permissible.

Cllr Kew noted that the extension looked to be a modern design.

*(Note: At this point Cllr Veale left the meeting).*

Councillor Organ then moved that consideration of the applications be deferred pending a site visit. The motion was seconded by Cllr Jackson.

The motion was put to the vote and there were 3 votes in favour, 4 votes against and 1 abstention. The motion was therefore LOST.

Cllr Kew then moved the officer recommendation to refuse the applications. This was seconded by Cllr Anketell-Jones.

The motion was put to the vote in respect of each application and it was RESOLVED by 6 votes in favour and 2 against to REFUSE each application for the reasons set out in the report.

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

The Committee considered the appeals report. The Committee commended the officers on the outcome of recent appeals.

RESOLVED to NOTE the report.

The meeting ended at 6.50 pm

Chair .....

Date Confirmed and Signed .....

Prepared by Democratic Services

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Management Committee**

**14<sup>th</sup> March 2018**

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

**ITEMS FOR PLANNING PERMISSION**

**Item No. 1                      Application No. 16/03829/RES**  
**Address: Land Between Hillside View And Bath Road, Greenlands Road,**  
**Peasedown St. John, Bath**

At the time of writing the main report Officers had preliminarily agreed and these discussions were reflected in the report. However the applicant has now submitted revised drawings to reflect the discussions and therefore the plans list has needed to be updated to refer to the following plans:

**PLANS LIST:**

This decision relates to drawing nos:

LP.01, SL.01 Rev KK, CSL.01 Rev LL, AH.01 Rev F, ML.01 Rev L, RS.01 Rev F,  
SHL.01 Rev H, SS.01 Rev M, PL.01 Rev E, HSML.01 Rev D

N.3B5P.p Rev D, N.3B5P.e Rev B  
S.3B6P.p Rev C, S.3B6P.e Rev E  
D.2B4P.pe Rev C  
AA.3B5P.p Rev C, AA.3B5P.e Rev E,  
F.2B4P.p Rev A, F.2B4P.e Rev D  
J.3B5P.p Rev C, J.3B5P.e1 Rev E, J.3B5P.e2 Rev E  
K.3B6P.p Rev B, K.3B6P.e1 Rev E, K.3B6P.e2 Rev D  
Q.3B6P.pe Rev C  
R.3B6P.pe Rev C  
M.3B6P.p Rev A, M.3B6P.e Rev B  
L.3B6P.p Rev B, L.3B6P.e Rev B  
L1.3B6P.p, L1.3B6P.e Rev A  
W.4B7P.p Rev C, W.4B7P.e Rev B  
X.4B7P.p, X.4B7P.e1 Rev C, X.4B7P.e2 Rev B  
Y.4B8P.P1 Rev A, Y.4B8P.p2 Rev A, Y.4B8P.e1 Rev C, Y.4B8P.e2 Rev B  
T.3B6P.pe1 Rev C, T.3B6P.pe2 Rev C  
AB.3B5P.p Rev C, AB.3B5P.e Rev D  
AC.3B5P.p Rev C, AC.3B5P.e1 Rev E, AC.3B5P.e2 Rev D  
G.2B4P.p Rev B, G.2B4P.e Rev C  
P.5-6.p1, P.5-6.p2, P.5-6.e Rev C  
P.22-24.p Rev A, P.22-24.e Rev E  
P.87.p Rev C, P.87.e Rev B  
P.81-85.p1 Rev C, P.81-85.p2 Rev C, P.81-85.p3 Rev C, P.81-85.e1 Rev C, P.81-85.e2 Rev A, P.81-85.e3 Rev B

P.44-49.p1 Rev D, P.44-49.p2 Rev D, P.44-49.e1 Rev C, P.44-49.e2 Rev C, P.44-49.e3 Rev D  
P.59-63.p1 Rev D, P.59-63.p2 Rev C, P.59-63.e1 Rev E, P.59-63.e2 Rev C, P.59-63.e3 Rev C  
P.3-4.e Rev C, P.3-4.p Rev D  
P.66.e1 Rev A,P.66.p1 Rev A

BC.01 Rev A – Plots 44-49 & 81-75  
GAR.01 Rev A, Gar.02 Rev A, GAR.03 Rev A

Design Compliance Statement Rev C

934/PA/01X, 943/PA/05K, 943/PA/07B, 943/PA/03S

171221 CUR-PSJ-TS-001

205-13f, 205-14e, 205-15f, 205-16f, 205-E021h, 205-E022j, 205-E023g, 205-E024f, 205-E025c, 205-E030i, 205-E080d, 205-E081c, 205-E082c, 205-E083c, 205-E084c, 205-E085c, 205-E086c, 205-E087c, 205-E088c, 205-E089c, 205-E090s, 205-E091q, 205-E092n, 205-E093o, 205-E094l

**Item No. 2                      Application No. 17/04338/FUL**  
**Address: Bath Cricket Club, North Parade Road, Bathwick, Bath**

The applicant has submitted two revised drawings:

P101 PL03    PROPOSED FIRST FLOOR PLAN (HABITABLE LEVEL)  
P100 PL03    PROPOSED GROUND FLOOR PLAN (CAR PARK LEVEL)

The revised drawings show two new external lifts providing disabled access to the ground floor of the building. The first of these lifts would be located in the north-east corner of the site and be located at street level. The second lift would be located on the first raised terrace and would afford access to the second terrace where there is level access to the ground floor of the student accommodation.

The changes proposed are an attempt to address the concerns raised in the main Officer Report in relation to the lack of disabled access. The proposal as now presented does provide a route into the building for disabled users or those with a mobility impairment. Whilst the route for disabled access is somewhat convoluted, requiring the navigation of two separate lift platforms, the revised approach can no longer be considered as exclusionary and should ensure that the building can be visited by those with a disability or mobility impairment. However, the proposals still do not offer disabled accommodation within the student block due to the need to provide on-site parking and a lift down to the car park level which hasn't been included.

Introducing disabled access to the building emphasises the concerns raised in the main Officer Report about flood risk. Whilst evacuation for wheelchair

users could be achieved, this approach will inevitably increase the risk during a flood event.

Visually the proposed lift platforms are located in relatively discrete areas and will not worsen the level of harm to the character and appearance of the Conservation Area already identified in the main Officer Report. The precise details of the appearance of these lifts could be secured by a condition.

In light of these revised drawings, it is considered that the proposals are now less harmful to those with a disability or mobility impairment. Whilst the proposed changes are still not entirely satisfactory, as they do not enable disabled accommodation within the proposal, it is considered that this harm is no longer great enough to a separate reason for refusal. **Reason for refusal 4** is no longer relevant and is therefore removed from the recommendation.

The harm identified in the planning balance undertaken as part of the Officer Report is there also of a lower order. However, it is considered that the reduction of this harm does not significantly tip the balance in favour of the application and the officer recommendation remains to **refuse** the application for the multiple and significant harms identified in the other three reasons for refusal.

**Item No. 9                      Application No. 18/00075/FUL**  
**Address: 43 Fairfield Avenue, Fairfield Park, Bath, BA1 6NJ**

The reason for refusal notes policy D6 (Amenity) of the Bath and North East Somerset Placemaking Plan. This policy should be omitted, and the reason for refusal should read as follows:

*'The proposed two storey side extension by virtue of its size, scale, massing and height situated in such a prominent position would harm the character and appearance of the existing dwelling and contribute to visual harm to the wider area and World Heritage Site. The proposal conflicts with Policies D2, D4, D5 of the Bath and North East Somerset Council Placemaking Plan (2017) and Policy B4 of the Core Strategy (2014).'*

**Item No.4                      Application No. 17/06106/FUL**  
**Address: Hinton House, Branch Road, Hinton, Charterhouse, Bath, Bath And North, East Somerset**

The agenda states the application recommendation is delegate to permit. This is incorrect and should be recommended for permission.

The report refers to Historic England having objected to the application. This is incorrect. Whilst Historic England has raised concerns, addressed in the report, they have not formally objected but commented on the scheme.

Four additional comments have been received in regards to the application since the time of writing the report. These comments raise various concerns including information in regards to the nearby Brown Shutters Airfield, information on recent flights in and out of the site, photographs of the helicopter, and site visit requests.

Most of these comments have also been copied into councillors and there has been some correspondence between third parties and councillors. The points raised in these comments have been addressed in the report and none of the points raised alter the outcome of the planning recommendation. Councillors can decide if a site visit is required at committee.

**Item No.5      Application No. 17/059669/FUL**

**Address: Avonlea House, Station Road, Freshford, Bath, Bath And North East, Somerset**

A further objection letter was received from the same neighbour that has previously objected on the 26<sup>th</sup> February 2018, raising concerns over the revised plans. Further concerns are raised in regards to the height of the extension, the proposed walls being higher than the roof, the position of the roof lantern, and the change of materials. The points raised in these comments have been addressed in the report and none of the points raised alter the outcome of the planning recommendation.

**BATH AND NORTH EAST SOMERSET COUNCIL**

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES WISHING TO MAKE A STATEMENT AT THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE ON WEDNESDAY 14 MARCH 2018**

<b>SITE VISIT LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>SPEAKER</b>	<b>FOR/AGAINST</b>
1	Bloomfield House, 3 Braysdown Lane, Peasedown St John	Chris Marsland (Agent)	For
		Cllr Karen Walker (Local Ward Member)	For

<b>MAIN PLANS LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>SPEAKER</b>	<b>FOR/AGAINST</b>
1.	Land between Hillside View and Bath Road, Greenlands Road, Peasedown St John	Cllr Cathy Thomas (Peasedown St John Parish Council)	Against
		Tom Clifford (Residents Protecting Peasedown)	Against
		John White (Agent)	For
		Cllr Karen Walker (Local Ward Member)	Against
2.	Bath Cricket Club, North Parade Road, Bathwick, Bath	Caroline Kay (Bath Preservation Trust)	Against (To share 3 minutes)
		Steve Osgood	
		Chris Beaver (Agent)	For (To share 3 minutes)
3.	6 Madams Paddock, Chew Magna, BS40 8PN	Christopher MacKenzie (Agent)	For (To share 3 minutes)
		Andy Bamford (Applicant)	

		Cllr Liz Richardson (Local Ward Member)	For
4.	Hinton House, Branch Road, Hinton Charterhouse, Bath	Cllr David Turvey (Hinton Charterhouse Parish Council)	Against
		Anthony Thornton (Freshford Parish Council)	Against (2 minutes)
		Chris Eke	Against
		Chris Beaver (Agent)	For
		Cllr Neil Butters (Local Ward Member)	N/A
5.	Avonlea House, Station Road, Freshford	Cllr Roger Paine (Freshford Parish Council)	Against
		Mr Arbaney	Against
		Cllr Neil Butters (Local Ward Member)	Against
6.	Cromwell Farm, Combe Hay Lane, Combe Hay, BA2 8RF	Cllr Martin Austwick (Combe Hay Parish Council)	Against
		Frank Shellard (Applicant)	For
7.	Greenhill Farm, Brittens, Paulton	Martyn Stutchbury (Agent)	For (To share 3 minutes)
		Daniel Mott (Applicant)	
		Cllr Liz Hardman (Local Ward Member)	For
8.	12 Williamstowe, Combe Down, Bath	Cllr Bob Goodman (Local Ward Member)	For
9.	43 Fairfield Avenue, Fairfield Park, Bath, BA1 6NJ	Allium Chowdhury (Agent)	For

10.	Willow Barn, Priston Hill, Priston, Bath	Statement read out on behalf of Vicky Pai (Applicant)	For
11 and 12.	9 Henrietta Villas, Bathwick, Bath, BA2 6LX	Dr Joanna Seddon	Against (6 minutes)
		Simon Martin (Agent)	For (6 minutes)
		Cllr Peter Turner (Local Ward Member)	Against (10 minutes)
13 and 14.	14 Bathford Hill, Bathford, Bath, BA1 7SL	Simon Chambers (Agent)	For (6 minutes)

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

**14th March 2018**

**SITE VISIT DECISIONS**

<b>Item No:</b>	03	
<b>Application No:</b>	17/04739/FUL	
<b>Site Location:</b>	6 Madams Paddock, Chew Magna, Bristol, Bath And North East Somerset	
<b>Ward:</b> Chew Valley North	<b>Parish:</b> Chew Magna	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Demolition of the existing dwelling, associated garage and greenhouse and erection of a new dwelling and garage. The proposal also includes the associated landscape and drainage works.	
<b>Constraints:</b>	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, Greenbelt, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
<b>Applicant:</b>	Mr Andy Bamford	
<b>Expiry Date:</b>	15th March 2018	
<b>Case Officer:</b>	Tessa Hampden	

**DECISION** Defer for Site Visit

<b>Item No:</b>	04		
<b>Application No:</b>	17/06106/FUL		
<b>Site Location:</b>	Hinton House, Branch Road, Hinton Charterhouse, Bath		
<b>Ward:</b> Bathavon South	<b>Parish:</b> Hinton Charterhouse	<b>LB</b>	<b>Grade:</b>
	IISTAR		
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Installation of helipad.		
<b>Constraints:</b>	,		
<b>Applicant:</b>	Mr J Dyson		
<b>Expiry Date:</b>	15th March 2018		
<b>Case Officer:</b>	Samantha Mason		

**DECISION** Defer for Site Visit

<b>Item No:</b>	11 and 12
<b>Application No:</b>	17/05621/FUL and 17/05622/LBA
<b>Site Location:</b>	9 Henrietta Villas, Bathwick, Bath, Bath And North East Somerset
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> II
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of a rear single storey timber conservatory and replacement of the first floor door with a window
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr & Mrs Whitcroft
<b>Expiry Date:</b>	12th April 2018
<b>Case Officer:</b>	Chloe Buckingham

**DECISION**    Defer for Site Visit

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

**14th March 2018**

**DECISIONS**

<b>Item No:</b>	001	
<b>Application No:</b>	17/05316/FUL	
<b>Site Location:</b>	Bloomfield House, 3 Braysdown Lane, Peasedown St. John, Bath	
<b>Ward:</b> Peasedown St John	<b>Parish:</b> Peasedown St John	<b>LB</b>
<b>Grade:</b> N/A		
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Demolition of existing rear single storey extension and replacing with new two storey rear extension	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Neighbourhood Plan, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr James Tadman	
<b>Expiry Date:</b>	15th February 2018	
<b>Case Officer:</b>	Samantha Mason	

**DECISION PERMIT**

**1 Standard Time Limit (Compliance)**

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

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

**2 Obscure Glazing and Non-opening Window(s) (Compliance)**

The two proposed windows at first floor on the southern side elevation shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

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

**3 Plans List (Compliance)**

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

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

## PLANS LIST:

This decision relates to the 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.

<b>Item No:</b>	01	
<b>Application No:</b>	16/03829/RES	
<b>Site Location:</b>	Land Between Hillside View And Bath Road, Greenlands Road, Peasedown St. John, Bath	
<b>Ward:</b> Peasedown St John	<b>Parish:</b> Peasedown St John	<b>LB</b>
<b>Grade:</b>	N/A	
<b>Application Type:</b>	PI Permission (Approval Reserved Matters)	
<b>Proposal:</b>	Approval of reserved matters with regard to outline application 12/05477/OUT allowed on appeal 3rd June 2014 for the erection of 89 dwellings (72 houses, 17 flats); provision of public open space and landscaping; 1 vehicular access from Greenlands Road; undergrounding of overhead lines.	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, LLFA - Flood Risk Management, Public Right of Way, SSSI - Impact Risk Zones, Tree Preservation Order,	
<b>Applicant:</b>	Curo Enterprise Ltd	
<b>Expiry Date:</b>	26th July 2017	
<b>Case Officer:</b>		

**DECISION** Delegate to PERMIT subject to appropriate conditions and for a S106 Agreement

<b>Item No:</b>	05	
<b>Application No:</b>	17/05969/FUL	
<b>Site Location:</b>	Avonlea House, Station Road, Freshford, Bath	
<b>Ward:</b> Bathavon South	<b>Parish:</b> Freshford	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of single-storey side extension (Resubmission).	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Conservation Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development	

Boundary, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones,

**Applicant:** Ms Sarah Lynott  
**Expiry Date:** 15th March 2018  
**Case Officer:** Samantha Mason

## **DECISION PERMIT**

### **1 Standard Time Limit (Compliance)**

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

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

### **2 Materials - Sample of Render (Bespoke Trigger)**

No external walls of the development shall be rendered until a sample of the colour and texture of the render to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved materials.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

### **3 Plans List (Compliance)**

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

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

## **PLANS LIST:**

This decision relates to the following plans:

07 Dec 2017 Block Plan  
07 Dec 2017 Site Location Plan  
15 Feb 2018 Ah.4.D Proposed Plans and Elevations  
20 Feb 2018 Proposed North and East Elevations

## **Condition Categories**

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

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

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

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

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

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

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

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

<b>Item No:</b>	06	
<b>Application No:</b>	17/06011/FUL	
<b>Site Location:</b>	Cromwell Farm , Combe Hay Lane, Combe Hay, Bath	
<b>Ward:</b> Bathavon West	<b>Parish:</b> Combe Hay	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of a temporary (3 year) rural workers dwelling	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Indicative Extent, 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, Public Right of Way, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mrs Jones	
<b>Expiry Date:</b>	16th March 2018	
<b>Case Officer:</b>	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 Occupation (Compliance)**

The occupation of the temporary rural workers dwelling hereby approved shall be limited to a person solely or mainly working within the horse milking enterprise and to any resident dependants. If the use of the land for horse milking ceases, the mobile home shall be permanently removed from the land.

Reason: To accord with the policies in the Development Plan to avoid an isolated dwelling within the countryside without justification.

### **3 Temporary Permission - Building (Compliance)**

This permission shall expire on 16th March 2021 and the development hereby permitted shall be removed and the use hereby permitted discontinued and the land restored

Reason: The Local Planning Authority considers that a permanent planning permission is not appropriate in this case because the dwelling is essential to support a newly established business

### **4 Bound/Compacted Vehicle Access (Pre-occupation)**

Before the dwelling hereby approved is first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed for a minimum of 5.0m beyond the highway boundary, details of which shall have been submitted to and approved by the Local Planning Authority.

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

### **5 Parking Pre-occupation)**

No occupation of the development shall commence until 2 no. parking spaces have been provided on-site and should be retained thereafter for the duration of the development.

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 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.

### **7 Hard and Soft Landscaping (Pre-occupation)**

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

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

### **8 Hard and Soft Landscaping (Compliance)**

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

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

### **9 Plans List (Compliance)**

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

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

### **PLANS LIST:**

Site location plan  
Proposed floor plans and elevations

### **Condition Categories**

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

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

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

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

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

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

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

### **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](http://www.bathnes.gov.uk/cil)

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

<b>Item No:</b>	07
<b>Application No:</b>	17/05135/FUL
<b>Site Location:</b>	Greenhill Farm, Brittens, Paulton, Bristol

<b>Ward:</b> Paulton	<b>Parish:</b> Paulton	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Resiting of existing mobile home for a temporary period of three years, following demolition of existing barn.	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE2A Landscapes and the green set, Public Right of Way, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr Daniel Mott	
<b>Expiry Date:</b>	20th March 2018	
<b>Case Officer:</b>	Martin Almond	

## **DECISION PERMIT**

### **1 Temporary Permission - Building (Compliance)**

This permission shall expire on 20th March 2021 and the development hereby permitted shall be removed and the use hereby permitted discontinued and the land restored.

Reason: To preserve the character and appearance of the surrounding area.

### **2 Boundary Fence (Pre-occupation)**

The boundary fence shown on drawing 101 P3 dated as received 8th January 2018 shall be fully constructed prior to the first occupation of the mobile home. The boundary fence shall be retained for the duration of this permission. No alterations to the boundary fence shall take place without prior written approval of the local planning authority.

Reason: In the interests of residential amenity and the character and appearance of the surrounding area.

### **3 Implementation of Wildlife Scheme (Pre-occupation)**

The development hereby approved shall be carried out only in accordance with the recommendations described in section 5 of the approved report entitled "Preliminary Ecological Appraisal Report" dated December 2017 by Holmes Ecology. No occupation of the development hereby approved shall commence until the following have been implemented and details submitted to and approved in writing by the Local Planning Authority:

(a) Additional measures have been installed to provide wildlife benefit and replacement wildlife habitat, to include, as applicable, bird boxes / nesting opportunities for birds; bat boxes; hedgehog homes and wildlife friendly planting; in accordance with advice and specifications provided by a suitably experienced ecologist,

(b) A brief report produced by a suitably experienced ecologist confirming and demonstrating, using photographs where appropriate, completion of the recommendations

of the approved ecology report, and completion of the measures described in part (a) of this condition, All such measures and features shall be retained and maintained thereafter for the purposes of providing wildlife habitat.

Reason: To avoid a net loss of wildlife habitat and to provide biodiversity gain in accordance with NPPF.

#### **4 Obscure Glazing of Window(s) (Pre-occupation)**

The proposed bedroom window in the east elevation of the mobile home shall be obscurely glazed prior the first occupation of the mobile home. Thereafter the window shall be permanently retained as such.

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

#### **5 Plans List (Compliance)**

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

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

#### **PLANS LIST:**

This decision relates to site location plan dated as received 21st October 2017, existing block plan, proposed caravan and existing barn elevations dated 2nd November 2017, proposed block plan dated as received 8th January 2018 and existing and proposed site sections dated as received 23rd January 2018.

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

#### **Condition Categories**

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

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

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

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

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

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

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

### 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](http://www.bathnes.gov.uk/cil)

<b>Item No:</b>	08	
<b>Application No:</b>	17/06179/FUL	
<b>Site Location:</b>	12 Williamstowe, Combe Down, Bath, Bath And North East Somerset	
<b>Ward:</b> Combe Down	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Conversion of the garage and extension of roof to create annex (Resubmission).	
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mrs Belinda Everitt	
<b>Expiry Date:</b>	16th March 2018	
<b>Case Officer:</b>	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 Ancillary Use (Compliance)**

The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 12 Williamstowe; and shall not be occupied as an independent dwelling unit.

Reason: The accommodation hereby approved is not capable of independent occupation without adverse impact on the amenities of existing or future residential occupiers.

### **3 Parking (Pre-occupation)**

No occupation of the development shall commence until 2 no. parking spaces have been provided as shown on drawing 004 dated as received 20th December 2017 and thereafter permanently retained.

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.

### **4 Parking (Compliance)**

The areas allocated for parking on the approved plans 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.

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

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

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

### **6 Plans List (Compliance)**

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

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

## **PLANS LIST:**

Location plan 0066  
Existing elevations and plans 001  
Proposed plans and elevations 002 rev A  
Block plan 004  
Streetscene 010 rev A

## **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](http://www.bathnes.gov.uk/cil)

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

## **Condition Categories**

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

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

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

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

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

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

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions

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

<b>Item No:</b>	09	
<b>Application No:</b>	18/00075/FUL	
<b>Site Location:</b>	43 Fairfield Avenue, Fairfield Park, Bath, Bath And North East Somerset	
<b>Ward:</b> Lambridge	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of a two storey side extension following demolition of existing detached single garage	
<b>Constraints:</b>	Article 4 HMO, Agric Land Class 1,2,3a, 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,	
<b>Applicant:</b>	Mr Choudhury	
<b>Expiry Date:</b>	6th March 2018	
<b>Case Officer:</b>	Hayden Foster	

## **DECISION PERMIT**

### **1 Standard Time Limit (Compliance)**

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

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

### **2 Plans List (Compliance)**

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

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

### **3 Flood Risk and Drainage - Surface Water Discharge Rates (Pre-commencement)**

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

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

#### **4 Parking (Compliance)**

The area allocated for 3 no. parking spaces on the submitted plan shall be kept clear of obstruction, and shall not thereafter be used for any other purpose.

Reason: In the interests of amenity and highway safety.

#### **5 Materials (Compliance)**

All external masonry walling and slate roofing tiles to be used shall match those of the existing house in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

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

No construction of the proposed porch 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.

### **PLANS LIST:**

This decision relates to the following plans received 9th January 2018:

Drawing Number: 0117.012.01A - Site and Block Plan

Drawing Number: 0117.012.04B - Existing and Proposed First Floor Plan

Drawing Number: 0117.012.05B - Existing and Proposed Front Elevations

Drawing Number: 0117.012.06B - Existing and Proposed Side and Rear Elevations

Drawing Number: 0117.012.07B - Proposed Roof Plan

Drawing Number: 0117.012.013A - Proposed Ground Floor Plan

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

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

### **Advisory**

The applicant should be advised to contact the Highway Maintenance Team at [Highways@bathnes.gov.uk](mailto:Highways@bathnes.gov.uk) with regard to securing a licence under Section 184 of the Highways Act 1980 for the construction of a vehicular crossing. The access shall not be brought into use until the details have been approved and constructed in accordance with the current specification.

<b>Item No:</b>	10
<b>Application No:</b>	17/05413/FUL

<b>Site Location:</b>	Willow Barn, Priston Hill, Priston, Bath		
<b>Ward:</b>	Bathavon West	<b>Parish:</b>	Priston
		<b>LB Grade:</b>	N/A
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of two storey rear extension.		
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Conservation Area, Policy CP9 Affordable Housing Zones, Greenbelt, Housing Development Boundary, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, Policy NE3 SNCI, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,		
<b>Applicant:</b>	Mr & Mrs Pai		
<b>Expiry Date:</b>	8th January 2018		
<b>Case Officer:</b>	Dominic Battrick		

## DECISION PERMIT

### 1 Standard Time Limit (Compliance)

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

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

### 2 Materials (Compliance)

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

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

### 3 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: Existing Block and Location Plans, Existing Elevations, Existing Ground and First Floor Plans, Proposed Block and Location Plans, all received 07/11/2017; Proposed Elevations (revised), Proposed Ground Floor (revised) and Proposed First Floor (revised), all received 07/12/2017.

## Condition Categories

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

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

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

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

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

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### **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](http://www.bathnes.gov.uk/cil)

Bats are protected species under EU and national law. If bats are found during the construction phase, works must cease and Natural England contacted for advice on 0300 060 3900.

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

<b>Item No:</b>	13
<b>Application No:</b>	17/06210/FUL
<b>Site Location:</b>	14 Bathford Hill, Bathford, Bath, Bath And North East Somerset

<b>Ward:</b> Bathavon North	<b>Parish:</b> Bathford	<b>LB Grade:</b> II
<b>Application Type:</b> Full Application		
<b>Proposal:</b>	Erection of side extension following demolition of existing lean-to extension and associated alterations to existing dwelling.	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
<b>Applicant:</b>	Ms N Tobin	
<b>Expiry Date:</b>	16th March 2018	
<b>Case Officer:</b>	Helen Ellison	

## **DECISION REFUSE**

1 The proposed extension, due to its size and scale, would result in an unsympathetic, overly large and disproportionate addition that would disrupt the symmetry and overriding unity of this row of listed buildings, dominate the listed building and its setting, fail to preserve or enhance the character or appearance of the conservation area and fail to maintain the character and appearance of the surrounding area. This would be harmful to the significance of the designated heritage assets contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CP6 of the adopted Core Strategy (2014), Policies D2, D5 & HE1 of the Placemaking Plan for Bath and North East Somerset (2017), the National Planning Policy Framework and guidance from Historic England.

## **PLANS LIST:**

This decision relates to the following drawings received on 21.12.2017:

Drwg. No. 1027-P02 Drwg. title: Section A-A & B-B

Drwg. No. 1027-P01 Drwg. title: Proposed plans & elevations

Drwg. No. 1027-S01 Drwg. title: Location plan & existing 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.

## **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](http://www.bathnes.gov.uk/cil)

<b>Item No:</b>	14	
<b>Application No:</b>	17/06211/LBA	
<b>Site Location:</b>	14 Bathford Hill, Bathford, Bath, Bath And North East Somerset	
<b>Ward:</b> Bathavon North	<b>Parish:</b> Bathford	<b>LB Grade:</b> II
<b>Application Type:</b>	Listed Building Consent (Alts/exts)	
<b>Proposal:</b>	Erection of side extension following demolition of existing lean-to extension and associated alterations to include demolition of existing porch and replacement porch to front	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
<b>Applicant:</b>	Ms N Tobin	
<b>Expiry Date:</b>	16th March 2018	
<b>Case Officer:</b>	Helen Ellison	

## DECISION REFUSE

1 The proposed extension, due to its size and scale, would result in an unsympathetic, overly large and disproportionate addition that would disrupt the symmetry and overriding unity of this row of listed buildings and dominate the listed building and its setting. This would be harmful to the significance of the designated heritage asset and special interest of the listed building contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CP6 of the adopted Core Strategy (2014), Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017), the National Planning Policy Framework and guidance from Historic England.

2 Demolition of the existing outbuilding would result in loss of historic fabric and removal of a structure that is of historic interest. Insufficient justification has been put forward in support of its demolition. The loss of the outbuilding would harm the significance of the designated heritage asset and special interest of the listed building contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CP6 of the adopted Core Strategy (2014), Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017), the National Planning Policy Framework and guidance from Historic England.

3 The proposed porch would detract from the architectural interest of this listed building, represent an unsympathetic addition to the front elevation and compromise the architectural integrity and detail of the original front entrance. This would be harmful to the significance of the designated heritage asset and special interest of the listed building contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CP6 of the adopted Core Strategy (2014), Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017), the National Planning Policy Framework and guidance from Historic England.

## **PLANS LIST:**

This decision relates to the following drawings received on 21.12.2017:

Drwg. No. 1027-P02 Drwg. title: Section A-A & B-B

Drwg. No. 1027-P01 Drwg. title: Proposed plans & elevations

Drwg. No. 1027-S01 Drwg. title: Location plan & existing 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.

## **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](http://www.bathnes.gov.uk/cil)

<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Development Management Committee</b>
<b>MEETING DATE:</b>	<b>11th April 2018</b>
<b>RESPONSIBLE OFFICER:</b>	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)
<b>TITLE:</b>	<b>APPLICATIONS FOR PLANNING PERMISSION</b>
<b>WARDS:</b>	ALL
<b>BACKGROUND PAPERS:</b>	
<b>AN OPEN PUBLIC ITEM</b>	

AGENDA  
ITEM  
NUMBER

### BACKGROUND PAPERS

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

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

**The following notes are for information only:-**

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

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

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	17/05621/FUL 12 April 2018	Mr & Mrs Whitcroft 9 Henrietta Villas, Bathwick, Bath, Bath And North East Somerset, BA2 6LX Erection of a rear single storey timber conservatory and replacement of the first floor door with a window	Abbey	Chloe Buckingham	PERMIT
002	17/05622/LBA 12 April 2018	Mr & Mrs Whitcroft 9 Henrietta Villas, Bathwick, Bath, Bath And North East Somerset, BA2 6LX Internal and external alterations for the erection of a rear single storey timber conservatory and replacement of the first floor door with a window	Abbey	Chloe Buckingham	CONSENT
003	17/06106/FUL 15 March 2018	Mr J Dyson Hinton House, Branch Road, Hinton Charterhouse, Bath, Bath And North East Somerset Installation of helipad.	Bathavon South	Samantha Mason	Delegate to PERMIT
004	17/04739/FUL 15 March 2018	Mr Andy Bamford 6 Madams Paddock, Chew Magna, Bristol, Bath And North East Somerset, BS40 8PN Demolition of the existing dwelling, associated garage and greenhouse and erection of a new dwelling and garage. The proposal also includes the associated landscape and drainage works.	Chew Valley North	Tessa Hampden	REFUSE

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

**Item No:** 001  
**Application No:** 17/05621/FUL  
**Site Location:** 9 Henrietta Villas Bathwick Bath Bath And North East Somerset BA2 6LX



**Ward:** Abbey      **Parish:** N/A      **LB Grade:** II  
**Ward Members:** Councillor Lizzie Gladwyn Councillor Peter Turner  
**Application Type:** Full Application  
**Proposal:** Erection of a rear single storey timber conservatory and replacement of the first floor door with a window  
**Constraints:** Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,  
**Applicant:** Mr & Mrs Whitcroft  
**Expiry Date:** 12th April 2018  
**Case Officer:** Chloe Buckingham  
To view the case click on the link [here](#).

**REPORT**

**REASON FOR REPORTING APPLICATION TO COMMITTEE:**

Cllr Peter Turner has called the application into committee regarding a perceived negative impact on the character and appearance of the grade II listed building and also regarding

perceived negative residential amenity impacts on the neighbouring dwelling. The chair of committee has agreed to take the application to committee for the following reason:

Having read both the FUL & LBA applications, the comments from consultees & Ward Cllr DMC request I can see the application is controversial.

The Officer has consulted with relevant Officers, assessed the applications against relevant planning policies.

I am aware information requested has come forward as the application has progressed & the Officer recommends permit however I feel the impact on the listed building should be discussed further & therefore recommend the application be determined by the DMC.

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 a grade II listed property located within both the Bath World Heritage Site and Conservation Area. The application seeks planning permission for the erection of a rear single storey timber conservatory and replacement of the first floor door with a window

#### Relevant Planning History:

DC - 10/02830/LBA - RF - 16 September 2010 - Internal and external alterations for the refurbishment of house including relocation of kitchen and upgrades to bathrooms

DC - 10/04477/LBA - CON - 13 December 2010 - Internal and external alterations for the refurbishment of house, including relocation of kitchen and bathrooms and removal of paint to external walls of house

DC - 11/02575/COND - DISCHG - 12 August 2011 - Discharge of condition 2 of application 10/04477/LBA (Internal and external alterations for the refurbishment of house, including relocation of kitchen and bathrooms and removal of paint to external walls of house)

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

##### Consultation:

Cllr Peter Turner: If the Officer is of a mind to permit the application then as Ward Councillor I would wish for the application to be called into Committee. My reasons for doing so are as follows:

o Heritage Impact. It is considered most important that the integrity, proportions and symmetry of these Grade 2 listed buildings, 9 & 10 Henrietta Villas which date back to 1840-1850 should be retained. As a matter of interest, ten years ago under the guidance of an architect, Dr Seddon replaced a 1960 extension on 10 Henrietta Villas. The planning officer at that time gave clear instruction that the new addition should not extend across the width of the property and in compliance with Listed Buildings should use original materials and original features must be preserved. Note here that this instruction was to avert distraction with the existing Victorian extension at No 9. This current application for No 9 has a design which stretches right across directly onto the boundary wall which

separates no 10 and no 9. It is also perceived that the timber framed design is not in keeping with Grade 2 constraints (eg materials, shape, doors, windows ). If the work goes ahead again it is perceived that the height consistency of the party wall will be affected. There is also no mention of the use of original materials. All of the foregoing indicates a lack of consistency leading to a detrimental effect on the exterior symmetry of these magnificent Georgian buildings.

- o Residential Amenity. The proposed extension is considered to be an incongruous feature, totally out of character with the historic value of the property

Conservation Officer: No objection to the principle of the conservatory which preserves planform and significance of the listed building. The design is a trifle ornate compared to the principal building but this is not a substantive reason for refusal. Request or condition submission of joinery details for first floor window, comprising 1:20 elevation and half size vertical and horizontal sections. The proposal should be for a traditional single glazed sash window.

The conservatory submission does not include full joinery details for assessment. Request before determination conventional vertical and horizontal section at a scale which will show the glazing bar profile. Double glazing is acceptable but it should be slim to enable functional glazing bars to be used. The external joinery should be finished with a traditional putty line rather than a moulded timber bead.

Third Party representations: 3 objection comments have been received. The main points being:

- o The proposal involves removing an existing window and stone work below it to form a new internal door and removing an existing door and amending the opening to form a new window and the removal of the existing balcony and balustrade. This will change the original planform and result in the loss of the historic fabric.

- o The conservatory will obscure part of the rear elevation and interrupt access to the rear garden which will have a detrimental impact on the character and appearance of the listed building.

- o Create an imbalance and disrupt the symmetry of the semi-detached pair (no.9 and 10)

- o It will take light away from the kitchen, basement and garden of no.10.

- o Within the previous plans for no.10 the case officer explained that the extension could not span the complete width and should use original materials.

- o Timber design pays no attention to the existing shape of the host building windows and doorways.

- o The surrounding boundary wall between no.9 and no.10 runs between both properties at a consistent height which will not be the case if application is permitted.

- o Party wall issues.

Since the Planning Committee on 14th March 2018 additional information has been submitted from the resident at no.10. the main points being:

A section of 4.5m long will be raised by 450mm which is three times that stated by the agent. This roughly equates to 1 course of Bath stone ashlar plus Bath stone coping. Bath ashlar is traditionally laid in 350mm course and Bath stone copings are normally 50-75mm thick.

In response to the further information submitted by the agent for no.9 has explained:

The section of wall will be increased for a length of 3m. The masonry will be altered by 150mm plus 50mm for the coping which is 200mm overall. The existing trellis will then be reduced by the same amount.

### **POLICIES/LEGISLATION**

On 13th July 2017 the Council adopted the B&NES Placemaking Plan. It is now 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 B4 - World Heritage Site

Relevant Placemaking Plan Policies:

- o D1 General urban design principles
- o D2 Local character and distinctiveness
- o D3 Urban Fabric
- o D4 Streets and Spaces
- o D5 Building Design
- o D6 Amenity
- o ST1 Promoting sustainable travel
- o ST7 Transport Access and Development Management
- o HE1 Historic Environment
- o ED.1B Change of use and redevelopment of B1 (a) to residential use.

### **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

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.

There is a duty under Section 66 of the same act when considering whether to grant planning permission for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### **OFFICER ASSESSMENT**

#### **DESIGN OF THE DEVELOPMENT AND IMPACT ON THE LISTED BUILDING, STREET SCENE AND SURROUNDING AREA:**

The proposed timber framed slim doubled glazed single storey conservatory has orangery roof is considered acceptable and in-keeping with the design, proportions and size of the main dwelling.

Part of the proposal is to remove an existing door and balcony area on the first floor rear elevation to replace with a new single glazed sash window. This part of the proposal is considered acceptable as the existing door and balcony arrangement is a modern element and it not part of the historic arrangement of the rear elevation. Furthermore, the single-glazed sash window will complement the existing sash windows in the building. Another part of the proposal includes removing an existing window and stone work below on the ground floor to form a new internal door to the proposed conservatory. Here it is also considered that the existing windows to the rear elevation are a more modern element and therefore, the proposal will not compromise the historic integrity of the original building or its plan form.

The comments received from LPC Trull Ltd on behalf of no.10 have explained that this is considered to result in a change to the original plan form and would result in the loss of the historic fabric. The comments go on to explain that the new conservatory will obscure part of the rear elevation and interrupt access to the rear garden as well as disrupting the symmetry of the semi-detached pair (no.9 and no.10) which would cause detrimental harm to both grade II listed properties. Comments from no.10 also explained that when no.10 applied for permission they were told that they could not extend over the complete width and that original materials should be used.

It is not considered that the size and scale of the conservatory as well as the proposed timber structure would have any significant negative impacts on the character and appearance of the main dwelling, the semi-detached pair or the wider conservation area and world heritage site. Its single storey nature and small size as well as its positioning to the rear of the property along with the use of appropriately detailed timber joinery is not considered excessive or inappropriate in relation to the listed building. Furthermore, the proposed addition and alterations are not considered to have any significant impact on the historic plan form of the grade II listed property as the existing windows on the ground floor and door and balcony on the first floor are modern fabric and are not of historic interest.

The comments submitted from no.10 have explained that the existing boundary wall which runs between no.9 and no.10 is at a consistent height which would be lost if the application were permitted. However, the existing wall slopes downwards and then flattens out so at present the boundary wall is not at a consistent height. The boundary wall is being raised by 150mm at the front for 3 metres in length back towards the house and will then link into the existing sloping boundary wall. This is not considered to have a

significant negative impact on the character and appearance of the property. Furthermore, if there are any works to a party wall or any of the neighbouring property land this is a civil matter between the neighbours and a party wall agreement would need to be agreed.

Overall the proposal is considered acceptable in terms of design and compliant with policies D1, D2, D3, D4, D5 and HE1 of the Local Plan.

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess. Under Section 72 of the same Act it is the Council's duty to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. It is considered that full consideration has been given to these duties in reaching the decision to grant consent for the proposed works.

#### IMPACT ON RESIDENTIAL AMENITY:

Objection comments received have suggested that the conservatory would take light from the kitchen, basement and garden of no.10. However, after a site visit of both no.9 and no.10 and assessment of the plans it is not considered that there will be any significant loss of light for no.10. From the plans it is clear that the boundary wall is being raised by 150mm at the front for 3 metres in length back towards the house and will then link into the existing sloping boundary wall and only a small part of the top of the proposed conservatory and the rooflight will be visible to no.10. The proposed conservatory is single storey and the modest increase in height of the wall is not considered to have any significant residential amenity impacts in terms of loss of light for no.10.

#### PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

The proposal does not increase the number of bedrooms at the property and the existing parking and access situation remains unchanged. Therefore, the proposal is not considered to have any significant negative impacts in terms of highway safety.

#### FURTHER COMMENTS since 14th March Planning Committee:

The comments made by no.10 to explain that the wall shall be increased by 450mm for 4.5m have been disputed by the agent of no.9. The agent of no.9 have explained that they will alter the masonry by 150mm and the coping with be 50mm for approximately 3.5m along the wall. The agent for no.9 has gone on to explain that the existing trellis will then be reduced by the same amount. It is considered by the Council that a condition shall be attached to the permission to ensure the height of the proposed increase in the combined wall and trellis does not exceed 200mm.

#### CONCLUSION:

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

## **RECOMMENDATION**

### **PERMIT**

## **CONDITIONS**

### **1 Standard Time Limit (Compliance)**

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

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

### **2 Materials (Compliance)**

Materials for the extended outside boundary wall shall match those of the existing wall in respect of type, size, colour and coursing.

Reason:

Reason: To safeguard the character and appearance of the building in accordance with HE1 of the Bath and North East Somerset Placemaking Plan (2017).

### **3 Plans List (Compliance)**

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

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

## **PLANS LIST:**

This decision relates to:

Existing Floor Plans (10810-01), Block Plan (10810-04), Site Location Plan (10810-05), Joinery Details (10810-06 and 10810-07) received 17th November 2017.

Proposed Floor Plans (10810-02 Rev A) received 18th December 2017.

Existing and Proposed Elevations (10810-03 Rev B) received 26th January 2018.

Detailed Sections (10810-09 and 10810-10 Rev 1) received 19th February 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 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.

### **Condition Categories**

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

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

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

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

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

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

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

### **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](http://www.bathnes.gov.uk/cil)

**Item No:** 002  
**Application No:** 17/05622/LBA  
**Site Location:** 9 Henrietta Villas Bathwick Bath Bath And North East Somerset BA2 6LX



**Ward:** Abbey      **Parish:** N/A      **LB Grade:** II  
**Ward Members:** Councillor Lizzie Gladwyn Councillor Peter Turner  
**Application Type:** Listed Building Consent (Alts/exts)  
**Proposal:** Internal and external alterations for the erection of a rear single storey timber conservatory and replacement of the first floor door with a window  
**Constraints:** Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,  
**Applicant:** Mr & Mrs Whitcroft  
**Expiry Date:** 12th April 2018  
**Case Officer:** Chloe Buckingham  
To view the case click on the link [here](#).

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

Cllr Peter Turner has called the application into committee regarding a perceived negative impact on the character and appearance of the grade II listed building and also regarding perceived negative residential amenity impacts on the neighbouring dwelling. The chair of committee has agreed to take the application to committee for the following reason:

Having read both the FUL & LBA applications, the comments from consultees & Ward Cllr DMC request I can see the application is controversial.

The Officer has consulted with relevant Officers, assessed the applications against relevant planning policies.

I am aware information requested has come forward as the application has progressed & the Officer recommends permit however I feel the impact on the listed building should be discussed further & therefore recommend the application be determined by the DMC.

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 a grade II listed property located within both the Bath World Heritage Site and Conservation Area. The application seeks planning permission for the erection of a rear single storey timber conservatory and replacement of the first floor door with a window

#### Relevant Planning History:

DC - 10/02830/LBA - RF - 16 September 2010 - Internal and external alterations for the refurbishment of house including relocation of kitchen and upgrades to bathrooms

DC - 10/04477/LBA - CON - 13 December 2010 - Internal and external alterations for the refurbishment of house, including relocation of kitchen and bathrooms and removal of paint to external walls of house

DC - 11/02575/COND - DISCHG - 12 August 2011 - Discharge of condition 2 of application 10/04477/LBA (Internal and external alterations for the refurbishment of house, including relocation of kitchen and bathrooms and removal of paint to external walls of house)

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

##### Consultation:

Cllr Peter Turner: If the Officer is of a mind to permit the application then as Ward Councillor I would wish for the application to be called into Committee. My reasons for doing so are as follows:

o Heritage Impact. It is considered most important that the integrity, proportions and symmetry of these Grade 2 listed buildings, 9 & 10 Henrietta Villas which date back to 1840-1850 should be retained. As a matter of interest, ten years ago under the guidance of an architect, Dr Seddon replaced a 1960 extension on 10 Henrietta Villas. The planning officer at that time gave clear instruction that the new addition should not extend across the width of the property and in compliance with Listed Buildings should use original materials and original features must be preserved. Note here that this instruction was to avert distraction with the existing Victorian extension at No 9. This current application for No 9 has a design which stretches right across directly onto the boundary wall which separates no 10 and no 9. It is also perceived that the timber framed design is not in keeping with Grade 2 constraints (eg materials, shape, doors, windows ). If the work goes ahead again it is perceived that the height consistency of the party wall will be affected.

There is also no mention of the use of original materials. All of the foregoing indicates a lack of consistency leading to a detrimental effect on the exterior symmetry of these magnificent Georgian buildings.

- o Residential Amenity. The proposed extension is considered to be an incongruous feature, totally out of character with the historic value of the property

Conservation Officer: No objection to the principle of the conservatory which preserves planform and significance of the listed building. The design is a trifle ornate compared to the principal building but this is not a substantive reason for refusal. Request or condition submission of joinery details for first floor window, comprising 1:20 elevation and half size vertical and horizontal sections. The proposal should be for a traditional single glazed sash window.

The conservatory submission does not include full joinery details for assessment. Request before determination conventional vertical and horizontal section at a scale which will show the glazing bar profile. Double glazing is acceptable but it should be slim to enable functional glazing bars to be used. The external joinery should be finished with a traditional putty line rather than a moulded timber bead.

Third Party representations: 3 objection comments have been received. The main points being:

- o The proposal involves removing an existing window and stone work below it to form a new internal door and removing an existing door and amending the opening to form a new window and the removal of the existing balcony and balustrade. This will change the original planform and result in the loss of the historic fabric.
- o The conservatory will obscure part of the rear elevation and interrupt access to the rear garden which will have a detrimental impact on the character and appearance of the listed building.
- o Create an imbalance and disrupt the symmetry of the semi-detached pair (no.9 and 10)
- o It will take light away from the kitchen, basement and garden of no.10.
- o Within the previous plans for no.10 the case officer explained that the extension could not span the complete width and should use original materials.
- o Timber design pays no attention to the existing shape of the host building windows and doorways.
- o The surrounding boundary wall between no.9 and no.10 runs between both properties at a consistent height which will not be the case if application is permitted.
- o Party wall issues.

## **POLICIES/LEGISLATION**

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

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

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

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

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

- CP6 - Environmental quality
- CP2 - Sustainable Construction

The following policies of the Adopted Placemaking Plan are relevant:

- HE1 - Historic Environment

Historic Environment Good Practice Advice in Planning Notes issued by Historic England - 2015

## **OFFICER ASSESSMENT**

### **IMPACT ON THE LISTED BUILDING, STREET SCENE AND SURROUNDING AREA:**

The proposed timber framed slim doubled glazed single storey conservatory has orangery roof is considered acceptable and in-keeping with the design, proportions and size of the main dwelling.

Part of the proposal is to remove an existing door and balcony area on the first floor rear elevation to replace with a new single glazed sash window. This part of the proposal is considered acceptable as the existing door and balcony arrangement is a modern element and it not part of the historic arrangement of the rear elevation. Furthermore, the single-glazed sash window will complement the existing sash windows in the building. Another part of the proposal includes removing an existing window and stonework below on the ground floor to form a new internal door to the proposed conservatory. Here it is also considered that the existing windows to the rear elevation are a more modern element and therefore, the proposal will not compromise the historic integrity or the original plan form of the listed building.

The comments received from LPC Trull Ltd on behalf of no.10 have explained that this is considered to result in a change to the original plan form and would result in the loss of

the historic fabric. The comments go on to explain that the new conservatory will obscure part of the rear elevation and interrupt access to the rear garden as well as disrupting the symmetry of the semi-detached pair (no.9 and no.10) which would cause detrimental harm to both grade II listed properties. Comments from no.10 also explained that when no.10 applied for permission they were told that they could not extend over the complete width and that original materials should be used.

It is not considered that the size, scale and design of the proposed conservatory will have any significant negative impacts on the character and appearance of the main dwelling, the semi-detached pair or the wider conservation area and world heritage site. Its single storey nature and small size as well as its positioning to the rear of the property along with the use of appropriately detailed timber joinery is not considered excessive or inappropriate in relation to the listed building. Furthermore, the proposed addition and alterations are not considered to have any significant impact on the historic plan form of the grade II listed property as the existing windows on the ground floor and door and balcony on the first floor are modern fabric and are not of historic interest.

The comments submitted from no.10 have explained that the existing boundary wall which runs between no.9 and no.10 is at a consistent height which would be lost if the application were permitted. However, the existing wall slopes downwards and then flattens out so at present the boundary wall is not at a consistent height. The boundary wall is being raised by 150mm at the front for 3 metres in length back towards the house and will then link into the existing sloping boundary wall. This is not considered to have a significant negative impact on the character and appearance of the property. Furthermore, if there are any works to a party wall or any of the neighbouring property land this is a civil matter between the neighbours and a party wall agreement would need to be agreed.

Accordingly it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. Subject to condition the proposals would represent acceptable alterations to the listed building that would preserve the significance of the designated heritage asset. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

There is a duty placed on the Council under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess. Under Section 72 of the same Act it is the Council's duty to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. It is considered that full consideration has been given to these duties in reaching the decision to grant consent for the proposed works.

For the reasons set out above, it is recommended that listed building consent is granted subject to conditions.

## **RECOMMENDATION**

**CONSENT**

## **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)**

Materials for the extended outside boundary wall shall match those of the existing wall in respect of type, size, colour and coursing.

Reason:

Reason: To safeguard the character and appearance of the building in accordance with HE1 of the Bath and North East Somerset Placemaking Plan (2017).

### **3 Plans List (Compliance)**

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

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

### **PLANS LIST:**

This decision relates to:

Existing Floor Plans (10810-01), Block Plan (10810-04), Site Location Plan (10810-05), Joinery Details (10810-06 and 10810-07) received 17th November 2017.

Proposed Floor Plans (10810-02 Rev A) received 18th December 2017.

Existing and Proposed Elevations (10810-03 Rev B) received 26th January 2018.

Detailed Sections (10810-09 and 10810-10 Rev 1) received 19th February 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 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.

### **Condition Categories**

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

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

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

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

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

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

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

### **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](http://www.bathnes.gov.uk/cil)

**Item No:** 003  
**Application No:** 17/06106/FUL  
**Site Location:** Hinton House Branch Road Hinton Charterhouse Bath Bath And North East Somerset



**Ward:** Bathavon South                      **Parish:** Hinton Charterhouse                      **LB**                      **Grade:**  
IISTAR

**Ward Members:** Councillor Neil Butters

**Application Type:** Full Application

**Proposal:** Installation of helipad.

**Constraints:** ,

**Applicant:** Mr J Dyson

**Expiry Date:** 15th March 2018

**Case Officer:** Samantha Mason

To view the case click on the link [here](#).

## REPORT

Reason for application being reported to committee:

The application was recommended to the chair of the committee as per the councils scheme of delegation as Hinton Charterhouse and Freshford Parish Councils have objected to the scheme and the case Officer is minded to permit.

The chair stated in her recommendation; ' I have studied the application carefully and am aware many issues raised are not necessarily relevant to planning policy however it is clearly controversial with objections registered by both HCPC and FPC. From consultee feedback there is clearly a difference of view between statutory and third party comments and therefore I recommend the application be determined by DMC'.

Following the Committee meeting on the 14th of March 2018 members deferred the application for a site visit which took place on the 3rd April.

#### Site description and proposal:

The application site is located in the grounds of Hinton House. Hinton House comprises a large site which includes a Grade II\* listed country house c1700s set within the extensive historic grounds. The entire site is within the Bath/Bristol Green Belt and the Cotswolds Area of Outstanding Natural Beauty.

Planning permission is sought for the installation of a helipad. This application follows a previous application for a helipad which was withdrawn. During the course of the application the location of the proposed helipad has been altered in the submitted scheme.

#### Relevant Planning History:

DC - 77/00005/FUL - PER - 5 September 1996 - Erection of machinery store, garage and wood store as amended/amplified by information received 21st June 1996, plans received 14th August 1996 and letter received 23rd August 1996.

DC - 96/02013/FUL - PER - 5 September 1996 - Erection of machinery store, garage and wood store as amended/amplified by information received 21st June 1996, plans received 14th August 1996 and letter received 23rd August 1996.

DC - 96/02014/LBA - PER - 5 September 1996 - Erection of machinery store, garage and wood store as amended/amplified by information received 21st June 1996, plans received 14th August 1996 and letter received 23rd August 1996.

DC - 96/02324/LBA - PER - 24 September 1996 - New external doorway from staff quarters onto east side of house; New external doorway from orangery onto courtyard.

DC - 04/02378/FUL - RF - 17 September 2004 - Conversion of roof space in the stables to studio/playroom and bathrooms, with external alterations and staircase

DC - 04/02417/LBA - RF - 26 October 2004 - Conversion of roof space in the stables to studio/playroom with external alterations and staircase

DC - 11/00506/FUL - PERMIT - 27 April 2011 - Erection of garages and pool facilities, provision of an outdoor pool and alterations to existing service access driveway and vehicle hardstanding following demolition of existing garages and swimming pool

DC - 11/00507/LBA - CON - 27 April 2011 - External alterations for the erection of garages and pool facilities, provision of an outdoor pool and alterations to existing service access driveway and vehicle hardstanding following demolition of existing garages and swimming pool.

DC - 16/00405/FUL - PERMIT - 5 April 2016 - Erection of 5 No. replacement buttresses to west facing wall and erection of 4 No. new buttresses to east facing wall with associated repairs to walled garden

DC - 16/00406/LBA - CON - 24 March 2016 - External alterations for the erection of 5 No. replacement buttresses to west facing wall and erection of 4 No. new buttresses to east facing wall with associated repairs to walled garden

DC - 16/01618/LBA - CON - 24 June 2016 - External alterations for repair works including: roof repairs; repointing rubble stone elevations; replacement rainwater goods; repair damaged external joinery; replacement of concealed roof light; installation of lead hoods over vent extracts; installation of 'man-safe' system to flat roof areas and installation of flue linings and lightning protection system.

DC - 16/02247/FUL - PERMIT - 3 November 2016 - Erection of new pool house extension following demolition of existing garages and pool plant room; erection of replacement 1990s kitchen extension; external alterations to the principal house; reinstatement of eastern C18 driveway and associated alterations to Farleigh Lodge access; resurfacing of Branch Road access and reformation of parking area; replacement of log store; removal of existing tennis court; formation of new eastern ha-ha; burying of power cables, and associated site-wide hard and soft landscaping works.

DC - 16/02248/LBA - CON - 31 October 2016 - Internal and external alterations, part demolition to enable the erection of new and replacement extensions and landscaping, renewal of services and associated internal repairs and external stone repairs to principal house.

DC - 17/02857/FUL - PERMIT - 29 September 2017 - Formation of revised access and associated boundary treatment to Green Lane access way.

DC - 17/03701/FUL - PERMIT - 10 October 2017 - Internal repairs and alternations; and external alterations including: revised bat roost accommodation and timber store; addition of stone urns at roof level; and change of roofing covering to former Brew House from stone tile to slate (part regularisation).

DC - 17/03702/LBA - CON - 29 September 2017 - Internal repairs and alternations; and external alterations including: revised bat roost accommodation and timber store; addition of stone urns at roof level; and change of roofing covering to former Brew House from stone tile to slate (part regularisation).

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

Hinton Charterhouse Parish Council: Object. Number of grounds raised including;

- Residential amenity impact through noise and privacy intrusion.
- Health and safety issues
- Result in the change of use of the land
- Negative ecological impact
- Concerns the site is in the green belt and not residential curtilage
- Proximity to conservation area

The parish council consider that the following enforceable restrictions should be applied;

- Restrictions on the overall number of flights
- Restrictions on days and times of operation
- Agreement on flight paths
- Restrictions on the upper size of helicopter permitted

An additional comment has been received from the Clerk of Hinton Charterhouse in regards to the impact of pollution from aviation on the planet. This does not alter the recommendation within the report.

Freshford Parish Council: Objection. Concerns include: the number of flights in a week, and their restriction to domestic use only; specified flight paths with restrictions taking them away from sensitive residential areas, or those of significant environmental and ecological importance in an area renowned for the beauty of its open countryside enjoyed by residents and tourists; a general comment that noise and disruption should be minimised at all times.

Cllr Johnny Kidney (Wiltshire Council Member for Winsley and Westwood): Objection in regards to flight path, There are also concerns in terms of the impact of the proposed flight path on heritage, including a low approach over Grade 1 listed buildings and ancient woodland.

Parochial Church Council: Objection. To summarise the main objection points are the risk of injury of those using the church through debris, and impact to the church building. Disturbance to the historically valued tranquillity of the church, and concerns with regards to parishioners residential amenity.

National Air Traffic Services (NATS): The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Ministry of Defence (MOD): The MOD has no safeguarding objections to this proposal.

Civil Aviation Authority (CAA): No response received.

Bristol International Airport: No objection.

Environmental Protection: No objection.

Ecology: No objection subject to conditions

Historic England: Objection. No impact to visual setting of listed building however concern in regards to potential noise impacts on the tranquil setting of the church and country house.

Conservation Team: No objection. The proposal will not harm the setting of the listed Hinton House nor the nearby church due to design and siting.

Natural England: No objection subject to conditions

Archaeology Officer: No objection (verbal response)

Representations Received :

57 representations have been received from third parties, 54 of which are objections (13 were received after the consultation close date). Many of the objections raised hold little weight as material planning considerations (this is further explained in the report below). Below is a summary of the objections received.

- Impact on residential amenity through noise and disturbance, privacy/ overlooking issues, impact on quality of life, increased air pollution.
- The noise assessment has made assumptions on the aircraft noise modelling. The noise levels exceed the top limit for residential purposes at the nearest property. A full noise survey should be carried out.
- Concerns that the proposed helipad will cause light pollution.
- Concern over frequency and timing of flights and number of days a year it will be in use and the cumulative impact with other helicopter use locally. Concerns over the helicopter taking off when church services are taking place.
- Safety concerns in regards to helicopter operation, proximity of flight path to trees, busy roads, properties and public footpath, risk to public and animal safety, regard to evacuation measures, changes in weather conditions.
- Concern with proposed flight path, public not consulted prior to application.
- The proposal plans have flaws in terms of the flight path, flight height, and prevailing winds.
- The proposal may impact the Conservation Area.
- The proposal may impact on surrounding listed buildings. The listed church and Hinton House will be vulnerable to damage over time for example from the pulsating pressure waves caused by the helicopter or debris, or crashes.
- The helicopter disruption will impact on the Area of Outstanding Natural Beauty, an SSSI and an environmental impact survey should have been submitted. Helicopter flights would erode the rural character of the locality.
- Helicopters passing over the protected rookery would be at risk of bird strike.
- Wildlife, ecology and biodiversity will be impacted by helicopter flying activity.
- Concern the proposal site is outside of the residential curtilage and within the Green Belt resulting in change of use.
- Concerns the helicopter will reside on site and that aviation fuel will also be stored on site. Concern over the future use of Hinton House.
- Permitting a helipad capable of allowing a large commercial helicopter to operate from the site would result in a change of use of the landscape to commercial.
- The use of a helicopter does not fit with the Banes and West of England sustainable transport strategy.
- An alternative location for the helipad would/may be more suitable than the current one
- Property prices will be effected
- The proposal will impact on local businesses and jobs
- The applicant has not considered air traffic from nearby military operation
- Conditions should be imposed on the size and type of helicopter, hours of operation, cloud base height and limit of flight numbers to name a few.

3 comments of support were received.

All comments can be reviewed in full by visiting the council's planning website.

A further note has been sent to all councillors from a third party in regards to legal errors in assessing the scheme. These are as follows:

- Erroneous reliance on legal materials.
- The current use of the helicopter is not permitted development.
- The helipad requires planning permission and is not permitted development.
- Helicopter use should be regulated by planning controls
- The noise impact associated with the helicopter breaches British standard guidelines
- Many objections have been ignored
- A full EIA has not been undertaken
- Planning conditions and section 106 agreements should be considered

The points above have been addressed in the officer's report and do not alter the recommendation.

## **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

CP8: Green Belt

DW1: District Wide Spatial Strategy

SD1: Presumption in favour of Sustainable Development

Placemaking Plan:

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

D1: General Urban Design Principles  
D2: Local Character and Distinctiveness  
D.3: Urban Fabric  
D.5: Building Design  
D.6: Amenity  
GB1: Visual Amenities of the Green Belt  
GB3: Extensions and alterations to buildings in the Green Belt.  
HE1: Historic Environment  
NE2: Landscape Setting of Settlements  
NE5: Ecological Networks  
PCS1: Pollution and Nuisance  
PCS2: Noise and Vibration  
ST7: Transport requirements for managing development

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).

#### Listed Buildings

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

#### SPD's

The Existing Dwellings in the Green Belt Supplementary Planning Document is also relevant in the determination of this application.

#### **OFFICER ASSESSMENT**

This proposal is seeking permission for a 6m x 6m helipad, its associated lawn safety zone, and associated lighting. Flights in and out of the site will occur 1-2 times per week at maximum.

#### Background:

The conduct of civil aviation in the United Kingdom is currently set out in the Civil Aviation Act 1982.

The British Helicopter Association has produced guidance following consultation with the Department for Transport entitled 'The Civil Helicopter in the Community' 2008, which sets out legal aspects and common practices regarding helicopters operating from landing sites other than recognised airfields, having regard to the above act. Section 4.4 of the document highlights that helicopters may operate from the gardens of private houses without planning consent provided the landing site is within the curtilage of the property.

It is also noted that Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits up to 28 helicopter flights per year outside of a residential curtilage.

It is understood that at present a helicopter does fly into the site, and during 2017 was landed 10 times within the curtilage. Having regard to the above, a helicopter can fly in and out of the site without the need for planning permission either by landing within the residential curtilage or by landing outside of the residential curtilage no more than 28 times a year.

The proposal seeks permission solely for the operational development of the installation of a permanent and dedicated helicopter landing area for the main house. The Design and Access statement for this application suggests this is being sought to enhance safety during take-off and landing.

Planning control is concerned with land use and operational development and as discussed the helicopter activity proposed in respect of this application can take place without the need for specific planning permission. The assessment of this application will therefore consider the operational development associated with the proposed installation of the helipad itself.

It is noted that a large number of objections have been received to the scheme, including objections from the parish councils. Many of the objections relate to the flight path and use of the helicopter itself rather than to the helipad. Therefore many of the objections submitted hold little weight as material planning considerations in respect of this application as they do not relate to the helipad. Regard however will be had to material planning considerations where applicable, such as the associated noise impacts, and appropriate weight will be given.

The main issues to therefore consider in relation to the operation development of the helipad are:

- The principle of the development
- Design
- Landscape impacts
- Heritage impacts
- Residential amenity
- Ecology impacts
- Archaeology
- Other matters

Principle of development:

The proposed 6m x 6m helipad (and its associated lawn safety zone) is located northeast of the principle house, and east of the walled garden. The site is within the residential curtilage of the dwelling.

This application is a resubmission following withdrawal of a previous scheme for a helipad which was in a location closer to the nearby church and residential dwellings. The resubmission proposes a revised location following concerns raised by local residents in

regards to the proximity of the previous siting to the local church and residential properties.

The Hinton House Estate is located within the Green Belt. The Green Belt designation imposes a strict control of development to guard against inappropriate development. Paragraph 79 of the National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belts are their openness and their permanence. Paragraphs 89 and 90 set out the types of development that are considered appropriate within the Green Belt. The change of use of land within the Green Belt is not listed as being appropriate.

The Design and Access statement accompanying this scheme states that the proposal site is within the established domestic curtilage of Hinton House, and as such the proposal does not constitute a change of use of the land. It is noted that several objections have been received from residents questioning/disputing this.

Following site visits, a review of planning history and an assessment of aerial photography it is considered that the location of the 6m x 6m helipad is within, albeit towards the edge, of the established domestic curtilage of the dwellinghouse, as it falls within an area that has been subject to a close mowing regime for many years.

Recently permission was granted for the installation of a Ha-Ha (16/02247/FUL), which has so far been part implemented. This permission establishes a clear area between the closely mown sweep of the eastern lawn and the parkland. The Ha-Ha is set further east than the previously established garden area and this new domestic delineation was granted as part of the previous permission.

The helipad is therefore located within the clearly established residential curtilage on land that has been subject to a close mowing regime for many years, as well as being located within the re-defined curtilage permitted under 16/02247/FUL. The helipad would therefore not result in the change of use of land and the principle of the development in the Green Belt is deemed acceptable. Nor is it considered that the helipad results in the change of use of residential to commercial use given that it is solely for private use and flying into the curtilage of a private dwellinghouse.

As mentioned above, the principle of the operational development is being assessed. Numerous objections have been received to flightpaths and the use of a helicopter in this location. This falls outside of the Council's planning powers. As mentioned the conduct of civil aviation in the United Kingdom is currently set out in the Civil Aviation Act 1982. The Civil Aviation Authority (CAA) is responsible for the regulation of aviation. The Civil Helicopter in the Community 2008 guidance document states that it is not appropriate to seek to impose planning conditions to control the movement of aircraft in flight.

Whilst these aspects do not fall under the council's jurisdiction, in this case the Council have consulted with the CAA, as well as the National Air Traffic Services (NATS) and Bristol Airport. The MOD has also been consulted on safeguarding grounds. None of the other bodies have raised objections to the scheme.

Overall the principle of development of a helipad in the location as proposed is deemed acceptable, subject to other material considerations below.

## Design, landscape and heritage:

The helipad landing area will have a surface area of 6m x 6m consisting of a ground-bearing grasscrete type construction covered by a reinforced but otherwise natural turf surface, set within a 515mm deep excavation. A helipad safety zone with an area of 30m x 30m (grass lawn) is to be kept clear of any tree and shrub planting. The helipad is located within the residential curtilage of Hinton House as established above, and not within the wider landscape. The proposal can be broken down into the following elements as shown on the drawings:

- Turf finish
- Turf to be rolled into the Grasscrete paving system
- Grasscrete to be backfilled with free draining topsoil
- Grasscrete paving system and sub base to engineer's detail and specification
- Soft landscape areas around the helipad to be back filled with subsoil and topsoil
- 7 recessed lights marking the 'H' landing area
- Low level wash lighting.

The entire site is within the Cotswolds Area of Outstanding Natural Beauty. This designation recognises the important landscape value of the area. Policy NE2 of the Placemaking Plan has regard to development being permitted where it conserves or enhances the landscape and landscape character.

The proposal is considered to have minimal visual impact within the site as it is not elevated above ground level and will be finished in turf. It is unlikely the helipad will be a discernible feature in wider views of the site. It is also considered that the helipad is within the residential curtilage and forms a feature that could be associated with such a use; it is in proximity to other residential features within Hinton Houses garden, such as the swimming pool and therefore not visually unusual in this regard. It is not considered that a 6x6m helipad is overdevelopment of the site and is actually a relatively small feature within the large site that is not considered to be perceptible.

In this case the proposed development by virtue of its design, scale, massing, position and use of external materials would conserve and not adversely affect the natural beauty of the landscape of the designated AONB in accordance with policy NE2 of the Placemaking Plan and Part 11 of the NPPF.

Policy HE1 looks to safeguard heritage assets, applications should seek to preserve or enhance designated sites.

The application site does not lie within either of the two conservation areas at Hinton Charterhouse, but is sandwiched between them; nevertheless the site is in close proximity to the conservation area covering the St John the Baptist church. The helipad is also located within the setting of Hinton House which is a Grade II\* listed building, the nearby St John the Baptist church is also listed. The proposed location of the helipad being approximately 87m to the north east of the principal house and 138m to the north of church.

It is noted that the property is undergoing a significant amount of repair works which have previously been supported by both the council and Historic England, leaving a positive future legacy for future generations.

The Council's Conservation Officer and Historic England were consulted on the scheme.

It is not considered that the proposed helipad has any adverse impact visually on the setting of the listed buildings. The rationale and basis for this is that the construction of the helipad is below ground with a level grass finish. Therefore there would be no obvious above ground expression of the structure that would impact on the setting of these heritage assets.

Historic England have raised concerns over the potential noise impact upon the peaceful setting of the Church and country house, stating that the noise from the helicopter will impact on the tranquil rural setting.

As discussed in the principle of development section of this report, the applicants currently fly a helicopter into the site and do not require permission to do so. Permission is required for the installation of the helipad, not to operate a helicopter in and out of the site, the helipad is not considered to visually cause harm to the setting of the listed buildings, and both Historic England and the council's Conservation Officer conclude this. The helipad itself will not cause noise disturbance.

Following withdrawal of a previous scheme the location of the helipad has now been located further away from St John the Baptist Church. An operational statement has been provided stating that the Hinton House Estate will liaise with the Church in regards to flight arrangements so that flights will not conflict with planned church services. A typical turnaround from arrival and departure is between 5-10 minutes. It is also noted that the applicant will likely use the helipad 1-2 times a week. The councils Environmental Protection team have not objected to the scheme in terms of noise impact.

On balance it is therefore considered that, given the rights of the applicants to fly in and out of the site already; and the points raised in the paragraph above that the noise concerns raised by Historic England are not considered to significantly impact on the tranquillity of the listed buildings compared to the existing situation. Overall, the proposed helipad will not result in harm to the nearby Listed Buildings or their setting and would preserve the significance of the designated Heritage assets.

Concern has been raised in regards to the Listed Iford Manor which is under the flight path submitted with the scheme. As mentioned the helicopter already uses this flight path and this is outside of planning control. Nevertheless, the helicopter should be at such a height over the manor that any perceived impacts would be minimal.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the

surrounding conservation area. Here it is considered that due regard has been had to the above and that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance.

Finally policy D1 and D2, 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. It is not considered that the proposed helipad will harm the character and appearance of the host dwelling or wider area for the reasons given above.

#### Residential Amenity:

Placemaking Plan Policy D.6 has regard to residential amenity. Hinton House is set outside of the development boundary for Hinton Character House. The site is relatively isolated. The Estate managers cottage along with Hinton House are the nearest residential properties to the proposed helipad at 82m and 87m respectively. The next nearest property is the church, followed by properties at Green Lane to the south of the site which are 190m from the site of the helipad.

It is noted that this resubmission has seen the location of the helipad be moved away from residential properties at Green Lane.

A noise report has been produced. The following is a summary of the findings;

The assessment based on the measured noise levels indicates that the internal target of LAeq,16 hr 35dB is predicted to be exceeded by just 1dB when considering the predicted helicopter noise levels and assuming that partially open windows provide 10 dB(A) sound attenuation. However, the internal target of LAeq,16 hr 35dB would be achieved with closed windows of all third-party receptors. The impact upon outdoor living areas at the nearest third party residential properties are below the desirable noise levels as prescribed by the British Standard.

The Environmental Protection team have been consulted as part of this application and have not raised any objection to the scheme on the basis of noise and disturbance. They note that a voluntary operational statement has also been provided by the applicant which is welcomed and will be conditioned, including flights times.

The proposed pad will have 7 lights lighting up the 'H', there will also be 4 lights marking the edge of the safety zone and there will be two wash lights located to the west of the pad. It is understood that the lights will only be used to guide the helicopter during landing when visibility is reduced. The lights will not be permanently in use. The proposed lighting is minimal and incidental and as such is not considered to impact residential amenity.

Again to reiterate earlier points this application can have regard to the operational development of the helipad itself. It is not considered that the proposed helipad will cause harm to the residential amenity of occupiers of the site or neighbours. In this case regard has also been had to the noise impact associated with the helicopter itself which has been found not to breach British Standard Guidelines and the Environmental Protection Team have raised no objection on these grounds. The Civil Helicopter in the Community 2008 states that 'It is therefore not appropriate to seek to impose planning conditions to control the movement of, or noise emitted by, aircraft in flight.' It is not considered that a condition

along these lines would meet with the 6 test for imposing a planning condition as outlined in the NPPF.

Overall the proposal is therefore considered acceptable in terms of residential amenity.

#### Ecology:

The council Ecologist was consulted on the scheme, she has initially raised an objection to the scheme has not been accompanied by sufficient ecological information. Since this time a technical note has been submitted summarising the information known about bat roosts and activity at the site, and assessing possible ecological impacts of the proposal with particular reference to bats and birds. The Council Ecologist has also discussed the site with the applicant's ecologist.

The proposed lighting is ground level only and is for use only during landing and take-off, with the duration limited each time to the minutes required for those operations.

Bat roosts and activity recorded at the site to date do not suggest a likely conflict with the position of the helipad or the proposed flight path. The position of the proposed helipad is sufficiently distant from the nearest trees and the roosts within the main house to avoid likely risk of harm to bats associated with these features, especially if the proposed use is occasional as described in the submitted details.

Based on the current knowledge of the site, the assessment of the submitted ecological technical note is accepted. The LPA can be confident that any risk of a "likely significant effect" on the SAC or bats of the SAC is excluded based on the submitted scheme and the occasional use. The proposed lighting and the proposed location of the helipad and helicopter movements are considered ecologically acceptable. Risks would be further reduced by adherence to the "avoidance measures" listed in the technical note. The proposed structure itself is not considered likely to cause any direct adverse ecological impacts.

The council's Ecologist has requested conditions to control any additional future external lighting. As well as a condition requiring details of a proposed reasonable limit to the number of helicopter movements utilising the helipad, and adherence to this, to avoid the prospect of any significant increased use of the helipad - further assessment and consideration to potential ecological impacts would be appropriate should more constant usage of the helipad be required, than that currently described.

Natural England was also consulted. They have recently responded endorsing the comments made by the Council's ecologist and conditions.

#### Archaeology:

Construction of the helipad would necessitate a spatially limited and relatively shallow excavation within an area for which there is no evidence of significant archaeological survival. In effect, construction would be comparable to the physical disturbance occasioned by garden maintenance. It is unlikely that significant archaeological remains would be affected. The proposal would not therefore affect the 'evidential' or 'associational' significance of Hinton House or its surroundings.

Operation of the helipad could, plausibly, affect the material fabric of the house through the impact of flying objects displaced by the downdraught of the rotor blades. However, the helipad would be located within well-maintained lawns free of movable objects big enough to damage the house, and it is unlikely that the owners would cause or tolerate damage to their newly restored house. The nearest neighbouring historic building is the parish church, at c. 130m: whilst the trajectories of debris have not been calculated, it seems unlikely that anything large enough to damage the fabric of the church would be carried 130m through a screen of mature trees. It seems unlikely that operation of the proposed helipad would affect the 'evidential' or 'associational' significance of the parish church or its surroundings.

The councils archaeologist has provide a verbal consultation response stating that no objection is raised on archaeological grounds. The applicant suggested condition an archaeological watching brief, however the councils Archaeologist considers this is not necessary in this instance given the nature and location of the works and the comments above.

#### Other Matters:

An Environmental Screening Assessment has been undertaken for the application, it was concluded that the development does not comprise EIA development.

Third parties have raised concerns in regards to safety of the helicopter operation and the associated risk to safety of members of the public, noting that there is a public footpath through the wider ground of Hinton Charter House etc. As previously mentioned the flight path and helicopter operation fall outside of the control of the planning department. However the applicant will be required to ensure the helicopter flies according to the Civil Aviation Authority's Code of Conduct.

When not in use, the Helicopter will be housed at its hangar located at Bristol Airport. It will not be housed at Hinton House at any time. A hanger or permeant refuelling station will require further planning permission.

A number of other concerns were raised by members of the public which are not material planning considerations (e.g. property value). These points have not therefore been addressed in detail in this report.

#### Conclusion:

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

### **RECOMMENDATION**

Delegate to 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 Sensitive Lighting (Compliance)**

All external lighting associated with the development hereby approved shall be installed, operated and maintained in accordance only with the approved scheme. No new external lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the LPA; details to include proposed lamp models and manufacturer's specifications; numbers, positions & 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, maintained and operated thereafter only in accordance with the approved details.

Reason: to avoid harm to bats and other wildlife

### **3 Hours of use (compliance)**

The permitted helipad shall not be in operation outside of the hours 0700-2300.

Reason: In the interests of protecting the amenity of neighbours in accordance with policies D6 and PCS2 of the Bath and North East Somerset Placemaking Plan.

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

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

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

### **PLANS LIST:**

This decision relates to the following plans:

- 15 Dec 2017 035-1-061 Helipad Site Plan
- 15 Dec 2017 035-1-066 P3 Distances To Adjacent Properties
- 15 Dec 2017 035-1-414 P3 Helipad Detail
- 15 Dec 2017 035-303 P3 Helipad Flight Plan Arrival
- 15 Dec 2017 035-304 P3 Helipad Flight Plan Wider Context
- 15 Dec 2017 035-305 P3 Helipad Flight Plan Departure
- 15 Dec 2017 035-810 P3 Helipad Ga Illustrated Plan

### **Condition Categories**

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

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

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

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

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

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

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

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

### **Informative**

Avoidance Measures:

To ensure that the risk to bats is kept at a negligible level the following parameters should be followed as outlined in the Ecological Technical Guidance Note:

- o Where possible, avoid landing/taking off during the half hour after sunset and half hour before dawn;
- o Always use the "preferred" approach/departure routes unless it is unsafe to do so, and avoid flying directly parallel to the east face of the house if possible; and
- o Ensure that lighting is not left on after landing/take off (managed by the Estate Manager and pilots).

### **Informative**

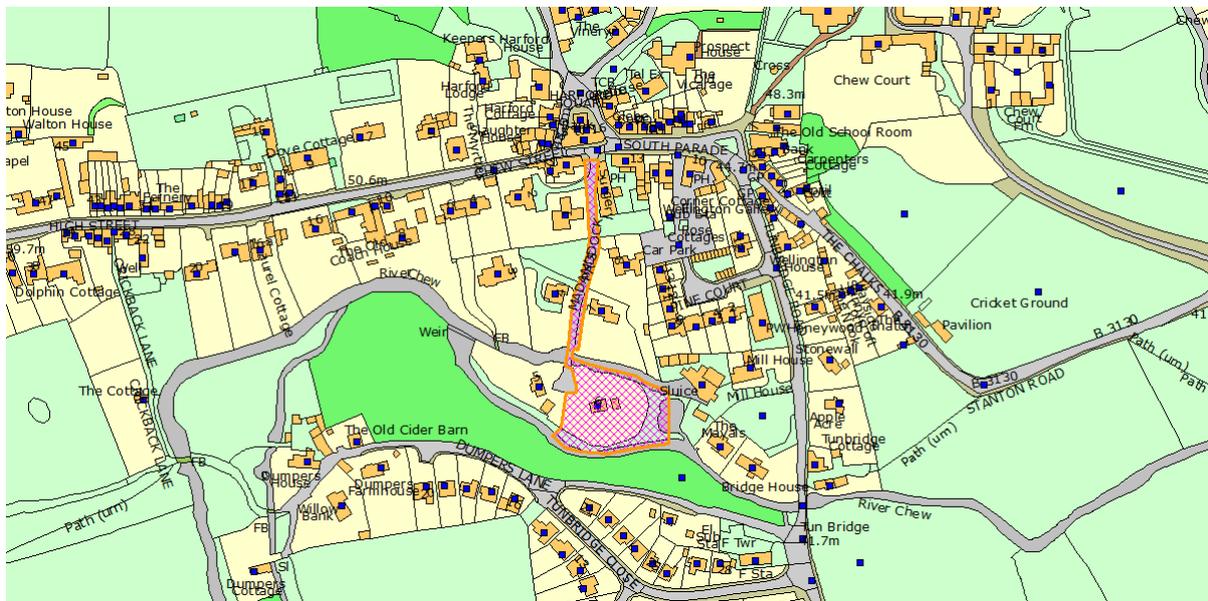
Operational Statement:

The proposed Helipad will operated in accordance with this Operational Statement:

1. All helicopters arriving and departing from Hinton House will fly according to the Civil Aviation Authority's Code of Conduct.

2. The helicopter crew will endeavor to approach and depart from the Hinton House Helipad site in accordance with the Helipad Arrival and Departure Plans (Plan Refs: 035-1-303 P3; 035-1-305 P3; and 035-1-304 P3).
3. Having regard to the proximity of Hinton House Helipad to the Church of St John the Baptist, the Estate Manager will inform by email to the Reverend and Church any planned Helicopter landing and departure. In the event that arrivals/departures will conflict with planned church services alternative arrangements will be made.
4. Having regard to the proximity of the Hinton House Helipad to Brown Shutters Farm Airfield, the Hinton House Estate Manager will inform Brown Shutters Farm Airfield by email of any scheduled helicopter landing and departure from Hinton House. On approach and departure pilots will also make use of Safety Com 135.475 (used by Brown Shutters Airfield) to ensure any light aircraft in the vicinity are aware of their presence.
5. There are no hanger or refuelling stations at the Hinton House Estate. A typical turnaround timescale for arrival and departure will be generally between 5-10 minutes.
6. The integrated ground level safety lighting will be activated, if required, for the minimum time that is operationally required.

**Item No:** 004  
**Application No:** 17/04739/FUL  
**Site Location:** 6 Madams Paddock Chew Magna Bristol Bath And North East Somerset BS40 8PN



**Ward:** Chew Valley North      **Parish:** Chew Magna      **LB Grade:** N/A  
**Ward Members:** Councillor Liz Richardson  
**Application Type:** Full Application

<b>Proposal:</b>	Demolition of the existing dwelling, associated garage and greenhouse and erection of a new dwelling and garage. The proposal also includes the associated landscape and drainage works.
<b>Constraints:</b>	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, Greenbelt, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,
<b>Applicant:</b>	Mr Andy Bamford
<b>Expiry Date:</b>	15th March 2018
<b>Case Officer:</b>	Tessa Hampden
To view the case click on the link <a href="#">here</a> .	

## REPORT

### Reason For Application Being Considered By Committee

The Parish Council and Cllr Richardson support this application contrary to the Officers recommendation and the Chair of Committee has agreed that this application should be considered by Committee.

This application was deferred at the last meeting of the Committee to enable members to visit the site.

### Site description and proposal

6 Madams Paddock is located on an island site bounded by the River Chew in the Village of Chew Magna. The site is located at the end of Madams Paddock which is a private lane running from South Parade to the north, past the recent development at the old surgery, and a number of detached houses of varying ages set within large gardens. The site currently comprises a two storey detached house and garage and within the site there are numerous trees and vegetation. The site is located within the Chew Magna Conservation Area and the Green Belt. The site is within the Housing Development Boundary of Chew Magna.

The application seeks planning permission for the demolition of the existing dwelling, associated garage and greenhouse and the erection of a replacement dwelling and garage. The proposals involve a contemporary building of modern design which varies in height between one and two stories, broken up into separate wings which run broadly north to south and orientated around the existing large tree at the entrance to the site. The proposal also includes the associated landscape and drainage works.

### Planning history

There is no planning history directly related to this application.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Urban design officer - Not acceptable in the current form. Concerns raised with regards to the form and scale of dwelling in this context and whether the contextual analysis undertaken was appropriate.

Ecology - No objections subject to conditions and LPA being confident that an EPS licence will be granted.

Archaeology - No objection subject to condition

Environment Agency - following additional information no objection subject to conditions.

Landscape - Not acceptable in current form - due to the impact upon the Conservation Area, local landscape character, landscape features and local distinctiveness. Further, the development would have an adverse impact on trees of wildlife, landscape and amenity value which is avoidable. The proposals would also prejudice the visual amenities of the Green Belt by reason of their siting, design and the materials used in their construction.

Drainage - no objection subject to condition.

Arboriculture - Not acceptable in current form. The new built structures are located too close to trees and the risk of damage to these trees during construction and after completion could be avoided if the built structures were relocated.

Conservation - not acceptable in its current form. The development fails to respond to the specific rural context in terms of use of materials (zinc cladding), design, plan form, scale and massing. The development is therefore considered to harm the character and appearance of this part of the Conservation Area.

Highways - No objection subject to conditions

Cllr Richardson - Supports this application and requests that this is heard at committee if recommended for refusal. The comment can be summarised as follows:

- This is an unusual application, it is of a notable innovative contemporary style that has clearly been very carefully designed for this unusual plot.

- The proposed dwelling would clearly be a positive alternative to the existing dwelling.

- Refreshing to see an application that has sought advice from an independent Design Review Panel. Their conclusions ought to be given weight - they clearly commended the design and are supportive of replacing the existing building with one of 'high quality design'. The panel also makes comment about the proposed design not having a materially greater impact on the Green Belt.

- Flood risk has been addressed

Although of a contemporary design there is much of this proposal that would accord with the neighbourhood plan

Parish Council - Support the application and the comments can be summarised as follows:

- The Parish are aware of the planning parameters that have influenced the design of this contemporary building, and consider that the development would largely mitigate immediate predicted flood threat and would be unlikely to exacerbate localised flooding.
- The use of the materials is preferable in overall appearance to the existing.
- Whilst the proposed building is an increase in both footprint and volume over existing which does not fit comfortably with greenbelt guidelines, the lowered view achieved by the flat green roof, the intended landscaping and innovative design plan would allow a quality, sustainable and well placed build that would not, in this location, compromise the openness of the Greenbelt.

The application has been reviewed by a Design Review Panel. This role of this panel is to provide impartial advice to applicants and local authorities on design issues. The Design Review panel supports the proposal and the comments can be summarised as follows:

- The proposals do not represent the overdevelopment of the site
- High quality architectural and landscape design
- Judgement of whether the dwelling is materially larger should be qualitative not quantitative. The design proposals do not have a materially greater impact upon the countryside or the openness of the Green Belt than that to be replaced.
- The development represents an enhancement to architect, landscape design, ecology and biodiversity
- Site relates to a semi-rural riverside context rather than the urban village. To the south is bound by suburban residential context rather than open countryside
- The predominant Conservation Area value is focused within the centre of the village and the development does not harm the Conservation Area
- Detailed consideration of all the trees on the site is welcomed and full consideration should be given the Oak in the long term
- Improvements to flood risk represent a significant enhancement
- Holistic response between the building landscape and river.
- In relation to the siting, the proposals represent an improvement to the existing.
- Landscaping to the north west of the site may benefit from improvement
- The green roof is highly important in visual and ecological grounds
- Careful consideration should be given to external lighting and material details.

3 letters of support/comment have been received.

Issues raised:

- Issues relating to the maintenance and repair of the sewer.
- The development is high quality and visually attractive
- It provides improved visual interest and higher sustainability,
- Good quality contemporary design should be encouraged
- Construction management issues

## **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 CP2: Sustainable Construction  
 Policy CP5: Flood Risk Management  
 Policy CP6: Environmental Quality  
 Policy CP8 - Green Belt;  
 Policy CP7: Green Infrastructure

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 D1: General urban design principles  
 Policy D2: Local character and distinctiveness  
 Policy D3: Urban fabric  
 Policy D5: Building design  
 Policy D6: Amenity  
 Policy D8: Lighting  
 Policy NE1: Development and Green Infrastructure  
 Policy NE2: Conserving and enhancing the landscape and landscape character  
 Policy NE2A: Landscape setting of settlements  
 Policy NE3: Sites species and habitats  
 Policy NE4: Ecosystem services  
 Policy NE5: Ecological network  
 Policy NE6: Trees and woodland conservation  
 Policy CP7: Green infrastructure  
 Policy GB1: Visual amenities of the Green Belt  
 Policy GB2 -Development in Green Belt villages;  
 Policy PCS5: Contamination  
 Policy H1: Housing  
 Policy LCR7B: Broadband  
 Policy LCR9: Increasing the provision of local food growing  
 Policy ST1: Promoting sustainable transport  
 Policy ST7: Transport requirements for managing development  
 Policy SCR5: Water efficiency  
 Policy SU1: Sustainable drainage policy  
 Policy PCS7 - Water Source Protection Zones;  
 Policy PCS7A - Foul Sewage infrastructure

## Chew Valley Neighbourhood Plan (Made 2017)

HDE1 - Rural Landscape Character;  
HDE2 - Settlement Build Character;  
HDE3 - Important Views (site falls within identified views C7 and C6 from rising land to the north of Chew Magna);  
HDE5b - Affordable Allocation;  
HDE7 - Traffic Impact;  
HDE8a - Parking Domestic dwellings;  
HDE8b - Parking Domestic dwellings;  
HDE9a and b - Sustainable Drainage;  
HDE12 - Tree and Ancient Hedgerow Conservation;  
HDE13 - Green Corridors and Biodiversity;  
HDE14 - Water Life Biodiversity;  
HDE15 - Dark Skies; and  
BF7 - Fibre to the premises.

### **OFFICER ASSESSMENT**

#### Principle of development

The National Planning Policy Framework (NPPF) attaches great importance to Green Belts and confirms the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraphs 87 and 88 of the NPPF state inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 advises that a Local Planning Authority (LPA) should regard the construction of new buildings as inappropriate in the Green Belt. There are certain exceptions to this.

Limited infilling can be considered to be acceptable; the adopted Core Strategy defines infilling as

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

The site is relatively unique in that it is set on a small island bound by the river. The existing dwelling is sat on a large plot and although within the built up area of Chew Magna, is verdant in character and due to its unusual setting bound by the River, is not surrounded on at least three sides by development. The site is surrounded by water with a neighbouring property on the west side only. The proposed development can not be considered to be infilling.

The development is not considered to constitute the redevelopment of a previously developed site. The NPPF provides a definition of previously developed land. Land in built-up areas such as private residential gardens is excluded from the definition of previously developed land. The site is within the Housing Development Boundary of

Chew Magna, and whilst the site itself is not immediately surrounded by buildings, the Chew Magna village itself is generally built up. Although the site itself is open and bucolic in character, given its siting within the village of Chew Manga, the site is considered to be located in a built up area. As such the development is not considered to constitute the redevelopment of previously developed land.

Consideration therefore needs to be given as to whether the proposal is materially larger than the buildings to which it is to replace. Looking solely mathematically, the existing built form has a volume of 543m<sup>3</sup> and the proposed dwelling has a volume of 1 186.70 m<sup>3</sup>. The development therefore represents a 118% increase in volume over the original which in volume terms is clearly materially larger. The agent has provided details of how the scheme could be extended under permitted development rights and this has been considered by officers. However, even if the existing building benefited from its full permitted development rights, and was accordingly extended, the proposed dwelling would still be 70% larger.

However, it is recognised that whether the building is materially larger, can not be purely a mathematical calculation. The proposal, whilst successfully managing to break down its mass into smaller elements, still presents as a large building or series of buildings. This building appears materially larger than that which it is to replace. It is noted that the building is formed by largely single storey elements and the two storey sections would sit lower than the existing dwellings ridge height. However, the spread of the proposed dwelling is significantly greater than the existing. The two storey sections, although sitting lower than the existing dwelling, occupy a greater footprint than the footprint of the two storey element of the existing dwelling. Therefore, whilst it is recognised that the design has incorporated measures to reduce the perceived volume of the dwelling, in officers view that the development appears materially larger than the dwelling that it is to replace.

Para 86 suggests that if it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, that village should be included in the Green Belt. The Core Strategy states that Chew Magna is washed over by and therefore included within the Green Belt. It can be considered that in principle the open character of Chew Magna makes an important contribution to the openness of the Green Belt. The proposals would introduce a significantly greater amount of development on the site that already exists, and as described above, would be materially greater than the existing dwelling. The openness would be diminished.

Therefore, it is considered that the new development would harm the openness of the Green Belt. The development is considered to represent inappropriate development in the Green Belt.

The NPPF stipulates that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Although the agent disputes the fact that the development is inappropriate development in the Green Belt, the submission includes details of why the development would comprise very special circumstances. These include the following:

- The development is within the Housing Development Boundary
- The development would not have a detrimental impact upon the openness of the countryside
- The improvement to the site condition regarding flooding and flood risk to the occupants and areas further down stream
- The architectural improvements of the proposed building and associated landscaping over the existing building
- The significant environmental improvements that will result from the modern construction compared with the existing dwelling
- Ecological enhancements

Officers would however not agree with the agent's view that these circumstances are unique to the site, nor are they dependent on the larger building coming forward. Whilst the improvements to flood risk are noted, this could come forward through other mechanisms and does not necessitate the proposal as submitted. There are therefore not considered to be very special circumstances which outweigh the harm by reason of inappropriateness.

#### Landscape character/Conservation Area impact

The site is currently occupied by a modern, detached house that possesses little architectural merit. Its style is regarded as incongruous and detracts from this part of Chew Magna Conservation Area. Therefore in design terms, the principle of re-development is regarded as acceptable subject to an appropriate scheme being presented

The NPPF explains that LPAs should have local design review arrangements in place to provide assessment and support to ensure high standards of design. As noted above, the application has been reviewed by a Design Review Panel. This role of this panel is to provide expert advice to applicants and local authorities on design issues. The NPPF advises that in assessing applications, LPAs should have regard to the recommendations from the design review panel.

The NPPF highlights that design review is most effective if done at the early stages of an application. It is recognised that the applicant engaged with this process at the pre application stage. At this stage, the Panel highlighted the benefit of exploring the relationship and pattern of development of the village to demonstrate how this had influenced the proposals. Additional analysis accompanied this application, and the Design Panel have welcomed this. Officers are however concerned that this analysis appears to have been limited to assessment of the buildings in the immediate context of the site, mostly comprising of the 20th century detached houses. The agent has therefore taken the design decision that it would be inappropriate to take significance reference from these surrounding buildings, given that they are of little architectural interest. Placemaking Plan (PMP) Policy D2 however expects development to positively respond to the site context (including uses, landmarks, layout, streets and spaces, siting, spacing, set-back, building lines, roofscapes, materials, building forms and features), and Policy HE1 expects development proposal to enhance or better reveal the significance of the Conservation Area.

The site is located in Character Area 9 within Chew Magna Conservation Area Character Appraisal, which summarises the character of the area as "River Chew and adjacent

orchard gardens, pastures and meadows both North and South of the River Chew". This assessment and summary of character is regarded as rural in character. Any redevelopment of the site should therefore respond to this verdant context. The NPPF and PMP policies emphasises the need to seek to promote or reinforce local distinctiveness. Officers are not however persuaded that the submitted scheme successfully achieves this in terms of design, plan form, scale, massing and in the use of the zinc cladding. The proposals are considered to be urban/suburban and architecturally harsh in character and therefore have an incongruous and discordant appearance within what is a sensitive and visually soft rural context. The successful integration of all forms of new development with their surrounding context is an important design objective outlined within the NPPF.

The site is considered to be an important green space within the Conservation Area and one of many that are characteristic and form an important element to the overall character. In this respect the scale of the proposed development, including the dwelling and associated hardstanding is unacceptable as it occupies a relatively large area of the site, spread out over a wide area. This appears larger than the surrounding dwellings and diminishes the verdant character of the site. The Design Review Panel concluded that the development does not represent the overdevelopment of the site. Officers accept that the resultant dwelling will still be sat in a relatively generous plot, but the size and spread of the building and the associated hardstanding is considered to be excessive. The photomontages demonstrate that from particular views the development will be overly prominent will have a detrimental impact upon the established character of the area.

The form of the building, including the large expanse of flat roof and size of the proposed building is distinctly different from those of its neighbours and as such it is not considered that the proposal would conserve or enhance the character and local distinctiveness of the landscape. In relation to the materials the scheme includes, the use of red sandstone which is a clear acknowledgement of the predominant vernacular building material of Chew Magna and surrounding area is welcomed. However, the use of seamed zinc panelling is not regarded as an appropriate material and creates an urban appearance. There is also concern that the level of glazing would result in light spill that would be excessive in this context. The Design Review Panel welcome the use of the green roof, and whilst officers are concerned with the amount of flat roof proposed, recognise that the green roof approach softens the development and is an appropriate response to the flat roof design. The Design Review Panel consider that the building is of a higher architectural quality than that which it is to replace. Officers do not object to the introduction of a contemporary dwelling on this site, and recognise the merits of the proposed building if sat in a different context. However, notwithstanding the comments of the Design Review Panel, officers remain concerned that the development is not considered to be sufficiently informed by the context and special landscape character both in terms of the specific site and immediate surrounding area.

The NPPF distinguishes between 'substantial harm' and 'less than substantial harm' when referring to the impact upon the significance of a heritage asset. Any harm to the Conservation Area is considered to be less than substantial. When a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. This will be addressed in the Planning Balance section of this report.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area when considering new development within it. The proposals are not regarded as being consistent with these aims or objectives and would have a detrimental and harmful impact on the conservation area.

#### Arboricultural Issues

An Arboricultural Impact Assessment, Detailed Method Statement and Tree Protection Plan has been submitted with this application. This shows that three trees would be removed as a consequence of the development proposals, all graded C1 meaning that they are judged to be of low quality. The construction of a new raised boardwalk would encroach upon the canopy spreads and Root Protection Areas (RPAs) of two trees graded B2 meaning it is judged to be of moderate quality.

The construction of the 'permeable hardscape' semi-circular driveway would encroach upon the canopy spread and the RPA of an Oak Tree (T5) graded A1 meaning it is judged to be of high quality. Lastly the decking in front of the house would appear to encroach upon the RPA of a Dawn Redwood graded B2 meaning it is of moderate quality.

The Method statement proposes that the project arboriculturalist carries out a watching brief during the construction of the boardwalk around T3 and T4 and that cellular no dig construction is used to protect the RPA of T5. The Council's Arboricultural Officer still therefore considered that the new built structures are located too close to trees and the risk of damage to these trees during construction and after completion could be avoided if the built structures were relocated.

This weighs against the proposals as this risk could be avoided.

#### Highway matters

The site is well located in terms of local services and public transport connections, and is noted that the site is within the adopted Housing Development Boundary. The proposed parking levels are considered to be appropriate given the type and scale of development, and accord with the adopted minimum standards.

Due to the constrained access to the site, if planning permission was granted, a Construction Management Plan should be agreed before any work starts on site. This can be secured through the inclusion of a condition on any permission.

#### Drainage and Flooding

The site is located within Flood Zone 2 and 3 and as such the application has been accompanied by a site specific flood risk assessment (FRA). The property itself is located within an area of Flood Zone 3, which is an area with a high probability of flooding. Flood Zone 3 in this area is also classified as functional flood plain which means it is an area where flood water is stored or conveyed during a flood.

The development proposals are classified as 'More Vulnerable' development and would not be appropriate in areas of functional floodplain. The site already comprises a dwelling,

and therefore there is not a change of use of the land, and the vulnerability is not increasing. However the proposed dwelling would have a greater footprint than the existing property and areas of raised terracing are also proposed. The development has therefore been designed to ensure that there is not a net loss of floodplain in a community which is very sensitive to flooding.

The proposal design has been informed by the above constraints. It is in the form of a curved building, supported on radial walls, with a void below. The void would be open to allow free flow of water. It is vital that the void functions to prevent floodwater displacement and increasing flood risk to others. The Environment Agency has reviewed the submission, including additional requested information, and has no objection to the development subject to conditions being included on any planning permission.

The FRA also addressed the need for a sequential and flood risk assessment. Given the fact that this is a replacement dwelling, the evidence needs to be proportionate to the development. It is considered that these tests can be passed.

Overall, the development is considered to be acceptable on flood risk grounds.

#### Ecological implications

The main features of ecological significance are the River Chew and its banks, which are a designated Site of Nature Conservation Interest (SNCI), together with habitats typically found in gardens suitable for wildlife such as reptiles and nesting birds. The watercourse provides connective habitat suitable for a range of wildlife including use by bats. A small badger sett exists beside the watercourse which should be unaffected.

The report makes appropriate recommendations for measures to avoid harm to existing wildlife during construction, and following occupation, including long term management which has the potential to result in an overall ecological enhancement. The report recommends production of a CEMP (Construction Environmental Management Plan), and Ecological Management Plan, to achieve this - these can be secured by condition if permission is granted.

A further bat survey has been provided and additional information has been submitted to address concerns regarding risk of light spill and other minor revisions to ecological mitigation. The proposal will require an EPS licence and the LPA must be confident, prior to issuing consent, that the proposal will meet the "three tests" of the Habitats Regulations and that an EPS licence would be obtained.

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

The public benefits should be commensurate with the level of impact. There are sustainability benefits of providing a new dwelling as a replacement for a building that is not particularly energy efficient. Further, the development will result in jobs in the construction phase, and whilst this is only for a short period of time, this can be seen to be an economic benefit to the scheme. The test can be said to be passed.

Test 2 There is no satisfactory alternative

The development proposes a replacement dwelling, and for that proposal there is no alternative than what is put forward.

In consideration of the above, the development is considered to meet the second test.

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

Based on the development and all proposed mitigation being implemented as described in the submitted ecological reports, the conservation status of the affected species will not be harmed and the "third test" would be met.

On the basis of the above, the scheme is considered to be ecologically acceptable.

Archaeological matters

The proposed new housing would be located on an island between two branches of the River Chew and in close proximity to the historic mill pond serving Tunbridge Mill (BANES Historic Environment Record: MBN710). The watercourses here are indicative of the type water management systems (leats and sluices) seen for earlier mills, which may have existed in the area since the and medieval period. A condition to secure an archaeological watching brief should be attached to any permission.

Planning balance/conclusion

The proposed dwelling is considered to be materially larger than the existing building, both being of a substantially greater volume than the dwelling it is to replace, and visually appearing materially larger. The development is therefore considered to be inappropriate development in the Green Belt and officers do not consider that there are any very special circumstances that outweigh this harm by reason of inappropriateness.

Further, the proposals are seen to have a detrimental and harmful impact on the Chew Magna Conservation Area. Officers remain concerned that the development is not considered to be sufficiently informed by the context and special landscape character both in terms of the specific site and immediate surrounding area. Concerns have been raised in relation to the design, plan form, scale, massing and in the use of the zinc cladding. The supporting conclusions of the Design Review Panel have been considered and balanced against the advice of consultees.

In relation to the harm to the Conservation Area it has been identified that the harm to the Conservation is 'less than substantial'. This harm must be weighed against the public benefits of the proposal. The public benefits of the proposal, which include the economic benefits during construction, and flood mitigation measures, are not considered to be limited and do not outweigh the harm identified.

For the reasons outlined above, the application is recommended for refusal.

## **RECOMMENDATION**

REFUSE

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

1 The proposed replacement dwelling, due to it being materially larger in volume and visual terms than the dwelling it replaces, represents inappropriate development within the Green Belt and would have a harmful impact on the openness of the Green Belt. Further the development does not constitute limited infilling or the redevelopment of previously developed land. There are not considered to be very special circumstances to outweigh this harm. The development is therefore contrary to Policy GB2 of the Placemaking Plan and Policy CP8 of the Core Strategy, as well as Section 9 of the National Planning Policy Framework.

2 The design, scale, siting and massing and the use of the zinc cladding are considered to be inappropriate in this context and overall the development is not considered to be sufficiently informed by the context and special landscape character of the site and surrounding area. The proposals fail to preserve important attributes of the character and appearance of the Chew Magna Conservation Area. Any public benefits to the scheme do not outweigh the harm identified. The development is therefore considered to be contrary to policies HE1, NE2, NE6, D1, D2 and D4 of the Placemaking Plan, Core Strategy Policies CP6 and CP7 and HDE2 of the Chew Valley Neighbourhood Plan.

## **PLANS LIST:**

01 Nov 2017	374.P.300 P2	PROPOSED SOUTH EAST & NORTH WEST ELEVATIONS
01 Nov 2017	374.P.301 P2	PROPOSED NORTH EAST & SOUTH WEST ELEVATIONS
30 Sep 2017	374 P 010	PROPOSED BLOCK PLAN
30 Sep 2017	374 P 100	PROPOSED GROUND FLOOR PLAN
30 Sep 2017	374 P 101	PROPOSED FIRST FLOOR PLAN
30 Sep 2017	374 P 110	PROPOSED ROOF PLAN
30 Sep 2017	374 S 010	EXISTING BLOCK PLAN
30 Sep 2017	374 S 100	EXISTING FLOOR & ROOF PLAN
30 Sep 2017	374 S 300	EXISTING ELEVATIONS
30 Sep 2017	374 S 001	SITE LOCATION PLAN

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

## **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](http://www.bathnes.gov.uk/cil)

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<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Development Management Committee</b>
<b>MEETING DATE:</b>	<b>11th April 2018</b>
<b>RESPONSIBLE OFFICER:</b>	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)
<b>TITLE:</b>	<b>APPLICATIONS FOR PLANNING PERMISSION</b>
<b>WARDS:</b>	ALL
<b>BACKGROUND PAPERS:</b>	
<b>AN OPEN PUBLIC ITEM</b>	

AGENDA  
ITEM  
NUMBER

**BACKGROUND PAPERS**

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

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

**The following notes are for information only:-**

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

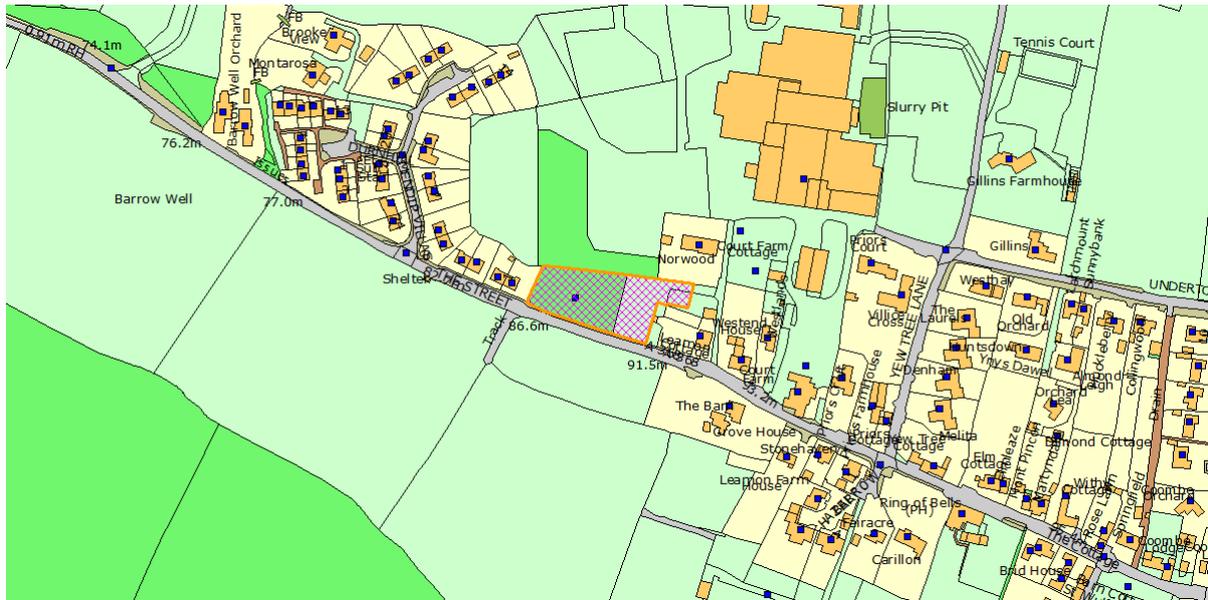
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	17/00075/FUL 31 October 2017	Freemantle Developments (Compton Martin) Limited Land Between Leamon Cottage And Mendip Villas, The Street, Compton Martin, Bristol, Bath And North East Somerset The erection of 10no. dwelling houses, including access on to The Street, 26no off-street parking spaces, and associated soft/hard landscaping	Chew Valley South	Tessa Hampden	Delegate to PERMIT
02	17/05062/FUL 16 April 2018	New Millennium Developments Ltd 148 London Road West, Lower Swainswick, Bath, Bath And North East Somerset, BA1 7DD Erection of 4no. dwellings following demolition of 2no. existing run down dwellings.	Lambridge	Alice Barnes	REFUSE
03	15/01802/FUL 27 July 2017	Mr Martin Pera Church Farm Derelict Property, Church Hill, High Littleton, Bristol, Construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall.	High Littleton	Laura Batham	REFUSE
04	18/00413/FUL 26 March 2018	Miss S A Halladey 22 Innox Grove, Englishcombe, Bath, Bath And North East Somerset, BA2 9DX Erection of two-storey side extension following demolition of existing conservatory.	Bathavon West	Rae Mephram	REFUSE
05	18/00460/FUL 29 March 2018	Mr & Mrs Blackburn 35 Hantone Hill, Bathampton, Bath, Bath And North East Somerset, BA2 6XD Erection of two storey side and single storey rear extension, and external alterations.	Bathavon North	Alice Barnes	PERMIT

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

**Item No:** 01  
**Application No:** 17/00075/FUL  
**Site Location:** Land Between Leamon Cottage And Mendip Villas The Street  
Compton Martin Bristol Bath And North East Somerset

**Ward:** Chew Valley South**Parish:** Compton Martin**LB Grade:** N/A**Ward Members:** Councillor Vic Pritchard**Application Type:** Full Application

**Proposal:** The erection of 10no. dwelling houses, including access on to The Street, 26no off-street parking spaces, and associated soft/hard landscaping

**Constraints:** Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Neighbourhood Plan, SSSI - Impact Risk Zones, Water Source Areas,

**Applicant:** Freemantle Developments (Compton Martin) Limited**Expiry Date:** 31st October 2017**Case Officer:** Tessa Hampden

To view the case click on the link [here](#).

## **REPORT**

Reason for calling this application to committee

The application has been referred to committee following the call in request of Cllr Pritchard and due to the objection comments received from Compton Martin Parish Council.

Site description and proposal

The site is a former orchard and is around 0.3ha in area. The site is relatively flat and is surrounded by housing on the east and the west, by a road to the south and to the north of the site is woodland. There are no Listed Buildings surrounding the site however to the east of the site is the Compton Martin Conservation Area. The application site lies within the Mendip Hills Area of Outstanding Natural Beauty and is situated on a reasonably prominent site in the village.

The application seeks planning permission for ten dwellings and associated works. The dwellings will be sited in a courtyard form enclosing a parking courtyard, car ports and access road. The scheme has been designed so that areas of green space front the dwellings. Revised plans have been submitted during the course of the planning application to overcome concerns raised by officers and third parties.

Planning history

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

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Ecology - no objection subject to conditions

Landscape - not acceptable in current form as the development is considered to be too uniform and suburban in character, failing to conserve or enhance local distinctiveness of the landscape, AONB or the Conservation Area

Urban Design - no objection following amendments made to the scheme

Arboriculture - no objection

Highway development - further information requested

Cllr V Pritchard - objects and called this application to committee

Compton Martin Parish Council - objects to this development and have commented on a number of versions to the plans. Their comments can be summarised as follows

-development does not assist in joining Mendip Villas with the village/-properties should face the A368

-density not in keeping with the village/-overdevelopment of the site

- parking unworkable and will lead to parking on the A368 and associated highway safety problems
- development highly suburban and out of keeping with the character of the village and the Conservation Area
- car ports will be dominant
- lack of visual linkages to the wider villages
- lack of frontages to gardens
- refuse collection concerns
- materials
- development not suitable for families or older people due to layout and siting of parking
- lack of information in relation to drainage/flooding
- lack of communal green space
- lack of connectivity statement
- parking provision insufficient and unworkable

Third party comments - 3 comments and 2 objection comments have been received. These can be summarised as follows

- hedge to the rear is in a different ownership
- footpath on road too narrow
- hedge at frontage should be removed to better link the development to village
- development not connected to adjacent development
- flooding issues
- traffic calming measures should be considered
- urban design
- 10 dwellings difficult to achieve
- development should have 2 bedroom dwellings
- lack of information in relation to renewable energy

### **POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

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

### **RELEVANT CORE STRATEGY POLICIES**

- DW1 District Wide Spatial Strategy
- RA2 Villages outside the Green Belt not meeting the listed criteria
- CP2 Sustainable Construction
- CP6 Environmental Quality

### **RELEVANT PLACEMAKING PLAN POLICIES**

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

- D1 General Urban Design Principles
- D2 Local Character & Distinctiveness
- D3 Urban Fabric
- D4 Streets and Spaces
- D5 Building Design
- D6 Amenity
- SCR5 Water efficiency
- NE2 Landscape character
- NE2A Landscape setting
- RE4 Essential dwellings for rural workers
- HE1 Historic Environment
- ST1 Promoting sustainable travel
- ST7 Transport requirements for managing development

#### CHEW VALLEY NEIGHBOURHOOD PLAN

- HDE1 Rural Landscape Character
- HDE2 Settlement Build Character
- HDE3 Important views
- HDE7 Traffic Impact
- HDE8a Parking - Domestic Dwellings
- HDE8b Parking - Domestic Dwellings
- HDE9a Sustainable Drainage
- HDE9b Sustainable Drainage
- HDE12b Tree and Ancient Hedgerow Conservation
- HDE13 Green Corridors and Biodiversity
- HDE15 Dark Skies Policy
- BF7 Fibre to the premises

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

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

#### **OFFICER ASSESSMENT**

Principle of development

The application is an allocated site under Placemaking Plan Policy (PMP) SR17 (The Former Orchard). This policy contains a number of development and design principles that will be considered within this report. This policy allocates this site for around 10 dwellings. The development of this site can therefore be supported in principle.

Housing mix

Policy CP10 of the Core Strategy requires that new housing development must provide for a variety of housing types and sizes to accommodate a range of different households. Policy HDE5a of the Chew Valley Neighbourhood Plan (CVNP) states that the housing mix of development should accord with the most recent Housing Needs Survey across the

individual Parish or whole Plan area. The latest housing needs survey for the area demonstrates that there is a need for 2 and 3 bedroom dwellings in Compton Martin.

The housing mix has been amended during the application process. This scheme now includes 8 no. 3 bedroom units of varying layouts, which is considered to ensure that the development contributes positively to the mix of dwellings in the locality in line with local need. Whilst the development includes 2 no 4 bedroom units, the overall balance of units is considered to be acceptable.

### Character and appearance

CP6 of the Core Strategy and NE2 of the PMP seek to ensure that development will conserve and enhance landscape character and local distinctiveness. Policy HDE2 of the CVNP requires development proposals to reflect conserve and enhance the locally distinctive design attributes (including scale, materials and density) and the characteristics of the settlement provided in the accompanying character assessment summaries. This identifies a number of important characteristics.

A historical assessment of the surrounding area has been submitted during the course of the planning application, and this has been considered alongside the submitted proposals. The overall siting, design and layout has changed significantly during the course of the planning application. The dwellings are now sited in a courtyard arrangement, enclosing communal green spaces and a parking area with the access from the Street. Compton Martin does not have a uniform built grain, with the overall siting of the buildings varying throughout the village. The pre-amble to the allocation policy SR17 explains that a tight-knit linked form of development emulating a farm courtyard or similar may be acceptable on this site. The overall design approach is therefore considered to be acceptable.

The CVNP character appraisal explains that important features of existing houses are the height of the roof lines, the size, shape and type of window and highlights that there are relatively tall brick chimneys on a number of houses. There is also a variation in height and angle of connecting roof lines. The scheme has introduced some subtle variation in height and angle of roof lines and this is considered to respond to the Neighbourhood Plan. The proposed drawings also demonstrate that chimneys would be included which again aids in ensuring the development sits appropriately in this context.

Concern has been raised with the fact that the courtyard arrangement results in the gable ends of 2 of the buildings facing onto the Street. However, this would not introduce an alien form into the village. Officers are satisfied that these have been appropriately articulated as to ensure that this presents an acceptable solution to the public realm. The use of local stone on these elements will ensure that this part of the scheme is acceptable.

Concern has also been raised that the development is too uniform in appearance which leads to a suburban appearance. However, design mechanisms ensure that there will be variation in the scheme. For example, as referenced above, there is variation in roof heights, and the gables ends are not mirror designs due to this and differing fenestration detail.

The development comprises a relatively large amount of hard surfacing; however this is partly dictated by the parking requirements of the PMP and Neighbourhood Plan. The

hard surfacing will be broken up by the car ports, and the soft landscaping adjacent to the parking areas. The central space forms the setting for the buildings and its detailing is critical in ensuring that the development has a satisfactory overall finish. It needs to be as informal as possible, whilst maintaining the ability for it to be adopted and a careful balance is therefore required. Manual for Streets recommends block paving for shared space areas. The final details of the hard landscaping scheme can be secured via the inclusion of a condition on any planning permission. Given the level of parking required for this development, it is difficult to achieve discrete parking across the site, which delivering the envisaged quantum of development. Officers are satisfied that an appropriate balance has been struck between providing acceptable parking levels whilst ensuring that the parking area does not dominate the scheme.

The character appraisal for Compton Martin within the CVNP explains that Compton Martin does not have street lights and therefore dark skies are an important feature. The installation of street lighting should be place sensitive, and in rural locations such as this, it is not unusual for there to be flexibility. The lighting of the road will be a matter for discussion during the adoption process.

PMP SV17 requires that public green space is provided within the development. The spaces in front of plots 1-4 and 8-12 have some communal green space with some tree planting and this is considered to be appropriate for this semi rural context. The green parcels soften the development and retains a degree of openness through the site. The final details of the landscaping scheme can be secured through the inclusion of a condition on any planning permission.

It is recognised that a number of the dwellings only benefit from small gardens; however it is difficult to achieve generous gardens without reducing the quantum of development on the site. The policy specially states around 10 dwellings. On balance, these are considered to be acceptable. The rear gardens at the east and west do however provide a green buffer between the neighbouring developments as required through the PMP requirements.

Using the correct materials is critical in ensuring that the development integrates successfully within the context of Compton Martin village. The CVNP explains that within Compton Martin walls are constructed of local stone, (geologically terms dolomitic conglomerate) surface showing or painted white. The roofs are pitched and tiled with Bridgwater (Double Roman) or pan tiles. The scheme introduces sandstone, to match the characterful stone of the village. Render is also proposed, but subject to a satisfactory colour and finish being approved this is considered to be acceptable. Concern has been raised with the use of Redland Breckland Black groveberry pan tiles. Final details of the materials can be secured via condition.

In summary, it is considered that the proposal will conserve the character and local distinctiveness of this part of the village and will not adversely affect the natural beauty of the AONB. The scheme design is considered to broadly accord with the design principles set out in policy SR17 and is considered to reflect and respect the locally distinctive design attributes and characteristics of Compton Martin. It is also considered to preserve the setting of the nearby Conservation Area.

Highway safety

The additional traffic movements associated with the development will not have a material impact on the operation of the local highway network. The proposed visibility splay is considered to be appropriate, it is noted that The Street at this location is subject to a 30mph speed limit. The proposed access width is also considered to be adequate. The proposal presents a shared surface arrangement for vehicular access to the development, and this is sensible given the scale of the proposed site. The access will be constructed to an adoptable standard and this will need to be approved as part of a Section 38 agreement following the granting of any planning permission. The proposed turning head will be appropriate to accommodate refuse and other service vehicles.

Significant concerns have been raised by the Parish Council in relation to the parking provision on the site. Revised plans have been submitted during the latter part of the planning application process which has reduced the size of two of the four bed dwellings which now comprise 3 bedroom dwellings. This has allowed for additional space within the site for on site parking. Additional visitor spaces have also been provided within the communal green space to the front of the plots. A total of 26 parking spaces have now been provided.

The parking proposed now meets the PMP requirement, but does not meet the CVNP parking levels. The CVNP requires 5 visitor spaces for a development of the size, compared to that of the PMP which requires 2 visitor parking spaces. As there is a conflict between the 2 policies, as the more recent, the PMP takes precedent. However, good practice would be to comply with the Neighbourhood Plan policy. The agent has explored ways to meet the CVNP parking requirements, but it has proved difficult to achieve these visitor spaces, which need to be accessed independently of other spaces, without compromising the layout of the scheme, or fundamentally changing the scheme. As noted above, there are already concerns with the level of hard standing proposed, and it is considered on this limited site which has a number of PMP design and development principles to adhere to, that the level of parking proposed is considered acceptable. Tracking details have been submitted to show that this area is workable. Cycle storage will be provided within the curtilages of each individual property and this is considered to be acceptable.

The Highway Development Officer has noted that the footway width along the site frontage is constrained, and is below the required standard. They have therefore requested that the applicant widens this footway (along the frontage) and it is recommended that a width of 1.8m should be provided. The simplest mechanism to achieve this would be the removal of the hedgerow to the front of the site. However, the PMP policy requires that this is retained. The applicant has explained that the hedge can be cut back and the undergrowth removed to allow for an increase in space for pedestrians but this will still be below the preferred standard. Given the conflicts between the PMP requirements, the proposed highway layout is considered to be acceptable.

#### Residential amenity

PMP SR17 design principle states that the site should be designed to safeguard the amenity of neighbouring residential properties. The development is considered to be sited a sufficient distance from the neighbouring dwellings to ensure that the amenity of these

occupiers is not significantly compromised. The gardens of the dwellings act as a buffer between the built forms.

Further, the development is considered to result in satisfactory living conditions to the neighbouring occupiers. The size of the gardens provided for plot 4 in particular is relatively small and will be partly shaded by trees to the rear. However this garden and the others in the proposed development is large enough to provide a useful outdoor amenity space. Furthermore, given the location of the site on the edge of a rural settlement close to existing public rights of way, there is plenty of opportunity for potential occupiers to access and utilise outdoor space. Whilst mature landscaping may limit the amount of light reaching the rear windows including at plot 4, the impacted main habitable rooms tend to be dual aspect, and therefore this is not considered to be a significant concern. The depth of the site is limited, and it would be difficult to deliver a scheme that would not have any rear gardens facing onto the rear boundary, whilst achieving the overall aims of the PMP allocation policy. It is noted that the rear hedgerow is in different ownership to the applicant, and this would therefore be outside of the control of any future occupiers of the site.

#### Ecological considerations

A number of the PMP policy SR17 development requirement and design principles relate to ecological considerations including no.11 and 12.

A revised landscape plan and revised mitigation measures within the Bat and Reptile Survey report have been submitted, which and these are considered sufficient to ensure that the scheme is ecologically acceptable. Whilst there are some outstanding issues, this detail can be secured by condition.

The proposed bat and bird boxes, hedgerow provision and reptile habitat provision, separated from residential curtilages by fencing, which includes gaps for wildlife movement, are welcome. The details submitted in relation to lighting, within the Bat and Reptile Survey report, are also accepted at this stage subject to final details being submitted and approved in due course, which would need to demonstrate equivalent light containment and minimal light spill standards.

The wildlife mitigation and enhancement measures described will need to be adhered to and must be secured by condition. It is noted that while the revised landscape plan 1236-04 Rev B shows the reptile mitigation area now fenced off from residential gardens and extended along the northern and western boundaries, indicated as "Reptile Receptor Area" and "Reptile Corridor Refugia", which is welcome, there is no planting specification shown on this plan for the creation of the reptile habitat, the proposed specification for which is described in the Bat and Reptile Survey report as

- " Grassland areas in the reptile receptor site will be sown with a species-rich seed mixture such as Emorsgate Seeds EM3 - Special General Purpose Meadow Mixture. This contains a wide range of herb and grass species which would provide foraging habitat to a range of invertebrates," and
- "Grassland areas in the proposed reptile corridor will be sown with Emorsgate Seeds EH1 - Hedgerow Mixture. This contains wild flowers and grasses that are tolerant of semishade and is suitable for sowing beneath newly planted or established hedges";

The detailed planting / grassland seeding specifications for these reptile habitat areas have not been incorporated into the landscape plans. This will be a requirement and is essential due to the limited area of habitat being provided for reptiles, as compensation for the loss of the whole site. Therefore a landscape condition is required which would enable submission of a revised landscape plan to include these details. The responsibility for ongoing maintenance for the reptile receptor area and corridors will also need to be secured.

#### Planning obligations/affordable housing

A S106 agreement will accompany any planning permission to include a commuted sum for off site affordable housing. This is in line with the advice in the National Planning Practice Guidance which states that Local Planning Authorities can seek this for sites of between 5 to 10 dwellings with an Area of Outstanding Beauty. Detailed discussions have been held between the agent and officers in relation to impact of the provision of this sum on the viability of the scheme. The Council has had the applicant's viability report assessed and is satisfied that commuted sum does not render the scheme unviable. This is strongly disputed by the applicant. However in order to progress the application, it has been agreed that any planning permission will be accompanied by a S106 to secure the commuted sum. The S106 would include a clause which would allow for a review of sales values, and if they are significantly lower than envisaged within the independent assessment, the commuted sum would be reviewed.

#### Housing accessibility

PMP Policy H7 requires that all market housing should have enhanced accessibility standards and should meet the optional technical standard 4(2) in the Building Regulations Approved Document M. Based on evidence available to the LPA, 19% of units are required to meet this standard which in this case would be two of the dwellings.

#### Other matters

There is a requirement within policy LCR7B of the emerging Placemaking Plan and policy BF7 of the CVNP for new residential developments to make provision for high speed internet connections. The applicant has submitted a 'Connectivity Statement' as required by policy BF7 of the CVNP. It should however be noted that Building Regulations now include a requirement for this provision.

Policy SCR5 of the emerging Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This can be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or another method of capturing rainwater for use by residents (e.g. water butts). These matters can be secured by a relevant planning condition.

Policy SCR1 requires major developments to provide sufficient renewable energy generation to reduce carbon emissions from anticipated (regulated) energy use in the development by at least 10%. The proposed scheme has a floorspace of over 1,000

square metres and therefore must comply with this policy requirement. This matter can be secured by a relevant planning condition.

### Flooding

Limited information has been submitted in relation to the drainage strategy. As major development there is an expectation in the National Planning Policy Framework that Sustainable Drainage Systems (SuDS) will be used. Onsite infiltration testing will be required to demonstrate the viability of using soakaways before discharge to a lower destination can be considered.

The Environment Agency's Surface Water Flood Risk Maps indicate that The Street off which the development is accessed is at risk of surface water flooding. Accordingly it needs to be demonstrated that the development will not discharge surface water onto the highway at events up to and including the 1in100+climate change event.

A full drainage strategy will therefore be required but this can be secured through the inclusion of a condition on any planning permission.

### Planning balance/other issues

The development is considered to broadly comply with the development requirements and design principles of PMP policy SR17 and the Development Plan as a whole. The comments of the Parish Council and third parties have been given due consideration as part of this assessment, but on balance, the development is considered to bring forward a scheme in line with PMP policy SR17 and there is not considered to be any significant conflict with adopted policy. Any limited harm is considered to be outweighed by the delivery of 10 houses within this rural location.

The development is therefore recommended to approval subject to a legal agreement to secure a commuted sum for off site affordable housing provision, and a management plan for the reptile habitat area.

## **RECOMMENDATION**

Delegate to PERMIT

## **CONDITIONS**

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

B Subject to the prior completion of the above agreement authorise the Group Manager, Development Management, to PERMIT subject to the following conditions:

### **1 Standard Time Limit (Compliance)**

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

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

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

Notwithstanding the approved plans, 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 On-site renewable energy requirement (Pre-occupation)**

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

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

### **4 Water Efficiency - Rainwater Harvesting (Pre-occupation)**

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

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

### **5 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.

### **6 Housing Accessibility (Compliance)**

Two of the dwellings hereby approved shall meet the optional technical standards 4(2) in the Building Regulations Approved Document M and prior to the first occupation of any of the dwellings hereby approved the Local Planning Authority shall be advised as to which dwellings these are.

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

### **7 Reptile mitigation (pre commencement)**

No occupation shall commence until a revisions have been submitted to and approved in writing by the Local Planning Authority to the soft landscape scheme drawing 1236-04 Rev B to incorporate the planting, seeding and hibernacula construction specifications for the reptile mitigation measures and provision of reptile habitat, and provide details of proposed long term maintenance as reptile habitat, including provision for funding, ownership and maintenance responsibilities. The drawing shall show details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; seeding specifications, species compositions, and sources, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development and to incorporate specifications for reptile mitigation and habitat provision into the scheme

#### 8 bmitigation - (compliance condition)

The development hereby permitted shall be carried out constructed and maintained thereafter only in accordance with the wildlife mitigation and enhancement measures described in Sections 7.1 and 7.2 and shown on Figure 6 of the approved Bat and Reptile Survey dated September 2017 by Ethos Environmental Planning. This shall include, prior to site clearance works, completion of a reptile translocation exercise by a suitably experienced ecologist in accordance with published good practice guidelines and using the methods described in section 7.2 of the approved bat and reptile survey report and implementation of a reptile mitigation scheme.

Reason: to avoid harm to wildlife and protected species including reptiles and bats and to mitigate for ecological impacts and provide biodiversity gain

#### 9 Implementation of Wildlife Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs as appropriate, completed implementation of the wildlife and reptile mitigation and enhancement measures described in Sections 7.1 and 7.2 and shown on Figure 6 of the approved Bat and Reptile Survey dated September 2017 by Ethos Environmental Planning, in accordance with the approved details and specifications, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the implementation of the wildlife and reptile mitigation measures and to provide feature for additional biodiversity gain

#### 10 ECO04 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 upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

### **11 Soft Landscaping (Pre-occupation)**

No occupation shall commence until a soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels, a planting specification to include numbers, density, size, species and positions of all new trees and shrubs, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

### **12 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.

### **13 Parking (Compliance)**

The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted

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

### **14 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.

#### **15 Contaminated Land - Unexpected Contamination (Compliance)**

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

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

#### **16 Flood Risk and Drainage - Infiltration Testing (Pre-commencement)**

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

#### **17 Flood Risk and Drainage - Surface Water Discharge Rates (Pre-commencement)**

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

submitted to and approved in writing by the Local Planning Authority, shall be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because it is necessary to understand whether the discharge rates are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

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

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

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

#### **19 Arboriculture - Compliance with Arb Method Statement (Pre-occupation)**

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

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

#### **20 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:**

23 Feb 2018 2793/101 D PROPOSED SITE PLAN

23 Feb 2018	2793/103 B	PROPOSED PLANS: PLOTS 1-4
23 Feb 2018	2793/104 B	PROPOSED SOUTHEAST & NORTHWEST ELEVATIONS
23 Feb 2018	2793/105 B	PROPOSED SOUTHWEST & NORTHEAST ELEVATIONS
23 Feb 2018	2793/107 B	PROPOSED PLANS: PLOTS 7-10
23 Feb 2018	2793/108 B	PROPOSED ELEVATIONS: PLOTS 7-10
23 Feb 2018	2793/109 B	PROPOSED ELEVATIONS: PLOTS 7-10
23 Feb 2018	2793/111 D	PROPOSED SITE DRAINAGE PLAN
23 Feb 2018	2793/112 B	PROPOSED STRIP ELEVATION & SECTIONS
23 Feb 2018	TR16 A	SWEPT PATH OF PROPOSED PARKING AREA
09 Jan 2017	10A	EXISTING SITE PLAN
08 May 2017	2793/01	LOCATION PLAN
02 May 2017	2793/110	PROPOSED ELEVATIONS: CAR PORTS

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

### **Condition Categories**

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

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

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

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

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

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

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

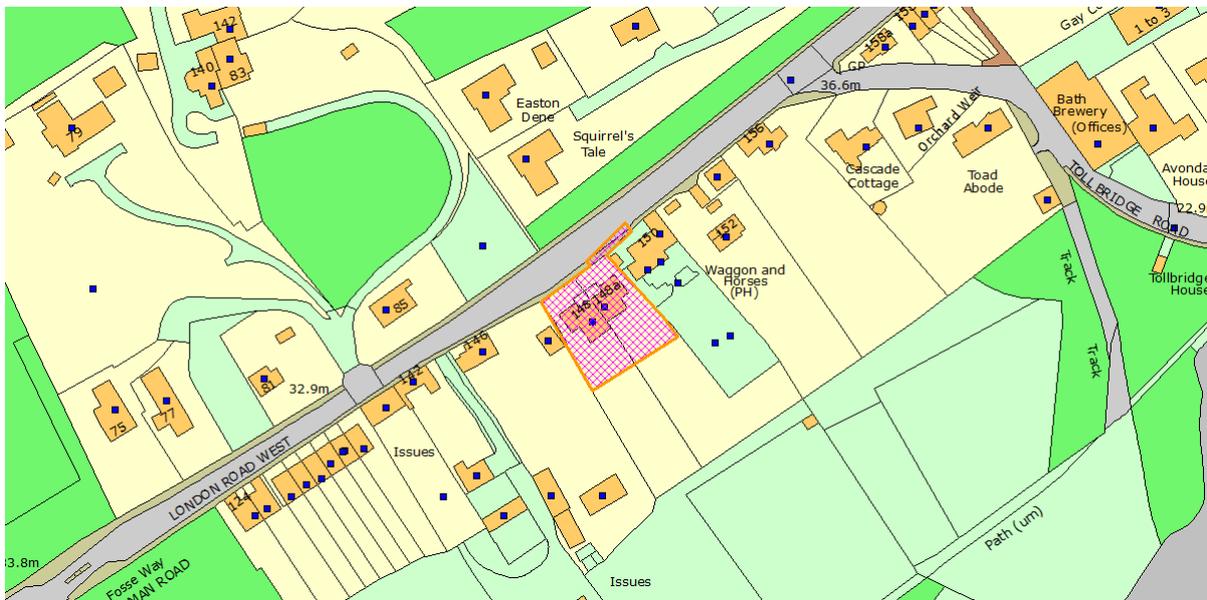
### **Community Infrastructure Levy**

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](http://www.bathnes.gov.uk/cil)

This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

**Item No:** 02  
**Application No:** 17/05062/FUL  
**Site Location:** 148 London Road West Lower Swainswick Bath Bath And North East Somerset BA1 7DD



**Ward:** Lambridge      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Rob Appleyard    Councillor Lin Patterson  
**Application Type:** Full Application  
**Proposal:** Erection of 4no. dwellings following demolition of 2no. existing run down dwellings.  
**Constraints:** Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,  
**Applicant:** New Millennium Developments Ltd  
**Expiry Date:** 16th April 2018  
**Case Officer:** Alice Barnes

To view the case click on the link [here](#).

## **REPORT**

### Reason for Reporting Application to Committee

The application has been referred to the committee at the request of Councillor Rob Appleyard.

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

### Description of Site and Application

Number 148 London Road West is located on the eastern edge of Bath close to the village of Batheaston. The application site comprises a pair of semi-detached properties. It is located within the Conservation Area and World Heritage Site.

This is an application proposing the demolition of the two existing semi-detached properties and the construction of a terrace of four townhouses.

The existing site slopes downwards from the road so that the existing dwellings appear as two storey properties from the street dropping to three stories at the rear. Permission has been granted for the provision of two dwelling to be constructed within the rear garden and work is nearing completion of the permitted dwellings.

The proposed dwellings have been designed to appear as three storey dwellings from the road and will appear as four stories to the rear. The proposed development includes underground parking and the proposed gardens will be contained behind proposed retaining walls. Vehicle access is provided on the eastern side of the site.

### Relevant History

DC - 14/01298/FUL - PERMIT - 22 January 2015 - Erection of new dwelling with associated access to rear of 148A London Road West and extensions and alterations to 148A London Road West

DC - 15/00356/FUL - PERMIT - 19 March 2015 - Erection of dwelling and alterations and extensions to 148 and 148A London Road West.

DC - 16/01572/FUL - PERMIT - 1 June 2016 - Erection of 2no four bed dwellings on the land south of 148A London Road West.

DC - 17/01224/FUL - PERMIT - 4 May 2017 - Erection of 2no four bed dwellings on the land south of 148A London Road West (Resubmission of 16/01572/FUL)

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Highways: Having reviewed the additional supporting information, there is now no highway objection to the planning application. This confirms that the appropriate transition zones can be provided on the vehicular access ramp.

Drainage: The applicant has not provided enough detail with regards to surface water management in order to come to a conclusion on the proposals.

Councillor Rob Appleyard: Given the design challenges to the site and the concern that may arise from the potential visual aspect of a main retaining wall leading down to an underground car park and an existing development can I request that if this is being considered for refusal that the application is brought to the committee. Where the principle of development may be accepted there can be, and are, imaginative solutions to satisfy planning concerns.

Representations: One representation has been received from the Bath Preservation Trust.

Our first impression of these buildings is that they will appear quite dominant in the streetscape and we assume that the case officer will be satisfied as to their visual impact on the character and appearance of the conservation area. We find the drawings to be confusing, particular relating to how the parking and access will actually work. Our main concern however is the poor design approach that gives a faux Georgian frontage and a contemporary rear elevation. We would always prefer to see authentic design that delivers an overall architectural composition in a particular style. In this location a contemporary approach taking cues from local context, forms and character would in our opinion be the most appropriate.

## **POLICIES/LEGISLATION**

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

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

Core Strategy:

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

CP6 - Environmental Quality  
B4 - The World Heritage Site and its Setting  
B1 - Bath 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:

D.2 - Local character and distinctiveness  
D.3 - Urban Fabric  
D.5 - Building design  
D.6 - Amenity  
ST.7 - Transport requirements for managing development  
HE.1 - Historic environment  
H7 - Housing accessibility  
SCR5 - Water efficiency  
LCR9- Increasing the Provision of Local Food Growing

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

### **OFFICER ASSESSMENT**

This is an application proposing the demolition of the two existing semi-detached properties and the construction of a terrace of four townhouses.

The existing site slopes downwards from the road so that the existing dwellings appear as two storey properties from the street dropping to three stories at the rear. Permission has been granted for the provision of two dwelling to be constructed within the rear garden and work is nearing completion on the permitted dwellings.

The main issues to be considered here are;

Principle of residential development  
Design and layout  
Highways  
Amenity

Principle of residential development

The existing site is located within the city of Bath therefore the principle of residential development is accepted in accordance with policy B.1, subject to compliance with all other policies in the local plan.

Design and layout

The proposed development will replace two semi-detached properties with a terrace of four townhouses.

The existing streetscene surrounding the site is characterised by detached and semi-detached properties. There are gaps between the buildings within the streetscene and there is a low density of development. The proposed development will result in a terrace of four properties within a site that currently accommodates two properties. This will result in an intensification of development within the site and will appear to be visually cramped within the streetscene.

The proposed dwellings have been designed as traditional town houses and would be of a similar height to the existing buildings. The buildings would be constructed using Bath Stone. However as stated above the proposed development will result in an intensification of development of the site which is not characteristic of the surrounding streetscene. In this respect the proposed townhouses are not considered to preserve the character of the surrounding Conservation Area.

The rear elevations are of a different design to the front elevations. The rear elevations include floor to ceiling windows and large retaining walls. To the rear the proposed dwellings are four storey properties which again appear to be at odds with the character of the adjacent properties. In addition the provision of the large retaining walls serve to increase the perceived height of the buildings resulting in a property which appears overbearing within the site.

To accommodate the scale of development the proposed works include large retaining wall to the side and rear of the site. The applicant is proposing to install a green wall to soften the appearance of the proposed walls. However the provision of such large retaining walls to allow for the proposed scale of development will appear to be dominant and overbearing within the site. The provision of a large retaining wall will not respond to the topography of the existing site.

Given the size of the proposed development and its design the proposed buildings are not considered to respond to the topography of the site.

Policy HE1 of the placemaking plan states that development, within or affecting the setting of a Conservation Area will only be permitted where it will preserve or enhance those elements which contribute to the special character or appearance of the Conservation Area. The proposed development will be harmful to the existing hillside which forms part of the Bath Conservation Area. Therefore the proposed development is in conflict with policy HE.1 of the placemaking plan.

Paragraph 134 of the NPPF states that where a development would lead to less than substantial harm to a heritage asset the harm should be weighed against the public benefits. In this case the proposed development would provide one additional dwelling which would not make a substantial contribution to the councils housing targets. The council can demonstrate a five year housing land supply and the provision of four dwellings at this site will not outweigh the harm caused to the surrounding Conservation Area.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area. Here it is considered that the proposed development will fail to preserve the character of the surrounding Conservation Area.

## Highways

The highways officer original objected to the application. Following receipt of further information the highways officer has withdrawn their objection. The proposed development will allow for adequate off street parking and will not result in harm to highway safety as vehicles enter and exit the site. The revised information shows that there is an adequate

transition zone between the access ramp and entrance to the proposed parking area to allow for vehicles to safely access that parking area.

#### Amenity

The proposed dwellings will primarily overlook the rear gardens of the proposed building. They will not result in increased overlooking of the properties being constructed to the rear of the site. The proposed dwellings are not considered to appear overbearing to the properties to the west and east of the site and the proposed development will not result in harm to the amenity of neighbouring occupiers.

#### Other matters

The proposed dwellings have been designed to comply with the technical standards set out in policy H7 of the Placemaking Plan.

### **RECOMMENDATION**

REFUSE

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

1 The proposed dwellings due to their siting, scale and design will result in the overdevelopment of the existing site and will fail to respond to the character of the surrounding streetscene. Due to the siting, scale and design of the buildings the proposed dwellings will fail to preserve the character of the Conservation Area. There are not considered to be any public benefits to outweigh the harm to the Conservation Area and therefore the development is contrary to policies HE.1, D2, D3 and D5 of the Placemaking Plan for Bath and North East Somerset

### **PLANS LIST:**

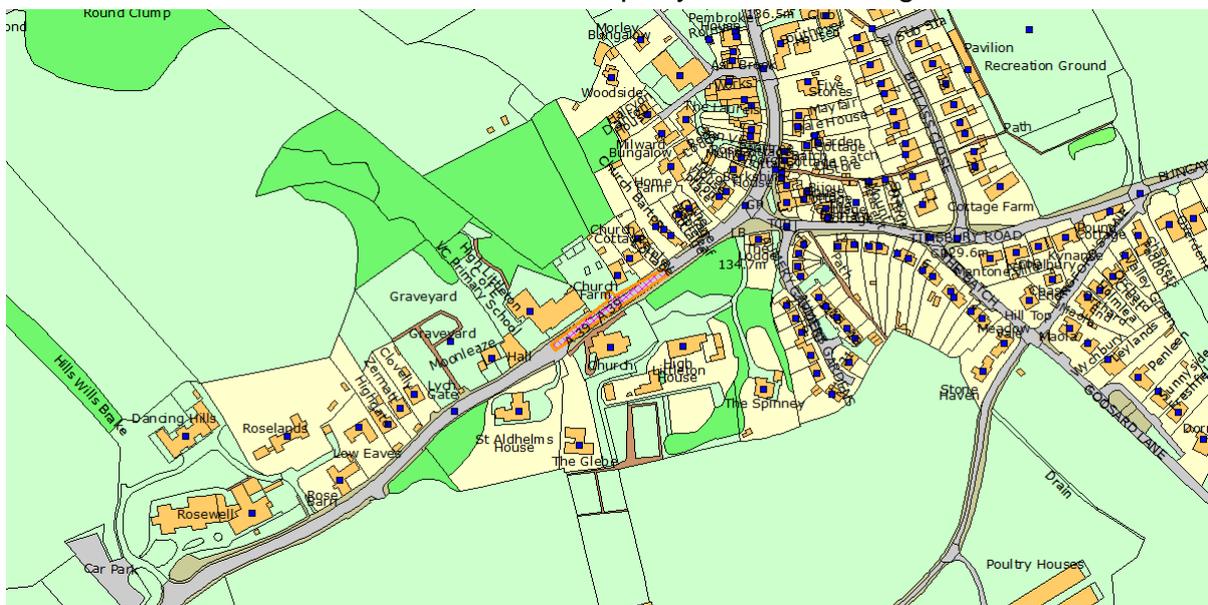
Proposed site- basement 110 rev M  
Proposed site - ground floor 111 rev G  
Side elevation - east 156 rev J  
Proposed elevations 156 rev T  
Proposed rear elevations 157 rev D  
Proposed section 158  
Location plan 101 rev C  
Proposed floor plans 150 rev K  
Proposed section A-A 160 rev F  
Proposed street view 170 rev B  
Existing ground floor plan E01  
Existing ground floor plan E02  
Existing first floor plan E03  
Existing first floor plan E04  
Existing side elevation E05  
Existing rear elevation E06  
Existing side elevation E07

### **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](http://www.bathnes.gov.uk/cil)

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. 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:** 03  
**Application No:** 15/01802/FUL  
**Site Location:** Church Farm Derelict Property Church Hill High Littleton Bristol



**Ward:** High Littleton      **Parish:** High Littleton      **LB Grade:** II  
**Ward Members:** Councillor L J Kew  
**Application Type:** Full Application  
**Proposal:** Construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall.

<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones, Tree Preservation Order,
<b>Applicant:</b>	Mr Martin Pera
<b>Expiry Date:</b>	27th July 2017
<b>Case Officer:</b>	Laura Batham
To view the case click on the link <a href="#">here</a> .	

## REPORT

Reason for application being considered by Committee:

This application was previously considered by the Committee when it was decided by Members to delegate authority to Officers to permit the application subject to the completion of a S106 to ensure the adjoining bus stop was re-sited to facilitate safe access to the site. Despite numerous requests for the S106 to be completed the legal agreement has not been signed by the applicant and therefore the application has been referred back to Committee with a recommendation for refusal.

Site Description:

Church Farm is a single dwelling and group of barns located in the centre of High Littleton. The property is grade II listed. The main house is in a poor state of repair and currently covered by scaffolding which is protecting the roof from further damage. The associated farm barns are also in a poor state of repair and in a progressing state of dilapidation with a barn having recently collapsed in bad weather. To the north west of the site is open countryside and there are further dwellings to the north east. To the south east is the grade II listed Church of Holy Trinity and to the south west, High Littleton Primary School. The main road through the village (A39) runs to the south of the property. The site does not have a current vehicular access and pedestrian access has been made by punching a gap through the boundary wall to the south.

Proposal:

The application seeks consent for the construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall.

History:

AP - 14/00027/RF - DISMIS - 17 June 2014 - Removal of section of boundary wall to create vehicular and pedestrian access.

AP - 14/00028/RF - DISMIS - 17 June 2014 - Alterations including removal of section of wall to facilitate new vehicular and pedestrian access.

DC - 97/02338/FUL - REF - 6 August 1997 - Demolition and rebuilding of Church Farm and erection of two detached dwellings

DC - 09/01584/OUT - WD - 14 June 2009 - Erection of 2no. dwellings following demolition of existing outbuildings, erection of garage and provision of new access.

DC - 09/01586/LBA - WD - 14 June 2009 - Internal and external alterations for the renovation of Church Farm (description TBC).

DC - 10/05250/LBA - RF - 28 November 2012 - External and internal alterations to include raising roof slates by 50mm, new Spanish slates to replace stolen slates, external spreader plates, new velux rooflights, new chimney stack and rebuild of north gable end, new foundations to kitchen boundary wall

DC - 13/01857/FUL - RF - 1 October 2013 - Removal of section of boundary wall to create vehicular and pedestrian access.

DC - 13/01858/LBA - RF - 1 October 2013 - Alterations including removal of section of wall to facilitate new vehicular and pedestrian access.

DC - 15/02290/LBA - External alterations to create a new agricultural entrance to the rear of Church farm from the A39. This application is also for consideration by Committee at this meeting.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

High Littleton Parish Council:

The Parish Council have objected to the application for the following reasons:

- The application is very similar to a number of other access applications to this land all of which have been refused. The access was refused on appeal in 2014.
- Whilst reference is made for an agricultural access only, the width of the access is the same as previously applied for and it is reasonable to assume that this application is to enable a future application for development of the land beyond.
- The approval of the access could set a precedent for similar applications.
- The access is too large and the use would create serious risk for pedestrians and school children.
- The Inspector concluded in the last appeal that the risk to highways would be too great.
- Concerns with the effect on the setting of the Church Farmhouse. The removal of such a large portion of wall would have a significant detrimental impact upon the listed building. The wall is an important aspect of the character of what is the oldest part of the village.
- The relocation of the bust stop would exacerbate the passing place on this length of road.

Highways:

The proposal

I note that the description of the proposal is: "Construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall". I note also some inconsistency within the supporting documents on what the access might serve. It seems to me that the text of the Supporting Statement is in full agreement with the description when it states that:

"This application is for the construction of a vehicular agricultural access off of the A39 Church Hill in High Littleton onto land forming the property known as Church Farm adjacent to the High Littleton Church of England Primary School.

Currently the only access to Church Farm House and the land at the rear is from Church Hill via a narrow gap in the stone boundary wall provided for pedestrian use only".

However, the Technical Statement states that:

"The access proposals have been formulated to consider serving the following existing and potential future uses:-

- o The existing Church Farm House
- o The Byre/Store Road (in a separate unit)
- o Agricultural Access to the rear of the land
- o The potential to serve 2-3 new dwellings situated in the former yard (subject to planning permission)".

I believe the final bullet extends the description to include potential development which would require separate planning consent and, because its inclusion in the Technical Statement is at odds with both the description of the application and the Supporting Statement, I have ignored it. As a consequence it is important to note that the remainder of this advice is based on the assumption that the potential to serve 2-3 new dwellings situated in the former yard does not form part of the application.

The access

In dismissing the appeal following refusal of application 13/01857/FUL the Inspector noted the Council's suggestions that to facilitate the repair of the listed building the access:

- o need be no wider than 4.5 metres;
- o would not require separate pedestrian facilities;
- o need not be designed with full kerb radii and a 'give way' junction;
- o a simple dropped kerb would suffice and promote pedestrian priority;
- o would need appropriate levels of pedestrian/vehicle inter-visibility; and
- o on-site turning should be provided.

The design shown on drawing R300/13 addresses all of these to the satisfaction of highways officers. For clarity it is important to note two of these. Firstly, the applicant has demonstrated that the 5.5metre entrance is necessary to ensure that agricultural vehicles can enter and leave the site without crossing the centreline of High Street. It has also been demonstrated that on site turning can be achieved for light vehicles and tractors without trailers or towed implements. Lorries used in the delivery of good and materials to the site, or being used in the renovation of the property, will inevitably need to reverse to or from the highway.

Subject to a condition there is no highway objection to the proposal.

Ecologist:

No objection. The proposal appears not to have any significant ecological implications. Unless information comes to light indicating this is not the case, I have no objection to the proposal. Any necessary vegetation clearance should be completed outside of the bird nesting season.

Arboriculturalist: No objection

Archaeologist:

The development site lies within the medieval settlement area of High Littleton as defined by the BANES Historic Environment Record (MBN10366), opposite the Grade II Listed medieval Church of Holy Trinity (MBN1111) with its prominent 15th century tower. Church Farm House (also Grade II Listed) with its mullioned windows is thought to be the surviving wing of a once much larger 17th century house that would have covered more of the site. The proposed access road onto the site will require significant ground works and re-grading of the existing ground surface, which is likely to have a detrimental impact on any surviving archaeological remains in the area. Previous proposals on this site have been met with the recommendation that a pre-determination archaeological evaluation is carried out to determine the date, extent, and significance of any archaeological deposits on the site, and the likely impact of the proposed development. The current proposals have now been submitted with a desk-based heritage assessment (CGMS, February 2015), which in its executive summary has concluded that:

"Based on current evidence a moderate potential has been identified for non-designated buried archaeological remains of Medieval/Post-Medieval date. It is concluded that further survey is likely to be required to address this archaeological interest, but could be secured with an appropriate planning condition."

I am now inclined to accept this conclusion, and would therefore recommend that conditions are attached to any planning consent, to ensure (1) a field evaluation of the site, (2) a subsequent programme of archaeological work or mitigation, and (3) publication of the results.

Drainage: No objection

Third Parties/Neighbours:

Four letters of objection received raising the following points:

- The proposed access is at the peak of a hill from Hallatrow to High Littleton which despite being a 30 MPH speed limit, is not adhered to, with cars traveling far in excess of this in and out of the village, which in itself is a danger without the addition of a new access for agricultural and construction vehicles.
- The school is also adjacent to Church Farm House, and will increase the risk of danger to children and parents due to the movements to and from the site.
- Why does the access need to be 5.5 metres wide? There are very few agricultural entrances that are so wide, which all cope without issue. I can only assume the applicant wants the access to be as wide as this in order to accommodate the further traffic that will no doubt materialise if further properties are built on the land.
- If any entrance is granted, there should in my opinion be a caveat that the renovation of Church Farm House must be completed before any further building will be considered on the land.
- This application to provide vehicular and pedestrian access appears similar to a previous application (13/01857/FUL) which was refused in October 2013 and dismissed at appeal in July 2014 in the main impact on traffic and pedestrian safety in the immediate area of access.
- Again this submission appears contrived with a with future intentions to develop the entire site although previous planning permission has been refused to extensively develop the site, in part due to site access and traffic safety concerns on the A39.
- The repositioning of the bus stop may improve the proposed access/egress from the Site, but it will exacerbate traffic congestion on the A39 and impact on vehicle driver

sight lines along the A39 towards the Village centre. Moreover the proposed repositioning of the bus stop would adversely impact on the safe access/egress from Church Cottage and Fernley Cottage, which are located between the site and the Village centre.

- The removal of a significant part of the boundary wall would have an adverse effect on the appearance and character of the immediate area of Church Hill.
- The revised drawings are no different to the previously submitted plan. The entrance is 5.5m wide on each, along with a further 0.5m wide pavement on each side of the proposed roadway.

## **POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)

## **RELEVANT CORE STRATEGY POLICIES**

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

CP6 - Environmental Quality

## **RELEVANT PLACEMAKING PLAN**

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

D.1: General Urban Design Principles

D.2: Local Character and Distinctiveness

HE.1: Historic Environment

RE.2: Agricultural Development

ST.7: Transport Requirements for Managing Development

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

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

## **OFFICER ASSESSMENT**

The application seeks consent for a new vehicular access to Church Farm which requires the removal of a section of wall and re-alignment of the existing wall to allow the appropriate site lines. The applicant currently has no vehicular access to the site or specifically the farmland to the north of the site. The farmland is particularly overgrown and access could not be gained to the first field. The fields have therefore remained

unmanaged for a number of years. The application seeks consent for an agricultural access to allow vehicles to enter the site and use the land. There is a bus stop currently located in front of the proposed access and a S106 legal agreement is required to ensure this bus stop is moved and a safe access can therefore be provided.

#### History:

The property has a detailed history which commences with the removal of the original access to facilitate the building of the Victorian school to the south west of the site. Access to the site was then re-aligned to skirt to the north of the school. This secondary access was subsequently compulsory purchased by the Council at the time to allow the expansion of the school to the north. The removal of the access resulted in Church Farmhouse and its outbuildings being severed from a formal vehicular access. Shortly after, consent was granted for a new access in a similar location to that proposed currently. At the same time consent was granted for the erection of dwellings. However, this consent was never implemented and subsequently the main farmhouse was listed as Grade II in 2004. The previous decisions to grant an access and dwellings on site does not provide a justification for this new application or set a precedent given the change in policy and significantly, the relatively recent listing of the building.

Following the listing of the property in 2009 the applicant sought consent for a new access and the erection of 2 dwellings which was subsequently refused. Permission was also refused in 2013 for a new access for the following reasons:

1 The application failed to provide sufficient information to describe the significance of the heritage asset affected by the development and no assessment has been provided in respect of the impact on the archaeological interest identified as having potential on the site.

2 The proposed access due to its over engineered design, lack of sufficient detail and incomplete finish would have a harmful impact on the character of the surrounding area and the setting of the Listed Building.

3 The formation of an access of the design proposed together with the introduction of vehicular movements on the A39, High Street, generated by the proposed development, would be prejudicial to pedestrian safety.

4 The application failed to make provision for the relocation of the bus stop which is required to facilitate the works.

Subsequently the appeal of this decision was refused by the Planning Inspectorate. In the determination of the appeal the Inspector advised that the access would result in sufficient additional risk to other highway users. Within the appeal a legal agreement to facilitate the alterations to the bus stop, archaeological assessment or assessment upon the significance of the listed building were not provided and the Inspector concluded that without this the appeal should fail.

#### Archaeology:

The Archaeologist has advised that previous proposals on this site have been met with the recommendation that a pre-determination archaeological evaluation is carried out to determine the date, extent, and significance of any archaeological deposits on the site, and the likely impact of the proposed development. The current proposals have now been submitted with a desk-based heritage assessment (CGMS, February 2015), which in its executive summary has concluded that:

"Based on current evidence a moderate potential has been identified for non-designated buried archaeological remains of Medieval/Post-Medieval date. It is concluded that further survey is likely to be required to address this archaeological interest, but could be secured with an appropriate planning condition."

It is considered that this conclusion is acceptable and there are no longer objections to the scheme subject to archaeological conditions to ensure the applicants undertake the following: (1) a field evaluation of the site, (2) a subsequent programme of archaeological work or mitigation, and (3) publication of the results.

Impact upon the Setting of the Listed Building:

The Inspector assessed the impact of the loss of wall fabric to facilitate the access and advised that whilst some changes would occur, in the wider context it would result in only limited material harm and should not weigh against the proposal. The new access would result in the removal of 5.5m of wall and require the realignment of the remaining wall. The wall is a later addition to the building's setting, and the re-alignment proposed is considered acceptable. Conditions would be required to ensure the walls are re-built to match that of the original wall in terms of appearance and to ensure use of lime based mortars.

With regards to the impact upon the listed building, the Inspector concluded that insufficient information had been submitted to justify the access with little sensitivity to the listed building. Concern was specifically raised with regards to the engineered road suddenly ending within the site and the impact upon the group of barns to the north west.

The applicants have undertaken more work to address the previous concerns and have completed a heritage desk-based assessment which includes an historical analysis of the building. This information was crucially missing in the last application.

The revised plans have removed the engineered road into the site which stops abruptly in the centre of the land. Given that the access is proposed to enable agricultural access, the engineered road was considered unnecessary. The revised access is now the minimum necessary to allow safe access for farm vehicles. As such the visual appearance of the access is lessened. A condition will be added to ensure that no further engineering works to extend the access into the site are undertaken.

It is acknowledged that any future occupier of the main house is likely to require a vehicular access and the access would also allow delivery of materials to allow works to commence. Notwithstanding this, the potential for the access to provide this is not considered to hold significant weight as the applicant has neither proposed to undertake works nor submitted a listed building application to enable works to start. Should a more

detailed access be needed in the future for occupiers of the house, more detailed plans would be required.

To the north west of the access are a dilapidated group of barns which are in a poor state of repair. The construction of these barns are mainly stone built and are considered historic; however, there are also elements of concrete block buildings. These barns have collapsed in places with few roofs remaining. Initial plans indicated a turning circle over these buildings which would have resulted in their demolition. The applicants supporting statement indicates that these buildings are not within the curtilage of the listed building. The LPA consider the barns to be listed and disagree with this conclusion. However, the proposal which would have resulted in the barns' demolition has now been removed as turning would be available in the fields beyond the barns. Farm vehicles could enter the site, circumvent the buildings, enter the field, return and exit the site in a forward gear. Given that the access is no longer considered over-engineered for its intended use and the barns are no longer considered at risk, the level of harm upon the significance of the setting of the listed building has been reduced. The agricultural access proposed will have limited harm on the setting of the listed building. Given that an engineered road will no longer enter the site and the realignment has been altered, the scheme has been improved from that previously submitted.

#### Potential future uses:

It is acknowledged that any future occupier of the main house is likely to require a vehicular access and the access would also allow delivery of materials to allow works to commence. Notwithstanding this, the potential for the access to provide this is not considered to hold significant weight as the applicant has neither proposed to undertake works nor submitted a listed building application to enable works to start. Should a more detailed access be needed in the future for occupiers of the house, a separate application would be required and an assessment of the most appropriate access lane and parking could be provided.

Concern has been raised by local residents regarding the intention of the access being to enable the future development of the land beyond the farm complex or on the site itself. This too was raised by the Planning Inspector on the previous application as being ambiguous. Within the submission, reference by the applicant's highways engineer does make reference to the development providing access for 2-3 houses.

The application does not apply for this type of application and no plans show the location of any houses. The Local Planning Authority can only assess the current access and whether it is appropriate for the agricultural use. However, to avoid confusion, the area of land to the north of the site is outside of the settlement boundary and recent analysis of land available for development has discounted this area for housing owing to the landscape impact. Therefore support for housing in this field would not be forthcoming as it would be contrary to the local plan should the applicant seek consent.

Should the applicant choose to subsequently apply for a development of houses, the impact of subsequently upgrading this access to a road capable of serving a development would be assessed. Within this assessment, officers would consider the impact upon the setting of the listed building of a substantial, engineered road in close proximity to the house

#### Highways Impact:

Following a site meeting with the highways team Officers looked at whether the access was over-engineered and whether any potential alterations could be made. The Highways officer considers that the revised access would be appropriate for the description on the application form of 'New agricultural access to Church Farm'. As outlined above there are some indications of more than an agricultural access but this has not been applied for. Any further use or development would require separate planning consent and as such has been discounted in the assessment. The advice for the access relates to the development as applied for and not for any intensification.

In dismissing the appeal following refusal of application 13/01857/FUL the Inspector noted the Council's suggestions that to facilitate the repair of the listed building the access:

- o need be no wider than 4.5 metres;
- o would not require separate pedestrian facilities;
- o need not be designed with full kerb radii and a 'give way' junction;
- o a simple dropped kerb would suffice and promote pedestrian priority;
- o would need appropriate levels of pedestrian/vehicle inter-visibility; and
- o on-site turning should be provided.

The design shown on the revised drawing is considered to address all of these requirements to the satisfaction of highways officers. Initial recommendations were to reduce the width to 4.5m; however, the applicant has demonstrated that the 5.5 metre entrance is necessary to ensure that agricultural vehicles can enter and leave the site without crossing the centreline of High Street. It has also been demonstrated that on site turning can be achieved for light vehicles and tractors without trailers or towed implements in the fields beyond. Lorries used in the delivery of goods and materials to the site, or being used in the renovation of the property, will inevitably need to reverse to or from the highway. However, as highlighted above, no consent is sought for the development of the site and further assessment would need to be made of the impact of an intensified use. The Highways Engineer has concluded that subject to a condition there is no highways objection. The separate pavement into the site has been removed from the scheme.

As part of the facilitation of the access, the current bus stop would need to be moved. A legal agreement would be required to ensure this was undertaken. This would require signing prior to issuing a planning decision. The application was previously recommended for approval subject to the completion of the legal agreement. Following the previous Committee's decision on 10th February 2016 the applicant has not completed the required legal process following requests to do so. As such the application cannot secure a safe access without the alteration to the bus stop and therefore the application cannot be supported.

#### Amenity:

The access is not considered to affect the amenity of the adjacent dwellings to the north east of the site. The vehicles will need to pass adjacent to the school, however, owing to the boundary between the two sites, this impact is not considered significant. There are no further properties affected by the development.

#### Other Matters:

The Ecologist is happy that the proposed works would not affect protected species subject to ensuring clearance works take place outside of the nesting season. The arboriculturalist and drainage engineers also have no objections to the proposals.

A representation received has requested that the access be granted subject to an agreement that works to repair the house commence. It is not possible or reasonable to restrict the implementation of the access in this way. However, enforcement action can be taken if the property is considered at risk and suffering neglect.

**Balance:**

The current agricultural land to the north west of the site has no vehicular access and as such the fields are unable to be used for farming. There are no other locations for an access owing to the land being surrounded by fields outside of the ownership of the applicant. The altered access from the previous application, downgrading the access to an agricultural size with no pavement is considered to cause a less than substantial impact upon the farmhouse. The NPPF advises that where the harm is less than substantial, the harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. The harm of inserting an agricultural access upon the setting of the listed building must also be weighed against the need for access to the site. Allowing farmland to be used for the farming practices is considered to be a benefit to the area and would allow future management of the land. The new access, without an engineered hard surface extending significantly into the site and with a pavement is considered a significant improvement to the previous application and the previous objections are considered to have been overcome. On balance, the harm is considered to be outweighed by the benefits of access which will allow access to the building and allow future maintenance.

The indications that this access is intended for housing cannot be considered as this has not been sought for by the applicants. The highways safety concerns are considered to have been overcome following the alterations to the scheme from that previously refused.

Whilst the proposal in this case was considered acceptable, without the securing of a S106 agreement, the proposal would not allow for the safe use of the access itself or the bus stop and therefore the application cannot be supported. The application is therefore recommended for refusal.

**RECOMMENDATION**

REFUSE

**REASON(S) FOR REFUSAL**

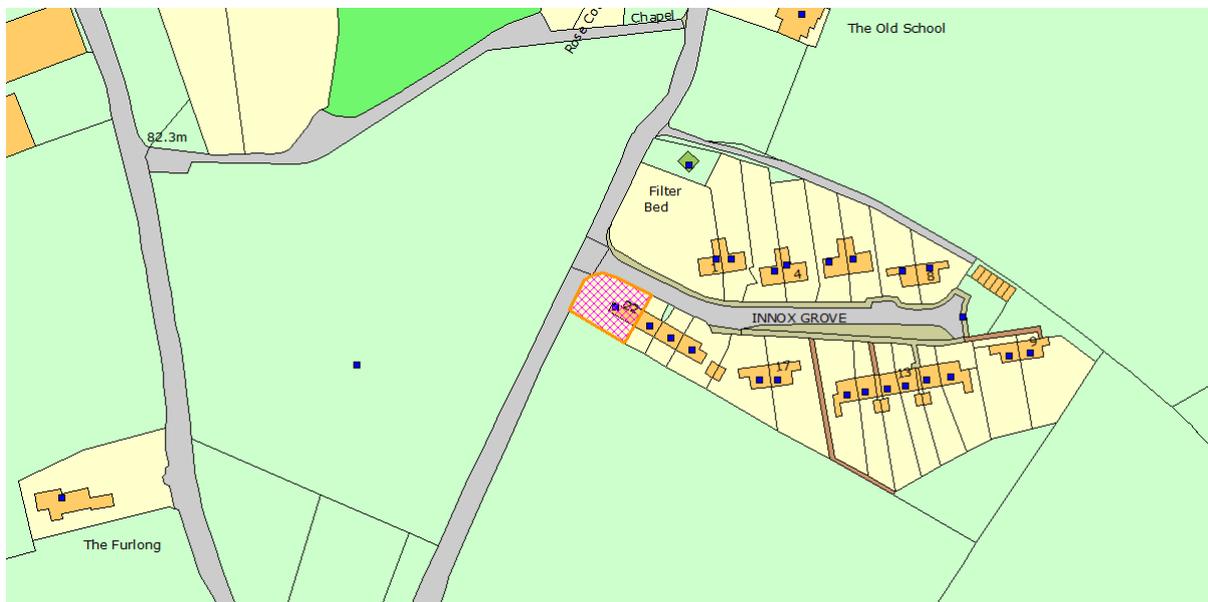
1 In the absence of a Section 106 agreement to relocate the existing bus stop the proposed access would be prejudicial to highway safety and as such the proposal is considered contrary to saved policy ST.7 of the Bath and North East Somerset Placemaking Plan.

**PLANS LIST:**

This decision relates to revised block plan received on 3rd December 2015, site location plan and proposed wall elevations only received on 21st April 2015.

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 the initial recommendation for approval, the applicant chose not to enter into a legal agreement as required to achieve the access. 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:** 18/00413/FUL  
**Site Location:** 22 Innox Grove Englishcombe Bath Bath And North East Somerset BA2 9DX



**Ward:** Bathavon West                      **Parish:** Englishcombe                      **LB Grade:** N/A  
**Ward Members:** Councillor David Veale  
**Application Type:** Full Application  
**Proposal:** Erection of two-storey side extension following demolition of existing conservatory.  
**Constraints:** Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,  
**Applicant:** Miss S A Halladey  
**Expiry Date:** 26th March 2018  
**Case Officer:** Rae Mepham  
To view the case click on the link [here](#).

## **REPORT**

*Reason application being referred to committee*

Support from Englishcombe Parish Council contrary to officer recommendation.

*Details of location and proposal*

22 Innox Grove is a two storey end terrace property located in Englishcombe, and sited within the Bristol/Bath Green Belt. The proposal is for the erection of a two storey side extension following the demolition of an existing conservatory.

*Relevant history*

None.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

*Consultation responses*

**Englishcombe Parish Council** - At its meeting on 26 February 2018 Englishcombe Parish Council voted to support this application as it complies with policies D2, D5, D10, GB3, GB1 and CP8 of the adopted core strategy and placemaking plan and P&D3 of the Englishcombe N Plan.

By way of its design and materials the proposed development respects the local character of Innox Grove and thereby complies with policy D2. The proposed extension also by way of its design and materials complements the host building and therefore conforms to policy D5.

Similarly by way of its design and materials it enhances the public realm and so complies with policy D10.

With reference to the Green Belt the proposed extension does not represent a disproportionate addition over and above the size of the original building and is therefore consistent with policy GB3. By way of its design and materials it does not prejudice the visual amenity of the Green Belt and is therefore compliant with GB1. Therefore the proposed extension is appropriate development in the Green Belt and meets policy CP8.

This proposed extension does not adversely impact on the Green Belt and is therefore compliant with policy P&D3 of the Englishcombe Neighbourhood Plan.

*Third party representations*

None received.

## **POLICIES/LEGISLATION**

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

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

- Made Neighbourhood Plans

The following Core Strategy policies are applicable:

CP8 - Green Belt

DW1 - District Wide Spatial Strategy

The following B&NES Placemaking Plan policies have been considered:

D2 - Local character and distinctiveness

D3 - Urban fabric

D5 - Building design

D6 - Amenity

GB1 - Visual amenities of the Green Belt

GB3 - Extensions and alterations buildings in the Green Belt

Englishcombe Neighbourhood Plan:

P&D3 - The Neighbourhood Plan will support buildings, conversions and additions of a size, design and height which does not have an adverse impact on the Green Belt, Cotswold Area of Outstanding Natural Beauty or the historical assets of the Parish.

VE1 - Any development should be within the defined Housing Development Boundary as shown on the map below and at Appendix 14.

CC1 - Recycled materials. The Neighbourhood Plan will support development that seeks to incorporate sustainable and natural building materials.

T&M1 - The Neighbourhood Plan will support development if adequate off road parking is included within the area of the development, and is in accordance with other policies in this plan.

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

## **OFFICER ASSESSMENT**

### *Principle of development*

The property is sited within the Green Belt and as such Section 9 of the NPPF applies. Para 89 allows for the extension of a building within the Green Belt, providing it does not result in disproportionate additions over and above the size of the original building.

The Council has produced the "Existing Dwellings in the Green Belt" SPD, which clarifies a proportionate extension at being a volumetric increase of around a third, or 33%.

The proposal would result in an increase of around 63% of the volume of the original building, which is considered to be a disproportionate increase. The proposal is two storey, and constructed at the same ridge and eaves level of the original dwelling. The proposal replaces an existing single storey conservatory, however is significantly larger than the existing structure. The proposal is located on an end terrace and would be visible from open countryside. The combination of the increase in volume, large two storey structure and visibility from outside the site all contribute to the fact the proposal is a disproportionate addition to the existing dwellinghouse.

The application is therefore considered to be inappropriate development within the Green Belt, and harmful by definition. No very special circumstances have been submitted.

#### *Character and appearance*

The proposal is not considered to constitute overdevelopment of the site. The proposal will use matching materials to the existing dwelling, which is considered appropriate in this instance.

#### *Residential amenity*

The proposal is not located adjacent to neighbouring properties, and will therefore not cause harm to residential amenity.

### **RECOMMENDATION**

REFUSE

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

1 The proposed development, due to the size, scale and siting of the extension would result in a disproportionate addition over and above the size of the original dwelling which would be harmful to openness and would be harmful to the rural character of the area. The proposal represents inappropriate development within the Green Belt, which is, by definition, harmful. No very special circumstances have been submitted which would be sufficient to outweigh the presumption against inappropriate development in the Green Belt. The proposal is contrary to policy CP8 of the Bath and North East Somerset Core Strategy, policies GB1 and GB3 of the Placemaking Plan and policy P&D3 of the Englishcombe Neighbourhood Plan.

### **PLANS LIST:**

This decision relates to:

Proposed elevations and layouts (1)

Site location and block plan (3)

both received 29th Jan 2018

**Item No:** 05  
**Application No:** 18/00460/FUL  
**Site Location:** 35 Hantone Hill Bathampton Bath And North East Somerset BA2 6XD



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

**Application Type:** Full Application

**Proposal:** Erection of two storey side and single storey rear extension, and external alterations.

**Constraints:** Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, SSSI - Impact Risk Zones,

**Applicant:** Mr & Mrs Blackburn

**Expiry Date:** 29th March 2018

**Case Officer:** Alice Barnes

To view the case click on the link [here](#).

## REPORT

Reason for reporting application to committee

The application has been submitted by Councillor Colin Blackburn

Description of site and application

Hantone Hill is located on the southern slopes of Bathampton village. Number 35 is a detached two storey property located outside of the Conservation Area, Area of

Outstanding Natural Beauty and Green Belt. The site is located to the south of the A36 and forms part of an existing cul-de-sac. The street is characterised by two storey detached properties. The land slopes upwards behind the existing dwelling.

This is an application for the erection of two storey side extension on the west elevation. A front gable extension and single storey rear extension. The proposed extensions will be constructed using tiles to match the existing building and the proposed development will be clad in render.

#### Relevant History

DC - 99/02178/FUL - PER - 15 April 1999 - Single storey front porch.

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

Bathampton Parish Council: Bathampton Parish Council considers that the proposed works will result in a house which is far too large and not in keeping with the neighbourhood.

There are also concerns about the proximity to No 33 and potential for overlooking it.

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

The proposed works will be close to the neighbouring property of number 33.

Builders would need to access land at number 33 to construct the extension

Number 35 has already been extended

There is potential for overshadowing of neighbouring properties

The development will breach the rules set out on the councils website.

There is a hedge on the boundary between numbers 33 and 35.

#### **POLICIES/LEGISLATION**

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

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

#### Core Strategy:

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

CP6 - Environmental Quality

#### Placemaking Plan:

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

- D.2 - Local character and distinctiveness
- D.3 - Urban Fabric
- D.5 - Building design
- D.6 - Amenity
- ST.7 - Transport requirements for managing development
- HE.1 - Historic Environment

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

### **OFFICER ASSESSMENT**

This is an application for the erection of two storey side extension on the west elevation. A front gable extension and single storey rear extension.

The main issues to be considered here are:

- Design
- Amenity

Design

The existing streetscene is characterised by two storey detached properties. It is noted that some properties within the cul-de-sac have been previously extended. This includes the provision of a two storey front extension at nearby number 31.

The proposed side extension will extend the existing ridgeline of the property on the western elevation. The provision of the side extension will retain the built form of the existing building and will complement the appearance of the host building.

The proposed two storey front extension will take the form of the two storey gable fronted extension. As stated above there is an extension with a similar built form at number 31 and therefore the proposed front extension is not considered to appear as an incongruous addition to the existing streetscene. The proposed extension will include the provision of a small section of timber cladding on the front elevation. The proposed material will cover a small section of the front elevation and is considered to be acceptable in this instance.

The proposed rear extension is a single storey extension with a mono pitched roof. Due to the topography of the land which slopes upwards to the rear of the dwelling the proposed single storey extension will be set slightly above ground floor level. Given this this is a small addition to the exiting property the proposed single storey rear extension is considered to be appropriate to the host dwelling.

The applicant is proposing to construct the extensions using tiles to match the existing building. It is also proposed to render the exterior of the property. The provision of render would likely be acceptable provided that the proposed render colour complements the appearance of the surrounding buildings. This can be required by condition.

## Amenity

The proposed side extension will face the side elevation of number 33. As the proposed extension will face an existing blank side elevation it is not considered to result in overshadowing or overlooking of number 33.

The proposed single storey extension will be set close to the boundary with number 33. Being a single storey it is not considered to be overbearing to the occupants of number 33. No glazing is proposed on the west side elevation and the proposed extension will not result in increased overlooking of number 33.

## Other matters

The submitted objection has raised concern that the development will breach planning rules and has listed a number of parameters which the proposed extension exceeds. The parameters listed are for permitted development set out in the General Permitted Development Order 2015 and do not form part of the planning policy which the proposed extension has been assessed against. The proposed development is considered to be compliant with policies adopted in the Placemaking Plan.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

### **1 Standard Time Limit (Compliance)**

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

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

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

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

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

### **3 Plans List (Compliance)**

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

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

## PLANS LIST:

Existing plans, section and elevations including block and location plans EX01

Proposed plans, section and elevations P01

### Condition Categories

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

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

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

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

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

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

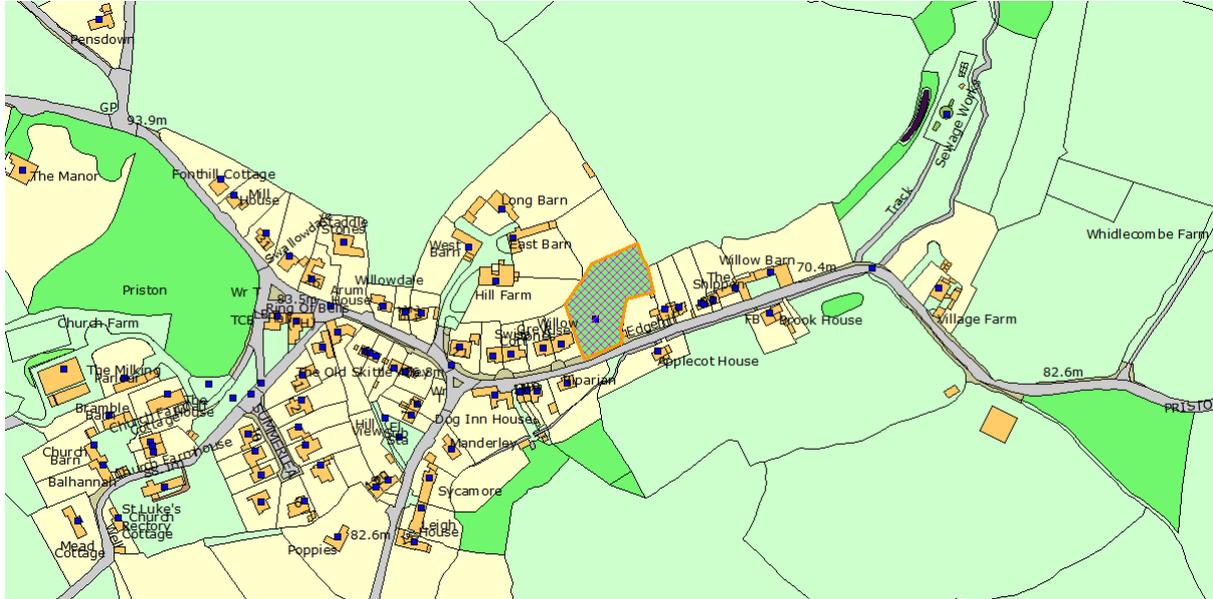
Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk)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

### 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](http://www.bathnes.gov.uk/cil)

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

**Item No:** 06  
**Application No:** 17/05725/VAR  
**Site Location:** Walnut Tree Hill High Street Priston Bath BA2 9EB



**Ward:** Bathavon West                      **Parish:** Priston                      **LB Grade:** N/A

**Ward Members:** Councillor David Veale

**Application Type:** Application for Variation of Condition

**Proposal:** Variation of condition 6 (landscaping) of application 15/01408/VAR (Variation of condition 8 (landscaping) attached to planning permission 13/05112/FUL (Erection of a dwelling with garage, drive and landscaping. (Revised proposal)).

**Constraints:** Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, Housing Development Boundary, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, Policy NE3 SNCI, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

**Applicant:** Mr Rob Kettlety

**Expiry Date:** 19th March 2018

**Case Officer:** Robert Warren

To view the case click on the link [here](#).

## REPORT

This application has been referred to the Development Management Committee as Priston Parish Council have objected to the proposal which is contrary to officer recommendation.

This application seeks retrospective planning approval for a variation to the approved landscape plan for the site. Permission for the erection of a detached property on this site was permitted under application 13/05112/FUL and subsequently various amendments to the proposal have been approved. The current approved landscape plan application 15/01408/VAR showed a 'low level rubble stone wall' to the rear of the site perpendicular to the road.

During the construction of the dwelling and associated landscaping the Council were informed that the wall in question had been finished in cream render rather than the rubble stone as annotated on the approved drawing. This application seeks to regularise this breach in planning control.

During the course of the application 3 different proposals had been put forward; the initial submission was to retain the cream rendered wall and use planting to partially obscure it, this was considered unacceptable in principle. The second proposal was to clad the wall in natural timber however this was also deemed unacceptable in the landscape context. The third proposal, and the one to be considered by this application is to clad the wall in a natural stone tile replicating the arrangement of a rubble stone wall. The proposal will result in an external finished appearance consistent with the approved scheme. It is debatable therefore whether this still represents a variation to the approved plans and officers are of the view that the amendment now proposed could be considered "non-material".

This recommendation is based on the third and final proposal that has been submitted.

#### Relevant Planning History:

AP - 03/00032/RF - ALLOW - 29 May 2003 - Detached dwelling as amplified by report received 10.12.2002

DC - 02/01378/OUT - RF - 27 December 2002 - Detached dwelling as amplified by report received 10.12.2002 (land adjacent to Hill Farmhouse)

DC - 06/01116/VAR - PERMIT - 28 April 2006 - Variation of condition 2 of planning permission 02/01378/OUT to extend period within which reserved matters must be submitted

DC - 06/01378/RES - WD - 12 October 2006 - Reserved matters application for a single dwelling in pursuance of condition 2 planning permission 02/01378/OUT

DC - 06/04205/RES - RF - 13 April 2007 - Reserved matters for a single dwelling in pursuance of condition 2 of planning permission 02/01378/OUT dated 11.12.2006 (Resubmission)

DC - 07/01629/RES - PERMIT - 21 September 2007 - Reserved matters for a single dwelling in pursuance of condition 2 of planning permission 02/01378/OUT (land adjacent to Hill Farmhouse)

DC - 09/01977/FUL - PERMIT - 7 August 2009 - Erection of dwelling with garage

DC - 09/02455/FUL - WD - 2 September 2009 - Erection of a new dwelling with parking

DC - 11/02661/FUL - PERMIT - 31 October 2011 - Erection of a dwelling with garage, drive and landscaping.

DC - 13/05112/FUL - PERMIT - 1 April 2014 - Erection of a dwelling with garage, drive and landscaping. (Revised proposal)

DC - 15/01140/NMA - APP - 22 April 2015 - Non-material amendment to application 13/05112/FUL (Erection of a dwelling with garage, drive and landscaping. (Revised proposal)).

DC - 15/01407/COND - DISCHG - 15 July 2015 - Discharge of condition 2, 3 and 9 of application 13/05112/FUL. (Erection of a dwelling with garage, drive and landscaping. (Revised proposal))

DC - 15/01408/VAR - PERMIT - 20 July 2015 - Variation of condition 8 (landscaping) attached to planning permission 13/05112/FUL (Erection of a dwelling with garage, drive and landscaping. (Revised proposal) )

DC - 15/02851/COND - DISCHG - 24 July 2015 - Discharge of conditions 6 and 13 of application 13/05112/FUL (Erection of a dwelling with garage, drive and landscaping. (Revised proposal))

DC - 16/00005/NMA - APP - 1 February 2016 - Non material amendment to application 13/05112/FUL (Erection of a dwelling with garage, drive and landscaping.)

DC - 17/04225/COND - DISCHG - 9 November 2017 - Discharge of condition 2 of application 15/01408/VAR (Variation of condition 8 (landscaping) attached to planning permission 13/05112/FUL (Erection of a dwelling with garage, drive and landscaping. (Revised proposal) ))

DC - 17/04811/COND - DISCHG - 21 February 2018 - Discharge of condition 13 of planning application 15/01408/VAR (Variation of condition 8 (landscaping) attached to planning permission 13/05112/FUL (Erection of a dwelling with garage, drive and landscaping. (Revised proposal))

DC - 17/05695/FUL - PERMIT - 19 March 2018 - Erection of rear outbuilding and associated works (Retrospective).

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Priston Parish Council.

Priston Parish Council have been consulted on all three proposals that have been put forward for the site. Objections were raised to the initial proposal to retain the rendered wall and for the second proposal to clad the wall in timber on the grounds that neither proposal preserved the local character and distinctiveness of the area nor conserved or enhanced the landscape and landscape character of the area.

A final revised plan was put forward on the 26th February 2018 this proposed that the wall be clad with a natural stone rubble effect tile. The Parish were again consulted but were advised that due to a specific tile not being chosen any approval would be conditioned for a sample to be agreed on site.

The Parish's response has been that the information supplied about the stone cladding is still vague and that they would not be willing to remove their objection until they had seen samples on site that they were satisfied with and understood how the tiles would be laid against the wall.

#### Landscape

Landscape were consulted on the initial proposal for render and the second proposal for timber cladding on the grounds that:

The render or the timber would not conserve or enhance local landscape character, landscape features, local distinctiveness or views, would prejudice the visual amenities of the Green Belt by reason of its siting, design and the materials and would be vulnerable to removal or changes to ownership/maintenance regime

Given the similarity between the previous landscape plan and the final proposal landscape were not re-consulted.

#### Drainage and Flooding

No objection. This proposal does not affect drainage or flood risk.

#### Highways

Highways DC have no objection to the proposed variation as it will not have an impact on the safety and operation of the public highway relative to that previously approved.

There have been 59 third party objections summarised below:

The rendered or timber cladding to the wall are out of character with the village and surrounding area and are particularly visible from approaches to the village from the east.

The wall is not low level as indicated by the initial drawings and is significantly higher than approved. It is not only the material finish which has detrimental effect on the landscape setting but also the scale and massing of the wall.

Any planting to disguise the wall is not a suitable solution as it cannot be guaranteed that it will be retained or maintained in the long run.

#### **POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)

## Core Strategy:

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

CP6 - Environmental Quality  
CP8 - Green Belt

## Placemaking Plan:

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

Policy D1 General Urban Design Principles  
Policy D2 Local Character & Distinctiveness  
Policy D5 Building Design  
Policy D6 Amenity  
Policy NE2 Conserving and enhancing the landscape and landscape character.  
Policy NE2A Landscape setting of settlements  
Policy GB1 Visual amenities of the Green Belt

## LEGAL FRAMEWORK

Town and Country Planning Act, 1990

## NATIONAL PLANNING POLICY FRAMEWORK

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, 2014

Due consideration has been given to the recently published NPPG, March 2014

## OFFICER ASSESSMENT

This proposal seeks a variation of condition 6 (landscaping) of application 15/01408/VAR which reads as follows:

*All hard and/or soft landscape works shall be carried out in accordance with revised Drawing No's SK250, SK251 and SK252 received on the 29th June 2015. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme 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.*

This variation relates specifically to a wall to the north of the upper lawn. The wall runs parallel to the road to the south and encompasses a curved seating area to the west. In

Drawing SK250 the wall is annotated as 'Low level rubble stone wall'. The variation seeks to alter the finish of the wall, a new landscape plan has been submitted, drawing SK255 A and the wall is now proposed to be clad with a natural stone (rubble effect) slips/tile with a low level planter in front.

It is noted that two other proposals were initially put forward one to retain the render that is currently in place and the other to clad the wall in timber. The applicant was advised that both of these proposals were considered to be out of keeping with the character and appearance of the area and unlikely to receive officer support this proposal.

The recommendation in this report is based on the proposal for rubble stone slips/tiles which is the outcome of negotiations between the applicant and the case officer. For clarification the previous proposals to retain the render or alternatively use timber cladding are no longer under consideration and do not form part of the application.

The natural stone tiles are thin slices of natural stone that are attached directly to the wall. Whilst the method of construction is different to that of a traditional rubble stone wall and the thickness of the stones is much less, the finished external appearance would be almost identical. The previous landscape plan did not specify the type of rubble stone to be used however it is envisaged that a stone that matches the coursed rubble stone wall of the main dwelling would be most appropriate. The applicant has not proposed a specific product however several suppliers and styles of tile have been proposed. For this reason a condition is recommended requiring that within 1 month of the decision a sample of the proposed material shall be made available on site for inspection to be agreed in writing with the local planning authority.

The original plan stated 'low level rubble stone wall'. There have been complaints that the wall that has been constructed is not "low level". Whilst no specific measurements were given on the approved plan or the plan submitted with this application, following an officer site visit it is accepted that the wall that has been constructed on site could not be described as "low level". This application is however a variation to the original landscape plan and reference to the wall being low level has been removed; the wall that has been constructed and viewed on site is the wall under consideration. The positioning of the wall which is set back into the site means only the very top is visible from public views within the village. It should be noted that the current finish to the wall (in render) exacerbates the appearance in the landscape and makes the wall appear prominent from the elevated approach to the east of the village. The variation in colour and texture of the natural stone slips will help to break up the appearance and prominence of the wall and lessen the overall impact. This will be further aided by the low level planter which gives the opportunity for planting to further soften the wall.

The previous application was approved on the basis that the wall would be rubble stone, the proposal under consideration, whilst not a "solid" rubble stone wall would effectively have a very similar appearance and therefore whilst the method of construction is different the material appearance (subject to condition) would be the same as the approved scheme.

Whilst the original application (for retention of the render) was considered significant, the revised proposal could be considered "non-material" and had that been proposed in the

first instance could have been dealt with as a non-material amendment to the original scheme under Section 96A of the Town and Country Planning Act 1990.

Other matters:

The Parish Council have raised the issue that all the rendered wall surfaces should be covered with this stone. There is no reference on the original approved plans to any other walls being rubble stone nor are there any conditions requiring materials for any landscaping features to be agreed. Therefore it would be unreasonable and unenforceable to require any other wall aside from that that is specifically referenced to be clad in rubble or rubble stone tiles.

Conclusion

For the reasons stated, it is considered that the proposed use of natural stone slips (subject to a condition requiring the submission of a sample of the material) is acceptable and will result in an external finished appearance consistent with the original approved scheme for the site. It is accepted that this application has received a substantial amount of objection however this stems largely from the current rendered finish to the wall. As the applicant has agreed not to pursue retention of the render it is the opinion of officers that a refusal of the current proposal could not be substantiated. It is recommended therefore that planning permission is granted for this amendment subject to conditions. As this is a variation application, all other conditions that have not already been addressed shall be carried over.

Scheme of delegation

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

Priston Parish Council have raised objections so the application was duly referred to the Chairman of the Development Management Committee who considered the application and stated " I have looked at the application, I am aware of PC comments & third party objections. I know a condition can be part of the approval but as this wall is controversial due to its visual prominence I understand the PC request linked to the sample the developer could provide & therefore I recommend the application be determined by the DMC so all concerns can be debated fully."

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

### **1 Wall Materials (Bespoke Trigger)**

Within 1 month of the date of this permission a sample of the cladding for the retaining wall at the rear of the site shall be made available for inspection on site and approved in writing by the Local Planning Authority. Upon approval of the cladding the wall shall clad in the approved material with 6 months.

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

## **2 Garages (Compliance)**

The garage(s) hereby approved shall be retained for the purpose of parking a motor vehicle(s) associated with the dwelling.

Reason: To retain adequate off-street parking provision.

## **3 Drainage (Bespoke Trigger)**

Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

## **4 Garages (Compliance)**

The area between the nearside carriageway edge and a line drawn 2.0m parallel thereto over the entire frontage shall be cleared of any obstruction (including removal of part of the post and rail fence) to visibility at and above a height of 600mm above the nearside carriageway level.

Reason: In the interests of highway safety.

## **5 Landscape (Compliance)**

All hard and/or soft landscape works shall be carried out in accordance with revised Drawing No SK255 A received on the 26th February 2018. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme 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.

## **6 Removal of Permitted Development Rights - No Windows (Compliance)**

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

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

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

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

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

### **8 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 safeguard the appearance of the development and the openness of the Green Belt, the amenities of the surrounding area and to safeguard the approved landscape scheme.

### **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:**

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.

This decision relates to the following drawings submitted for application 13/05112/FUL - 13135(L)001 Rev B, 13135(L)003 Rev A, 13135(L)004 Rev B, 13135(L)005 Rev A,

13135(L)006 Rev A, 13135(L)007 Rev B, 13135(L)008 Rev A, 13135(L)009 Rev A date stamped 22nd November 2013 and the Engineering Site Investigation and Engineering specifications date stamped 7th January 2014. And drawing No SK255 A received on the 26th February 2018 with this application.

### **Condition Categories**

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

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

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

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

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

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

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

<b>Bath &amp; North East Somerset Council</b>	
MEETING/ DECISION MAKER:	<b>Development Management Committee</b>
MEETING/ DECISION DATE:	<b>11 April 2018</b>
TITLE:	<b>PLANNING ENFORCEMENT REPORT - “QUARRY LODGE” (PARCEL 8593), WOOLLARD LANE, PUBLOW BS14 0QS</b>
WARD:	Publow and Whitchurch
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b> None	

## **1 THE ISSUE**

Failure to comply with a planning enforcement notice requiring the dismantling and removal of a wooden chalet (the “**Breach**”) on land at “Quarry Lodge” (Parcel 8593), Woollard Lane, Whitchurch, Bristol BS14 0QS (the “**Land**”). The wooden chalet is being used as a family dwelling.

## **2 RECOMMENDATION**

The Committee is asked to authorise the seeking of an injunction from the County Court or High Court, under Section 187B of the Town and Country Planning Act 1990 (the “**1990 Act**”) to restrain the Breach on the Land.

## **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 The seeking of an injunction will have resource implications. The Council is primarily responsible for its officer costs, but if involved in litigation and successful, it may be able to recover some of its legal costs from the other party.
- 3.2 The Court has discretion as to whether legal costs are payable by one party to another and the amount of those costs. If the Court decides to make an order about legal costs the general rule is that the unsuccessful party will be ordered to pay the legal costs of the successful party.

## **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 The Council as the Local Planning Authority in issuing a planning enforcement notice considered it was expedient to issue the notice having regard to the development plan and other material considerations (section 172, 1990 Act).
- 4.2 The Council has discretion whether or not to take further enforcement action if a planning enforcement notice has not been complied with.
- 4.3 One option for further enforcement action is that the Council may apply to the Court for an injunction to restrain an actual breach of planning control, if it considers it "necessary or expedient" (section 187B, 1990 Act).
- 4.4 In deciding whether or not to take further enforcement action, the Council must pay due regard to the Human Rights Act and it will also need to have regard to its Equality Act and Children's Act duties.
- 4.5 The Court has the power to grant such an injunction as it thinks is appropriate, for the purpose of restraining a breach of planning control. The decision whether to grant an injunction is always subject to the court's absolute discretion.

- 4.6 The National Planning Policy Framework (**NPPF**) at Paragraph 207 states:

Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

- 4.7 The Planning Practice Guidance (**NPPG**) states:

In deciding whether it is necessary or expedient to seek an injunction, local planning authorities may find it helpful to consider whether:

- they have taken account of what appear to be relevant considerations, including the personal circumstances of those concerned;
- there is clear evidence that a breach of planning control has already occurred, or is likely to occur;
- injunctive relief is a proportionate remedy in the circumstances of the particular case;
- a local planning authority can apply for an injunction whether or not it has exercised, or proposes to exercise, any of their other powers to enforce planning control. However, proceedings for an injunction are the most serious enforcement action that a local planning authority can take because if a person fails to comply with an injunction they can be committed to prison for contempt of court. Additionally, once an injunction has been granted, it cannot be discharged except where there has been a significant change of circumstances since the order was made. In these circumstances a local planning authority should generally only apply for an injunction as a last

resort and only if there have been persistent breaches of planning control over long period and/or other enforcement options have been, or would be, ineffective. The Court is likely to expect the local planning authority to explain its reasons on this issue.

## **5 THE REPORT**

### **SITE DESCRIPTION**

- 5.1 The Land is situated to the north of Woollard Lane, 0.5km east of the junction with Charlton Road. Access to the land is via a field gate in the south-west corner of the site opposite a property known as "Hillcrest".
- 5.2 The Land is bounded by a well-established mature hedgerow to the east, west and south. To the north is a broken hedgerow affording glimpses of the development from Charlton Road.
- 5.3 The Land is located within the green belt and a designated Site of Nature Conservation Interest (SNCI) and is outside a housing development boundary.

### **BACKGROUND AND RELEVANT HISTORY**

- 5.4 The Council received complaints in 2009 and 2010 regarding the erection of a wooden cabin on the Land.
- 5.5 In 2011, the Council served a planning contravention notice on the owner of the land to find out more information to determine whether planning enforcement action should be taken. The owner's response asserted that the breach of planning control was long standing i.e. immune from planning enforcement and used on occasions as a residence by the owner's daughter and granddaughter. The Council's own evidence contradicted the assertions made by the owner and the evidence gathered on the whole concluded that the breach of control had occurred within the preceding four years and was not therefore immune from enforcement action.
- 5.6 Officers considered that a planning application, if made, could not be supported to permit the retention of the wooden chalet as it would clearly be contrary to the Council's development plan i.e. it was inappropriate development in the green belt, harmful to rural character and openness and located in an unsustainable location. Furthermore, as no ecological surveys had been conducted the impact on the ecological and amenity value of the site could not be assessed.
- 5.7 Officers under delegated powers accordingly considered it expedient to pursue formal enforcement action against the unauthorised erection of the wooden chalet having regard to the development plan and other material considerations.
- 5.8 An Enforcement Notice was therefore issued on 24 May 2012 (the "**Notice**") requiring the dismantling of the wooden chalet and the removal of all resulting materials from the Land. The Notice was served on the owner of the Land and the occupier of the wooden chalet. The period for compliance with the requirements of the Notice was 6 months.

- 5.9 The owner made an appeal to the Planning Inspectorate against the Notice on three grounds, brief details of which were the Breach had not occurred, there had not been a Breach in planning control terms; and that at the time the Notice was issued it was too late to take planning enforcement action (the “**Appeal**”).
- 5.10 On 5 March 2013, the Appeal was dismissed by a Planning Inspector and the Council’s Notice upheld. The Planning Inspector appraised the evidence provided at the Appeal and considered that the substantial completion of the wooden chalet was within the four year period for the Council to have issued the Notice.
- 5.11 As the Appeal was unsuccessful the effective date for compliance with the Notice to dismantle the Wooden Chalet and remove it from the Land was revised to 6 months from the date of the Appeal decision i.e. by 4 September 2013.
- 5.12 In October 2013, the occupier submitted a part retrospective planning application for the erection of a single storey 2 no. bedroom dwelling and stable block on the Land to attempt to overcome the Breach. The planning application was declined to be determined by the Council under its discretionary power in the 1990 Act where such a planning application would be for development that is (in part or whole) the subject of a planning enforcement notice.
- 5.13 In January 2014, Officers visited the site to assess whether the Notice had been complied with. It was observed that the Breach was continuing.
- 5.14 A land registry ownership check by the Council identified that the original owner of the land had transferred ownership of the Land to his daughter who was occupying the wooden chalet (the “**Owner/Occupier**”). It appears that the ownership changed in July 2012 after the Notice was served.
- 5.15 The original owner and Owner/Occupier were invited to attend a formal meeting/interview with Officers in February 2014 concerning the Breach. The original occupier declined to attend the formal meeting/interview stating that he no longer had any interest in the land. The Owner/Occupier did not contact Officers nor attended the requested formal meeting/interview.
- 5.16 In June 2014, Officers issued a letter under caution to the Owner/Occupier advising that the Breach was a criminal offence under section 179 of the 1990 Act and that the Council was now considering further enforcement action. The letter asked specific questions about the circumstances of the continuing Breach. The Owner/Occupier responded providing information but stating that she was unaware of the Notice.
- 5.17 In March and May 2015, Officers noted after site inspections of the Land that the Breach was still continuing. Despite attempts by Officers to achieve compliance, the Breach is continuing to date with the wooden chalet being used as a family dwelling for the Owner/Occupier.
- 5.18 Officers attempted to visit the owner of the land in August 2015 but received no response.
- 5.19 During 2016 the matter was discussed with the Council’s legal team with a view as to how best to proceed against the continuing breach.

- 5.20 In June 2017 a further site visit was undertaken confirming that there was still no compliance with the Notice. Children's toys, domestic paraphernalia and 2no touring caravans were noted on the site indicating an increase in activity.
- 5.21 In July 2017 officers wrote to the occupier of the site advising that the matter would be referred to Committee with a recommendation to seek an injunction. Before presenting the matter to committee and in order to understand the personal circumstances of the occupier it was considered necessary to prepare a Personal Circumstances Questionnaire ("PCQ") to understand the personal circumstance, children and any relevant health considerations anyone on site may have. The PCQ was returned in August 2017.
- 5.22 In September 2017 the matter was referred to the Council's legal adviser for consideration of the answers provided to the PCQ in light of the duties required by the Human Rights Act, Equality Act and Children's Act. The matter was then passed to external Counsel for consideration and comment.
- 5.23 The Council's external legal adviser provided detailed comment in November 2017 on the issues raised in the PCQ and made various recommendations regarding the draft committee report. Whilst the report was considered acceptable in its current form it was recommended that further information was obtained from the owner specifically with regard to the best interest of the children and health considerations of the owner.
- 5.24 In January 2018 the Council wrote to the owner reminding them of the non-compliance with the Enforcement Notice and asking further questions as suggested by counsel. The letter was not collected and subsequently returned to sender in February 2018.
- 5.25 In March 2018 the Council wrote again to advise that the matter would be presented to committee at the April 2018 meeting and that this was the final opportunity to provide information that the owner may consider relevant to the case. At the time of writing this report the letter remains unanswered. In the event answers are provided before the Committee meeting these will be presented as an update to Members.
- 5.26 Having regard to Counsel advice, whilst it is acknowledged that further information regarding personal circumstances could be beneficial to this case, the Council is nevertheless satisfied that it has sufficient information on which to make an informed decision in light of its relevant duties.

## **PERSONAL CIRCUMSTANCES OF THE OWNER/OCCUPIER**

- 5.27 In June 2014, the Council issued a formal letter to the Owner/Occupier to establish background information relating to the Breach and the use of the wooden chalet. The Owner/Occupier's response stated that the wooden chalet was occupied by the Owner/Occupier and her daughter whose age was stated as 16 years old at the time of the letter. It was also stated that the Owner/Occupier's granddaughter was due to move to the wooden chalet "within the next 3 months" but no further details were provided.
- 5.28 In April 2017, the Council issued another formal letter to the Owner/Occupier to establish the current personal circumstances of the persons residing in the wooden chalet however no response was provided.

- 5.29 In June 2017, Officers visited the Land but no one was present although it was noted that there was children's play equipment on the Land.
- 5.30 In July 2017 a copy of the April 2017 letter and enclosed questionnaire was sent to the owner/occupier however this was returned to sender.
- 5.31 In August 2017, an Officer visited the Land and met with the Owner/Occupier. A copy of the previous formal letter referred to in paragraph 5.30 above was left with the Owner/Occupier to complete and return to the Council.
- 5.32 The Owner/Occupier returned the questionnaire in August 2017. The responses to the letter are summarised as follows:
- The cabin has two bedrooms.
  - She has some health concerns and is supported by her daughter of 19 years age who lives with her in the wooden chalet together with her 18 month old granddaughter.
  - Her granddaughter is hoping to attend a local nursery (no details of the location, days of attendance etc. provided).
  - Her father the original owner of the Land has passed away.
  - She previously lived in Kingswood [Bristol]
  - She has family members living elsewhere in the local area.
- 5.33 With regard to the health considerations of the owner/occupier these are clearly a relevant consideration however for reasons of disclosure and data protection it is not possible to discuss these in a public document. Notwithstanding, the Council has had regard to the personal circumstances of the owner/occupier and is satisfied that she has long standing connections with the immediate and wider area. Access to medical facilities and health care professionals would not be impeded if she were required to vacate the site. Whilst there may be a personal benefit to residing on this site – although it should be noted it is in a rural location, remote from direct access to services – this benefit does not outweigh the wider planning harm resulting from this unauthorised development and does not override the requirement to comply with the Enforcement Notice. The pursuance of an injunction in this regard is still considered proportionate.
- 5.34 Officers understand from other planning applications in the vicinity of Woollard Lane and from previous dealings with the owner/occupiers late father that the cabin owner's family own/reside in other dwellings along Woollard Lane within 250m of the Land. Additional questions have been asked as to the nature of relationship with other family members and the ability of those family members to assist in the event the owner/occupiers were required to move from the Land as a result of enforcement action however to date no response has been provided.
- 5.35 With regard to the declaration that there is a child residing at the site, the Council has a duty to consider the potential impact upon children when pursuing enforcement action. In accordance with the Council's duty, the child's

best interests are a primary consideration in this matter but this is not determinative.

- 5.36 Despite attempts to establish further information concerning the child, this has not been forthcoming. It was understood at the time of the August 2017 PCQ response that the young child was not currently in nursery or other education however it was stated that she intended to start at a nursery. No details as to the location of the nursery were provided or otherwise obtained. Whilst it is accepted that the child may now be attending a nursery, this is not formal education and in the event the Council decided to pursue further enforcement action achieving the requirements of the Notice it is considered that the interests of the young child would not be adversely affected as such action will not disrupt the educational prospects of the child.
- 5.37 The granting of an injunction would inevitably mean that the residential use of the Land could no longer continue. This would represent a substantial interference with the Owner/Occupiers and her daughter's human rights in respect of private and family life and their home. However, the harm caused by the Breach, which includes harm to the green belt, is considerable. Whilst the Owner has used the Chalet as her home for a number of years, she has also known since at least June 2014, and most likely before this, that this use was in breach of planning law. It is also a material consideration that there is a familial connection to the wider area meaning the occupiers would not necessarily be displaced from the immediate vicinity.
- 5.38 The Council must have regard to its Public Sector Equality Duty under section 149 of the Equalities Act. The duty is to have regard to the need (in discharging its functions) to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are age, disability, gender, reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Officers do not consider that the recommendation in this report would have a disproportionate impact on any protected characteristic and having obtained legal advice on the matter are satisfied that the Public Sector Equality Duty is complied with.
- 5.39 Having taken into account all material considerations, particularly in light of the persistent breach of control over a long period and the protracted residential occupation of the Land, it is considered that these legitimate aims can only be adequately safeguarded by taking formal enforcement action by way of an injunction. It is the opinion of Officers, having regard to the above considerations that the taking of further enforcement action by the seeking of an injunction is proportionate in the circumstances of the case to remedying the Breach.
- 5.40 The protection of the public interest cannot be achieved by means that are less interfering with the occupants' rights. They are proportionate and necessary in the circumstances and would not, therefore, result in violation of the occupants' rights under Article 8 of the European Convention on Human Rights or any other Convention article even when the best interests of the children are taken into account.

5.41 With regard to this case there has been a persistent breach of planning control over a long period, previous enforcement options have been ineffective, other alternative enforcement options would be ineffective (these are considered below at paras 7.2 – 7.11) and the environmental harm is significant. The Government places great weight on the protection and preservation of the green belt from inappropriate development and the siting of a dwelling, without planning permission, is contrary to both local and national planning policy. Any adverse impact on the Owner and her family, and any interference with the Owner's rights, by pursuing an Injunction is proportionate.

5.42 Having regard to the relevant enforcement options set out below at part 7 of this report and the personal circumstances discussed above, Officers consider it appropriate to recommend that it is expedient to seek an injunction.

## **6 RATIONALE**

6.1 Effective enforcement is important to tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area, maintain the integrity of the decision-making process and help ensure that public acceptance of the decision-making process is maintained.

6.2 The Council decided to take enforcement action against the breach of planning control and that decision was upheld after an Appeal. The Breach is continuing and the decision being recommended is that it is considered expedient for the Council to pursue legal proceedings to remedy the Breach.

## **7 OTHER OPTIONS CONSIDERED**

7.1 Consideration has been given to the following available options:

### **ENFORCEMENT NOTICE**

7.2 As there is currently a Notice in force against the erection of the chalet, it is not considered necessary to serve a further planning enforcement notice. The owner/occupier has persistently failed to comply with the existing Notice and it is therefore considered a further Notice would be ineffective.

### **PROSECUTION**

7.3 Non-compliance with the requirements of a planning enforcement notice is a criminal offence under Section 179 of the 1990 Act and as such the Council could prosecute the owner of land for being in breach of a planning enforcement notice.

7.4 Whilst the Council may secure successful prosecution of the landowner for non-compliance with the requirements of the planning enforcement notice it will not necessarily result in the notice being complied with and may require repeated prosecution attempts to resolve the breach. This process would be both costly and time consuming with little prospect of successfully remedying the Breach.

### **DIRECT ACTION**

7.5 Where the steps required by an planning enforcement notice are not taken within the period for compliance within the notice, Section 178 of the 1990 Act allows

the Council to enter the land and take the steps as set out in the enforcement notice.

7.6 Whilst the Council may recover from the land owner any expenses incurred by taking direct action the upfront cost of taking direct action is likely to be considerable with the practical difficulty that the unlawful wooden chalet is also in residential occupation.

7.7 Direct action would clear the Land of the Breach however would not stop future unauthorised development.

#### TAKE NO ACTION

7.8 Enforcement action should be proportionate to the breach of planning control to which it relates and taken when it is expedient to do so. Where the balance of public interest lies will vary from case to case.

7.9 The Council issued the Notice because it was satisfied that there was a breach of planning control and it was expedient to issue the Notice, taking into account the provisions of the development plan and any other material considerations. The Notice was upheld on appeal.

7.10 The planning harm has not changed since the issue of the Notice. Without further enforcement action the integrity of the decision-making process and planning system may be open to criticism.

7.11 A decision to take no further enforcement action would not affect the Notice as it would continue in force against the Land and bind successors in ownership.

### **8 CONSULTATION**

*[Give details of all parties consulted in preparing this report.]*

8.1 In preparing this report, external legal advice was obtained from Landmark Chambers and the recommendations and advice provided by Counsel have been taken into account and incorporated into this report.

8.2 No further consultation was required in preparing this recommendation.

### **9 RISK MANAGEMENT**

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

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<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Development Control Committee</b>
<b>MEETING DATE:</b>	<b>11<sup>th</sup> April 2018</b>
<b>RESPONSIBLE OFFICER:</b>	Mark Reynolds, Group Manager, Development Management (Telephone: 01225 477079)
<b>TITLE:</b>	<b>NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES</b>
<b>WARD:</b>	ALL
<b>BACKGROUND PAPERS:</b>	None
<b>AN OPEN PUBLIC ITEM</b>	

**APPEALS LODGED**

**App. Ref:** 17/00847/RES  
**Location:** Land At Rear Of 161 To 171 Englishcombe Lane Southdown Bath  
**Proposal:** Approval of reserved matters in relation to outline application 16/01018/OUT (Erection of a maximum of 8no. dwellings at Land to Rear of 161-171 Englishcombe Lane) regarding scale, layout, appearance and landscaping of the site.  
**Decision:** REFUSE  
**Decision Date:** 3 July 2017  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 14 March 2018

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**App. Ref:** 17/01708/FUL  
**Location:** 2 Manor Farm Cottages Anchor Lane Combe Hay Bath Bath And North East Somerset  
**Proposal:** Interior and exterior alterations, including a two-storey extension and creation of new vehicle access.  
**Decision:** REFUSE  
**Decision Date:** 19 October 2017  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 14 March 2018

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**App. Ref:** 17/02025/FUL  
**Location:** The Paddocks Pilgrims Way Chew Stoke Bristol Bath And North

East Somerset

**Proposal:** Erection of a new dwelling.  
**Decision:** REFUSE  
**Decision Date:** 28 June 2017  
**Decision Level:** Delegated  
**Appeal Lodged:** 14 March 2018

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**App. Ref:** 17/02431/FUL  
**Location:** Land To Rear Of 4 Bath Road Peasedown St. John Bath  
**Proposal:** Erection of new chalet bungalow.  
**Decision:** PERMIT  
**Decision Date:** 22 August 2017  
**Decision Level:** Delegated  
**Appeal Lodged:** 14 March 2018

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**App. Ref:** 17/03627/FUL  
**Location:** 66 Bath Road Keynsham Bristol Bath And North East Somerset  
BS31 1SP  
**Proposal:** Erection of two storey chalet bungalow to the rear of 66 Bath Road  
**Decision:** REFUSE  
**Decision Date:** 24 October 2017  
**Decision Level:** Delegated  
**Appeal Lodged:** 14 March 2018

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**App. Ref:** 17/04376/FUL  
**Location:** Rose Cottage Crocombe Lane Timsbury Bath Bath And North East  
Somerset  
**Proposal:** Demolition of three garages and erection of ancillary  
accommodation.  
**Decision:** REFUSE  
**Decision Date:** 6 December 2017  
**Decision Level:** Delegated  
**Appeal Lodged:** 14 March 2018

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**App. Ref:** 17/04584/AR  
**Location:** Southgate Development Southgate Street Bath  
**Proposal:** Display of 7 No. Non-Illuminated High Level Wall Mounted Gateway  
Signs, 1no. Digital Pedestrian Directory and 5no. Non-Illuminated Car Park Signs

**Decision:** Split decision - check file/certificate  
**Decision Date:** 8 December 2017  
**Decision Level:** Delegated  
**Appeal Lodged:** 14 March 2018

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**App. Ref:** 17/04805/FUL  
**Location:** 46 Combe Park Lower Weston Bath Bath And North East Somerset  
BA1 3NS  
**Proposal:** Erection of wooden gates at the entrance (retrospective)  
**Decision:** REFUSE  
**Decision Date:** 4 December 2017  
**Decision Level:** Delegated  
**Appeal Lodged:** 14 March 2018

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**App. Ref:** 17/05287/FUL  
**Location:** 6 Westfield Terrace Westfield BA3 3UT  
**Proposal:** Erection of rear garden pigeon loft (Retrospective).  
**Decision:** REFUSE  
**Decision Date:** 20 December 2017  
**Decision Level:** Delegated  
**Appeal Lodged:** 15 March 2018

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## APPEALS DECIDED

**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  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 5 March 2018

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**App. Ref:** 17/00264/FUL  
**Location:** Parcel 6785 Summer Lane Monkton Combe Bath  
**Proposal:** Erection of a disabled accessible agricultural dwelling.  
**Decision:** REFUSE  
**Decision Date:** 20 March 2017  
**Decision Level:** Delegated  
**Appeal Lodged:** 7 November 2017  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 7 March 2018

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**App. Ref:** 17/04521/AR  
**Location:** Zizzi 9 Sawclose City Centre Bath  
**Proposal:** Display of 1 no halo illuminated fascia sign and non illuminated signs on planters and umbrellas  
**Decision:** Split decision - check file/certificate  
**Decision Date:** 14 November 2017  
**Decision Level:** Delegated  
**Appeal Lodged:** 5 February 2018  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 21 March 2018

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**App. Ref:** 16/05504/OUT  
**Location:** 34 - 35 Lower Bristol Road Westmoreland Bath Bath And North East Somerset BA2 3AZ  
**Proposal:** Erection of two buildings to provide residential accommodation for students (up to 204 bedrooms) with ancillary accommodation and facilities and external courtyards, alterations to existing pedestrian and vehicular access, and associated

infrastructure following demolition of existing building

**Decision:** REFUSE

**Decision Date:** 4 May 2017

**Decision Level:** Planning Committee

**Appeal Lodged:** 27 October 2017

**Appeal Decision:** Appeal Withdrawn

**Appeal Decided Date:** 23 March 2018

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## **FORTHCOMING HEARINGS AND ENQUIRIES**

**App. Ref:** 17/02924/TPO

**Location:** St Mary's Roman Catholic Church, Julian Road, Lansdown, Bath, Bath And North East Somerset, BA1 2RG

**Proposal:** T1 Horse Chestnut- Reduce the upper canopy to sound wood, perhaps as much as 2m below the existing pollard points. Rebalance the retained canopy as feasible.

**Decision:** REFUSE

**Decision Date:** 14 August 2017

**Decision Level:** Delegated

**Appeal Lodged:** 13 October 2017

**Hearing Date:** 4th April 2018

**Hearing venue:** Guildhall, Bath

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