

# Development Management Committee

**Date: Wednesday, 21st November, 2018**

**Time: 2.00 pm**

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

## **Agenda**

To: All Members of the Development Management Committee

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

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

Chief Executive and other appropriate officers  
Press and Public

The agenda is set out overleaf.



**Marie Todd**

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## NOTES:

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

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

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

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

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

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

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

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

The Council will broadcast the images and sound live via the internet [www.bathnes.gov.uk/webcast](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, 21st November, 2018

at 2.00 pm in the Brunswick Room - Guildhall, Bath

### A G E N D A

#### 1. EMERGENCY EVACUATION PROCEDURE

The Chairman will ask the Committee Administrator to draw attention to the emergency evacuation procedure.

#### 2. ELECTION OF VICE CHAIRMAN (IF DESIRED)

#### 3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

#### 4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number and site in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

#### 5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

#### 6. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

(1) At the time of publication, no items had been submitted.

(2) To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to the Committee Administrator will be able to make a statement to the Committee immediately before their respective applications are considered. There will be a time limit of 3 minutes for each proposal, i.e. 3 minutes for the Parish and Town Councils, 3 minutes for the objectors to the proposal and 3 minutes for the applicant, agent and supporters. This allows a maximum of 9 minutes per proposal.

#### 7. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

8. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 28)

To confirm the minutes of the meeting held on 24 October 2018.

9. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 29 - 76)

10. QUARTERLY PERFORMANCE REPORT - JULY TO SEPTEMBER 2018 (Pages 77 - 88)

The Committee is asked to note the report.

11. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 89 - 94)

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, 24th October, 2018, 2.00 pm

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

#### **54 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

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

A Vice Chairman was not required on this occasion.

#### **56 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Cllr Caroline Roberts – substitute Cllr Neil Butters.

#### **57 DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

There was no urgent business.

#### **59 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.

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

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

#### **61 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 26 September 2018 were confirmed and signed as a correct record.

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

The Committee considered:

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

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

### **Item No. 1**

#### **Application No. 18/02898/FUL**

**Site Location: Horseworld, Staunton Lane, Whitchurch – Erection of 5 residential units (including affordable housing) together with associated parking, highways and landscaping works**

The Case Officer reported on the application and her recommendation to delegate to permit. She explained that the new nursery school that opened in June 2017 could take 30 children on a full-time basis and was currently running at 60% occupancy. Therefore there was currently room for 12 additional children. Subject to available funds the nursery could also expand to provide up to 24 additional places, giving a total of 54 places at the nursery. Work was currently underway to widen the footpath and to provide a zebra crossing on the walking route to the nursery.

The agent spoke in favour of the application.

The Case Officer responded to questions as follows:

- The additional housing would provide two affordable units.
- Officers were not aware of any agreement that specified that a nursery should be provided "near" to the development.
- It was noted that many of the units were now occupied and officers confirmed that the early years' education facility had been opened prior to occupation as specified in the Section 106 Agreement.
- The estimated walking time to the existing early years' facility was a 10 minute walk which was considered to be reasonable.

Cllr Matthew Davies queried the acceptability of a 700m walk to the early years' facility with a young child.

Cllr Appleyard felt that the walk would take longer than 10 minutes with young children. He noted that the walking route was along a busy main road and also stated that there was no guarantee that the nursery would be in existence for the

long term.

Cllr Jackson expressed concern about the removal of the requirement to provide an early years' facility. She queried whether the current 60% occupancy of the existing facility was viable. She also queried whether a play area could be provided by the developer in this location if not a nursery. She was also concerned about pollution levels along the walking route.

The Team Manager, Development Management, explained that the legal agreement covered a number of matters including landscaping and highways. He confirmed that due to the existence of an adequate facility in the area the requirement to provide an early years' facility at this site no longer applied. From a planning perspective the land was no longer reserved for an early years' facility and was simply a vacant plot of land.

Cllr Kew was concerned at the loss of the early years' facility within the new development area. He referred to a letter that had been sent to the developer from the Council stating that the requirement to provide such a facility had been discharged. He noted that even with the new facility there remained a shortfall of 18 nursery places. Extending the facility could lead to a reduction in parking spaces. The A37 was a very busy road and was not a safe walking route for young families.

Cllr Crossley pointed out that the proposal would provide one property for social rent and one for shared ownership. He felt that this would be advantageous given the need for housing in this area and felt that this was more important than providing a second early years' facility. He moved the officer recommendation to delegate to permit the application. This was seconded by Cllr Butters.

Cllr Organ stated that the walking time from the new development to the nursery school was actually closer to 20 minutes.

Cllr Appleyard felt that the provision of the facility should actually be on the development site which would be more beneficial to children and families living in the new properties. He also highlighted the added benefit of creating a cohesive community and the social advantages of a local facility.

The Legal Advisor advised that, if the Council had written to the developer discharging the planning obligation, then the Council would be bound by that decision.

The motion was put to the vote and there were 3 votes in favour and 7 votes against. The motion was therefore LOST.

Cllr Kew then moved that consideration of the application be deferred pending further legal advice on the provisions of the Section 106 Agreement in order to establish if there were any alternative options. This was seconded by Cllr Appleyard.

The motion was put to the vote and it was RESOLVED unanimously to DEFER consideration of the application pending further legal advice on the provisions of the Section 106 Agreement.

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

The Committee considered:

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

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

**Item No. 1**

**Application No. 18/03742/FUL**

**Site Location: City of Bath College, Milk Street, Bath – Demolition of existing building and erection of new hotel and associated works (Resubmission)**

The Case Officer reported on the application and his recommendation to delegate to permit. He explained the differences between the resubmitted application and the previous application which had been refused by the Committee. This included a 1.4m reduction in the height of the building and the removal of the majority of the roof top plant.

The Chair of the Independent Guesthouse Association spoke against the application. He also spoke on behalf of FOBRA (Federation of Bath Residents' Associations), Bath Association of Self Catering Accommodation and the Hotel General Managers.

The Agent and a representative from Bath College spoke in favour of the application.

The Case Officer responded to questions as follows:

- There was no off street parking as part of this development, however, the plans for the works taking place in nearby Avon Street had not yet been determined. The Highways Officer explained that Blue Badge holders would be able to park in restricted areas for a period of up to three hours provided they were not causing an obstruction.
- Any changes to teaching arrangements for Bath College students as a result of the application were a matter for the College and not a planning consideration. The college would be vacated at the end of 2019 and it was anticipated that the construction of the hotel would take at least 18 months. A construction management plan would provide further details in due course.

Cllr Becker noted that the previous application had been refused on design grounds. He highlighted the fact that Bath was a World Heritage City and felt that it must remain a unique destination. He stated that there had been no significant



change to the design and that it was not appropriate for a Bath city centre development. He felt that the application should be rejected and that the Committee should ask for a new design that would enhance the Georgian city of Bath.

Cllr Appleyard noted that whilst the history of the city was important, visitors required good quality hotel accommodation. He did not see a problem with a hotel being on this site and acknowledged the improvements in the revised design. It was a softer design than the original proposal and the height had been reduced. He moved the officer recommendation to delegate to permit.

Cllr Kew seconded the motion as he felt that this was an improved design and he did not believe that a pastiche Georgian design was required in this location.

Cllr Crossley stated that the Committee required more detail regarding the economic impact of this proposal. He noted the large number of Airbnb properties in the city which were also affecting local businesses in the area.

Cllr Jackson expressed concern at the loss of trees and requested that a landscaping condition be imposed to include tree planting. The Team Manager, Development Management, explained that the S106 Agreement would require a financial contribution for offsite tree planting.

Cllr Butters also raised the impact of Airbnb properties in the city. The Case Officer explained that the Hotel Solutions Report which was currently being prepared would analyse the existing market and that the economic impact of policies would be considered as part of the Local Plan process.

The motion was put to the vote and it was RESOLVED by 5 votes in favour, 3 votes against and 2 abstentions to DELEGATE TO PERMIT the application subject to conditions and the completion of a Section 106 Agreement as set out in the report.

## **Item No. 2**

### **Application No. 18/02591/FUL**

#### **Site Location: Pond House, Rosemary Lane, Freshford – Erection of two storey and single storey side extension and associated landscaping**

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

The agent spoke in favour of the application.

Cllr Neil Butters, local ward member, spoke in favour of the application. He pointed out that both Freshford and Hinton Charterhouse Parish Councils were in favour of the application which should be given weight. He stated that this was an innovative design which would enhance the area.

The Case Officer then responded to questions as follows:

- The scale of the application would impact on the AONB. The farm buildings which would be demolished were not listed and were not within the Conservation Area.

- The buildings to be demolished would be the garage and workshop, the belvedere, the outside toilet, the tractor shed and part of the original dwelling.
- The property was extended in 1989 and the extension equated to a 41% increase in volume to the original dwelling. She confirmed that the outbuildings had not been included in the volume calculation.
- The ecologist had not been consulted on this application.

Cllr Jackson noted that the tractor shed could provide a habitat for bats and felt that there should be an ecology report. She moved the officer recommendation to refuse. The motion was seconded by Cllr Organ who felt that the extension would detract from the original building and would be too dominant.

Cllr Crossley stated that the proposed extension was an imaginative and outstanding design. He felt that the greenbelt would become more open with the demolition of the various buildings. He pointed out that the building was not listed.

Cllr Appleyard felt that the design was good but noted that the extension was significant in relation to the host dwelling. The percentage increase was contrary to policy and he could see no special reason to go against this.

Cllr Kew felt that the design was exceptional but the proposal was clearly against the greenbelt policy and therefore no exception could be made.

Cllr Davies praised the design and felt that a site visit would be helpful.

The Team Manager, Development Management, explained that the proposed extension was significantly larger than one third of the host dwelling. This also took into account the demolition of the other buildings on the site. Officers had concluded that the demolition of some buildings did not compensate for the bulk of the extension and its effect on the openness of the greenbelt.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 3 votes against to REFUSE the application for the reasons set out in the report.

*(Note: Cllr Butters spoke in his capacity as the local ward member and did not take part in the debate or vote on this item).*

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

### **Item No. 3**

#### **Application No. 18/01431/FUL**

**Site Location: Dearholm, Colliers Lane, Charlcombe, Bath – Erection of ground floor extension and alteration of the roof to create additional residential accommodation**

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

A representative from Charlcombe Parish Council spoke against the application.

Cllr Martin Veal, local ward member, spoke against the application. He stated that the proposal would have a detrimental impact on the rural setting on the edge of a

world heritage city. He pointed out that the site was located in a prominent and isolated location and that the development would cause harm to the greenbelt and AONB. He felt that the size of the extension was disproportionate and represented a 61% increase in volume.

Cllr Alison Millar, local ward member, spoke against the application. She pointed out that the site was located in open countryside, in an AONB and the greenbelt. She stressed the importance of protecting the landscape. The development would result in a much larger modern building which would be intrusive and have a negative impact on the rural character of the countryside. The new building would be more prominent, linear and box shaped. She referred to the comments of the landscape officer which concluded that the application was not acceptable in its current form.

Cllr Geoff Ward, local ward member, spoke against the application. He also pointed out that the site was highly visible from a number of locations across Bath. The proposal represented overdevelopment of the site and would be harmful to the greenbelt.

Cllr Crossley stated that the existing property sits well in its current location and enhances the view. The proposal would be very prominent and would be a large and brutal design which would seriously damage the view. He then moved that the application be refused due to the harm to the visual amenity of the greenbelt and AONB. The proposal would also represent overdevelopment due to the volume increase of the extension.

Cllr Jackson seconded the motion. She felt that the proposal would be too obtrusive and that the materials and design were inappropriate in this location.

Cllr Davies agreed with the comments and objections raised by Charlcombe Parish Council.

Cllr Appleyard expressed concerns about the visual impact of the extension and felt that the design was inappropriate for the rural location.

The motion was put to the vote and it was RESOLVED unanimously to REFUSE the application for the following reasons:

- The proposal would detract from the visual amenity of the Area of Outstanding Natural Beauty and greenbelt.
- The size, design and appearance of the proposal would not be appropriate in this prominent location.

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

The Committee considered the appeals report.

RESOLVED to NOTE the report.

The meeting ended at 4.35 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Management Committee**

**24<sup>th</sup> October 2018**

**UPDATE REPORT AND OBSERVATIONS RECEIVED SINCE THE  
PREPARATION OF THE MAIN AGENDA**

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
1.	18/03742/FUL	Bath College, Milk Street, Bath

**Matters of Clarification**

The main report states (top P.62) that a new study into hotel growth in Bath is currently underway and that this will inform the on-going Local Plan review process and that the findings of that study should not be pre-judged. It is further stated in the conclusion of the main report (top P.71) that speculation regarding the findings of a future report cannot be given significant weight.

To clarify, it remains the case that the aforementioned report has not been published or received by the Council but some preliminary findings have been provided to the Council. Those initial findings include the projected demand for additional hotel bed space in Bath for the period 2018-2036 based on three scenarios - low growth, medium growth and high growth; these demand projections have been provided in relation to each category of hotel.

The data provided in respect of four star/boutique hotel demand is that which is most relevant to this application. Based upon the highest level of predicted growth, there is predicted to be demand for an additional 71 four star/boutique hotel beds by 2021; 159 in the period 2022-2026; 193 in the period 2027-2031 and 235 in the period 2031-2036; this is a total therefore of 658 four star/boutique hotel beds during the period 2018-2036 (there are already 204 bedrooms in the pipeline).

The preliminary findings of the study set out above are a material consideration but it is recommended that they are given limited weight. The findings form part of the evidence base which will inform the formulation of policy; they do not constitute policy. It is now for the Council to determine (once the final report is received) what policy approach to adopt in light of this new evidence - this will form part of the Local Plan review process. The Council will be consulting on its Local Plan Options document in November and that will set out various policy options for dealing with hotel growth in Bath.

Ultimately there is nothing in the projected demand data summarised above which suggests that the recommendation should change and the application should be

refused. Supply exceeding projected short-term demand is not in itself a reasonable reason for refusing an application; this is a matter for the market. This is a city centre location where a use such as a hotel is supported in principle by planning policy; there is no evidence to suggest that unacceptable levels of public harm will result from the proposal and as such the recommendation remains that permission be granted (on a delegated basis as per the main report).

### **Amended Conditions**

Discussions have continued between the Council and agent/applicant following the finalisation of the committee report. As a result of these discussions some minor revisions are recommended to Conditions 19 and 19. The recommended conditions in their revised form are set out below together with a note explaining each change.

**Condition 18:** No development shall commence, with the exception of demolition works, until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

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

(ii) an assessment of the potential risks to:

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

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

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

NOTE: '*with the exception of demolition works*' has been added to enable the building to be demolished prior to the discharge of this condition as undertaking the work required by this condition while the building is still in situ is likely to be problematic.

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**Condition 19:** No development shall commence, with the exception of demolition works, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

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

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

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

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

NOTE: '*with the exception of demolition works*' has been added to enable the building to be demolished prior to the discharge of this condition as undertaking the work required by this condition while the building is still in situ is likely to be problematic.

### **Public Sector Equality Duty**

Section 149 of the Equality Act 2010 places a duty on public authorities, in the exercise of their functions (including therefore undertaking the assessment and determination of planning applications), to have due regard to:

1. The need to eliminate discrimination, victimisation and any other conduct prohibited by the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it and;
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Act defines 'protected characteristics' as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The proposed development involves the demolition of the college building and its replacement with a hotel; clearly the academic and teaching facilities within will be lost. Age is a protected characteristic and it is the case that a large proportion of college students fall within a particular (younger) age group; this has been taken into account. As stated in the main report, Bath College has determined to rationalise its estate, discontinue certain courses and relocate others. This is not as a consequence of the proposal, on the contrary; the proposed redevelopment of the site is as a consequence of decisions already taken by the college in respect of its estate and educational offer.

The proposed development in itself will not therefore result in those with protected characteristic, in particular age, being disadvantaged or their needs compromised. It will not lead to discrimination or victimisation or undermine relations. The decision has already been taken by a third party to dispose of the college building with the consequences that brings. In respect of disability (physical), the building has designed to be accessible.

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Item No.	Application No.	Address
001	18/02898/FUL	Horseworld, Whitchurch

Councillors at the last committee meeting wanted to know more about the current figures for the nursery that opened in June 2017.

An email from the director has stated that the new nursery can take 30 children on a full-time basis and is currently running at 60% occupancy. Therefore, there is still room for 12 children. Furthermore, the director has stated that if more capacity is required there is a supportive landlord who would, subject to the relevant permissions, allow the nursery to extend the provision. Subject to available funds it is thought that the nursery could expand by up to 24 places.

Further information was required regarding how the figures on capacity from the education team were calculated.

When all the proposals were put forward for this part of Whitchurch the education team would have looked at the total yield of children using the methodology contained within the Planning Obligations SPD (2009). This states that where additional provision is required in the area of the development, the determination of whether or not there is sufficient Early Years provision in the area of the development will be done via reference to the Bath and North East Somerset Childcare Sufficiency Report and an assessment of the impact of the development on existing capacity. The 2006 Childcare Act states that Local Authorities have a statutory obligation to ensure that they have a strategy in place for the provision of



childcare sufficient to meet the needs of parents who require childcare in order to work or to undertake training to obtain work. Calculations will be based on national take up rates for

Early Years services - currently 20% of children aged 0 - 2 and 95% of children aged 3 -4 take up Early Years services.

The market came forward with a solution which then negated the requirement for a developer funded solution which is why there was a flexible s106 agreement and then as a result there was no longer a requirement to provide childcare provision whether that be land, contributions to the build and so forth.

There are no catchment areas associated with childcare and early years provision as it is left to the market and families to find the solution. Whitchurch falls into the Chew Valley area for Childcare Sufficiency and that is oversupplied compared to much of Bath and NE Somerset.

Further clarification on calculations:

This particular application is for an additional 5 dwellings to the 97 dwellings from the original which is 102 dwellings in total. However, attention should also be paid to 16/02055/FUL Land East of the Mead, Queen Charlton Lane which permitted a further 100 dwellings. The breakdown is as follows:

16/04615/FUL Horseworld Staunton Lane (Bellway) (including the 5 dwellings in this application)

This development of 10 no. 1 bed flats, 1 no. 2 bed flat, 16 no. 2 bed houses, 40 no. 3 bed houses and 35 no. 4 bed houses – total 97 dwellings - at Horseworld Staunton Lane Whitchurch is calculated to generate the following need: Early Years age children – 16 (to the nearest round number)

16/02055/FUL Land East of the Mead, Queen Charlton Lane (Barratt)

This development of 14 no. 1 bed flats, 22 no. 2 bed houses, 33 no. 3 bed houses and 31 no. 4 bed houses – total 100 dwellings - at Land East of the Mead Queen Charlton Lane Whitchurch is calculated to generate the following need: Early Years age children - 13 (to the nearest round number)

The figures from the Planning Obligations SPD are:

	Number of Bedrooms					
	Flats 2	3+	Houses 2	3	4	5+
All Early Years children age 0-2 per 100 dwellings	7.2	10.8	14.4	21.6	23.4	19.2
Early Years Children age 0-2 per 100 dwellings 20% take up rate	1.44	2.16	2.88	4.32	4.68	3.84
All Early Years children age 3-4 per 100 dwellings	4.8	7.2	9.6	14.4	15.6	12.8
Early Years children age 3-4 per 100 dwellings 95% take up rate	4.56	6.84	9.12	13.68	14.82	12.16

The number of Early Years age children generated per dwelling varies depending on whether it is a flat or house and how many bedrooms each dwelling has. Average figures that are applied are as follows:

An example of how the education team have worked out the calculations is as follows;

Horseworld site only;

1 2-bed flat

0-2

$$1.44/100 \times 1 = 0.0144$$

3-4

$$4.56/100 \times 1 = 0.0456$$

16 2-bed houses

0-2

$$2.88/100 \times 16 = 0.4608$$

3-4

$$9.12/100 \times 16 = 1.4592$$

40 3-bed dwellings so using the figures from the table below;

Early years 0-2

$$4.32 / 100 \times 40 = 1.728$$

Early Year 3-4

$$13.68/100 \times 40 = 5.472$$

35 4-bed dwellings

0-2

$$4.68/100 \times 35 = 1.638$$

3-4

$$14.82/100 \times 35 = 5.1975$$

When rounded to the nearest whole number, the Horsecworld site (including the additional 5 dwellings) would require 16 spaces and the Queen Charlton Lane site would require 13 spaces. Therefore, it is considered that the new nursery has the capacity for the additional nursery space requirements.

It is important to note here that the inclusion of 2 3-bed dwellings and 3 4-bed dwellings by itself is 0.945 which is rounded up to 1 extra space.

The exact wording of the Section 106 is as follows:

*The owner shall not be required to pay the Additional Early Year's Contribution and the Early Year's Contribution shall not be required to transfer the Early Year's land if;*

- a) The Council has confirmed to the owner in writing that such payments are not required which shall be in circumstances where prior to occupation of any residential unit:*
  - i) A new early education and/or childcare facility has opened in Whitchurch Village after 1<sup>st</sup> June 2017 (to the extent that it is within the boundary of the Council's administrative area and may include the proposed new Mama Bear's Day Nursery in Whitchurch).*

Therefore, as it has been found that there is capacity within the existing nursery to take the additional children which opened in June 2017, the early year's facility is no longer necessary which complies with the wording of the s106 agreement.

There were also concerns expressed regarding the journey times for walking to the nursery which have been worked out as being approximately 15 minutes.

The highways team has also provided a detailed map showing the changes that will be made to the existing road and pavements from the site to the proposed development. These changes include widening footways to between 1.8-2m in width, the removal/re-positioning of signs and lamp posts, a proposed zebra crossing, a proposed uncontrolled pedestrian crossing and speed reduction bar markings on the road.



## 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 24 OCTOBER 2018

SITE VISIT LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	Horseworld, Staunton Lane, Whitchurch	Rhian Powell (Applicant)	For

MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	City of Bath College, Milk Street, Bath	Harry Tedstone (Chair of Bath Independent Guesthouse Association)	Against
		Cathy Francis (Agent)	For (To share 3 minutes)
		Daisy Walsh (Bath College)	
2	Pond House, Rosemary Lane, Freshford	George Batterham (Agent)	For
3	Dearholm, Colliers Lane, Charlcombe, Bath	Alastair MacKichan (Charlcombe Parish Council)	Against
		Chris Beaver (Agent)	For
		Cllr Martin Veal Cllr Alison Millar Cllr Geoff Ward (Local Ward Members)	Against

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

**24th October 2018**

**SITE VISIT DECISIONS**

<b>Item No:</b>	001		
<b>Application No:</b>	18/02898/FUL		
<b>Site Location:</b>	Horseworld, Staunton Lane, Whitchurch, Bristol		
<b>Ward:</b> Publow And Whitchurch	<b>Parish:</b> Whitchurch	<b>LB Grade:</b> II	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of 5no. residential units (including affordable housing) together with associated parking, highways and landscaping works.		
<b>Constraints:</b>	Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Policy GDS1 Site Allocations, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,		
<b>Applicant:</b>	Bellway Homes Ltd (South West)		
<b>Expiry Date:</b>	22nd November 2018		
<b>Case Officer:</b>	Chloe Buckingham		

**Defer for legal advice with regards to the provisions of the S106 Agreement.**

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

**24th October 2018**

**DECISIONS**

<b>Item No:</b>	01
<b>Application No:</b>	18/03742/FUL
<b>Site Location:</b>	City Of Bath College, Milk Street, City Centre, Bath
<b>Ward:</b> Kingsmead	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Demolition of existing building and erection of new hotel and associated works (Resubmission).
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, Public Right of Way, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Dominvs Project Company 8 Ltd
<b>Expiry Date:</b>	22nd November 2018
<b>Case Officer:</b>	Chris Gomm

**DECISION** Delegate to PERMIT subject to applicant entering into S106 agreement and relevant conditions.

<b>Item No:</b>	02		
<b>Application No:</b>	18/02591/FUL		
<b>Site Location:</b>	Pond House, Rosemary Lane, Freshford, Bath		
<b>Ward:</b> Bathavon South	<b>Parish:</b> Hinton Charterhouse	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of two storey and single storey side extension and associated landscaping.		
<b>Constraints:</b>	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Conservation Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Greenbelt, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE3 SNCI, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Public Right of Way, SSSI - Impact Risk Zones,		
<b>Applicant:</b>	Mrs Kate Walters		
<b>Expiry Date:</b>	28th September 2018		
<b>Case Officer:</b>	Samantha Mason		

## DECISION REFUSE

1 The proposed development represents inappropriate development in the Green Belt and would be harmful to openness and the purposes of including land within the Green Belt. The proposal is therefore contrary to policy CP8 of the adopted Core Strategy and policy GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and the NPPF.

2 The proposed development by virtue of its scale and massing would adversely affect the natural beauty of the landscape of the designated AONB. The proposal is therefore contrary to policy NE2, D1, D2 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) as well as the Freshford and Limpley Stoke Neighbourhood Plan Planning, and the NPPF.

## PLANS LIST:

This decision relates to the following plans:

12 Sep 2018 1727 L1.A Site Location and Block Plans  
12 Sep 2018 1727 L2 Landscape Design  
12 Sep 2018 1727 L3a Proposed First Floor  
12 Sep 2018 1727 L4a Proposed Ground Floor  
12 Sep 2018 1727 L5a Proposed Roof Plan

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the

application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

<b>Item No:</b>	03		
<b>Application No:</b>	18/01431/FUL		
<b>Site Location:</b>	Dearholm, Colliers Lane, Charlcombe, Bath		
<b>Ward:</b> Bathavon North	<b>Parish:</b> Charlcombe	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of ground floor extension and alteration of the roof to create additional residential accommodation.		
<b>Constraints:</b>	Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,		
<b>Applicant:</b>	Buzzard Williams		
<b>Expiry Date:</b>	28th September 2018		
<b>Case Officer:</b>	Rae Mephram		

## DECISION REFUSE

1 The proposal, due to it's design, size and appearance, would be detrimental to the character and appearance of this part of the Area of Outstanding Natural Beauty and the visual amenities of the Green Belt, contrary to policies NE2 and GB1 of the Bath and North East Somerset Placemaking Plan.

## PLANS LIST:

This decision relates to:

06 Jul 2018	411 - P201 - P3	PROPOSED SOUTH ELEVATION
06 Jul 2018	411 - P202 - P3	PROPOSED EAST ELEVATION
06 Jul 2018	411 - P203 - P3	PROPOSED NORTH ELEVATION
06 Jul 2018	411 - P204 - P3	PROPOSED WEST ELEVATION
23 Jul 2018	411 - P101 - P3	PROPOSED GROUND FLOOR PLAN
23 Jul 2018	411 - P102 - P3	PROPOSED FIRST FLOOR PLAN
23 Jul 2018	411 - P103 - P3	PROPOSED ROOF PLAN
23 Jul 2018	P - 001- P3	REVISED LOCATION PLAN
17 Aug 2018	411 - P002 - P4	PROPOSED SITE PLAN
25 Sep 2018	411 - P 301 REV P1	PROPOSED SECTION AA
25 Sep 2018	411 - P 302 REV P1	PROPOSED SECTION BB

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

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Bath & North East Somerset Council		
MEETING:	Development Management Committee	AGENDA ITEM NUMBER
MEETING DATE:	21st November 2018	
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)	
TITLE:	APPLICATIONS FOR PLANNING PERMISSION	
WARDS:	ALL	
BACKGROUND PAPERS:		
AN OPEN PUBLIC ITEM		

## BACKGROUND PAPERS

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

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

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

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

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

## **INDEX**

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	18/02898/FUL 22 November 2018	Bellway Homes Ltd (South West) Horseworld, Staunton Lane, Whitchurch, Bristol, Bath And North East Somerset Erection of 5no. residential units (including affordable housing) together with associated parking, highways and landscaping works.	Publow And Whitchurch	Chloe Buckingham	Delegate to PERMIT
02	18/01999/FUL 12 December 2018	Mr J. Morgan on behalf 40 Bloomfield Park, Bloomfield, Bath, Bath And North East Somerset, BA2 2BX Erection of 8 no. apartments with associated parking and landscaping following demolition of existing detached house and garage (Resubmission).	Lyncombe	Chris Griggs- Trevarthen	Delegate to PERMIT
03	18/04233/FUL 16 November 2018	Mr Daniel McIntyre 14 The Beeches, Odd Down, Bath, Bath And North East Somerset, BA2 2UX Installation of rear and side dormer windows with two front roof lights. (Resubmission)	Odd Down	Edward Allsop	REFUSE

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

<b>Item No:</b>	01
<b>Application No:</b>	18/02898/FUL
<b>Site Location:</b>	Horseworld Staunton Lane Whitchurch Bristol Bath And North East Somerset



**Ward:** Publow And Whitchurch

**Parish:** Whitchurch

**LB Grade:** II

**Ward Members:** Councillor Paul May

**Application Type:** Full Application

**Proposal:** Erection of 5no. residential units (including affordable housing) together with associated parking, highways and landscaping works.

**Constraints:** Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Policy GDS1 Site Allocations, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,

**Applicant:** Bellway Homes Ltd (South West)

**Expiry Date:** 22nd November 2018

**Case Officer:** Chloe Buckingham

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

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

Cllr Paul May has called the application into committee for the following reasons;

- o As the local member supporting the village council I wish to request this application be refused for the following reasons;
- o The original core strategy RA5 states that "a new early years facility will also be also need to be provided on site or nearby".
- o the master plan submitted by the three developers identified this site as the one to satisfy the above..
- o a new facility has recently been created a long way away from the site by a private provider and it is too early to say whether this site is going to meet the needs of 200 plus homes and residents of the new estate.

- o the private facility is across a dangerous main road and no safe routes from the estate have been provided for such young children to access it.
- o the new facility is not within reasonable walking distance and is therefore not sustainable the master plan and approved full planning approvals have satisfied the 200 dwellings requirement for the site and the extra homes will result in over development.
- o the route to the private facility needs a safeguarding survey to prove it is viable.
- o the approved neighbourhood plan has identified a complex set of needs for the village and this site is the only area left within the development which could meet any opportunities for community provision of pre-school, library, youth etc facilities.
- o In simple terms the application is premature because the off-site facility will not serve this 200 plus dwellings and further work in real terms is required to prove the viability of the new private provision and that it can be accessed effectively by foot by residents of the horseworld site.
- o In addition the provision is in an area of considerable pollution whereas the allocated site is safe.

Whitchurch Village Council have also objected to this application on the grounds that it was originally designated as an area for 'a new early years facility'. They have explained that a new facility has been provided by private provider in the village but it is situated on a busy road and a considerable walk from the development site with no safe walking route provided, also there is no guarantee that it will be sufficient to meet the needs of the 200 homes and residents of the new development sites. If this area is not used as an early years facility it should be reserved for a community provision or as a social amenity area as identified in the Whitchurch Village Neighbourhood Development Plan.

The chair of committee has decided to take the application to committee for the following reasons;

The Officer has assessed the application in line with relevant planning policy however, as a result of the comments raised linked to whether this is too early to seek a change from the original plans or could be used for a different community use, I recommend should be debated & therefore I recommend the application is determined by the DMC.

#### DEFERRED FOR SITE VISIT AND ADDITIONAL INFORMATION:

The application was deferred at the last committee meeting by Members for further legal advice regarding the Section 106 agreement. Members will be updated at the next committee meeting on 21st November 2018.

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

Consultation responses:

Cllr Paul May: Call in request if minded to approve the application.

Whitchurch Village Council: Objection.

Public Right of Way: no objection.

Drainage: no objection.



Highways: no objection subject to the 5 previous highways conditions.

Contaminated Land: no objection subject to one condition.

Arboriculture: no objection subject to one condition.

Ecology: no objection subject to four conditions.

Landscape: not acceptable in current form.

Archaeology: No objection

Housing Services: no objection- affordable housing requirements within B&NES SPD 2015 needs to be secured by legal agreement.

Education: no objection subject to a S106 contribution which will be required to contribute to the creation of additional primary school capacity at Whitchurch Primary School.

Parks and Gardens: No objection subject to one condition.

Economic Development: response explains 'no comment'.

Third party comments: one objection comment received. The main points being;

- o The reliance on a nursery which is situated outside of the development will create highway safety implications for pedestrians as well as unacceptable levels of traffic.
- o Doctor's surgery is already overloaded. The site would be good for a new surgery.

## **POLICIES/LEGISLATION**

### **POLICIES:**

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

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

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

DW1 - District Wide Spatial Strategy  
SD1 - Sustainable Development  
RA5 - Land at Whitchurch Strategic Site Allocation  
CP2 - Sustainable Construction  
CP3 - Renewable Energy  
CP5 - Flood Risk Management

CP6 - Environmental Quality  
CP7 - Green Infrastructure  
CP9 - Affordable Housing  
CP10 - Housing Mix  
CP13 - Infrastructure Provision  
RA5 - Land at Whitchurch Strategic Allocation

The relevant Placemaking Plan policies should be considered:

SD1 - Presumption in favour of sustainable development  
RA5 - Land at Whitchurch Strategic Site Allocation  
CP2 - Sustainable Construction  
CP3 - Renewable Energy  
SCR5 - Water Efficiency  
CP7 - Green Infrastructure  
CP9 - Affordable Housing  
CP10 - Housing Mix  
PCS5 - Contamination  
PCS7A - Foul sewage infrastructure  
SRC1 - On site renewable energy requirement  
SU1 - Sustainable drainage  
D1 - General urban design principles  
D2 - Local character and distinctiveness  
D3 - Urban Fabric  
D4 - Streets and Spaces  
D5 - Building Design  
D6 - Amenity  
D7 - Infill and backland development  
HE1 - Historic environment  
NE2 and NE2A - Landscape character and setting  
NE3 - Protected Species  
NE5 - Ecological networks  
NE6 - Trees and woodlands  
PCS1 - Pollution and nuisance  
PCS2 - Noise and vibration  
PCS3 - Air Quality  
LCR2 - New or replacement community facilities  
LRC3A - Primary School Capacity  
ST1 - Sustainable Travel  
ST7 - Transport requirements for development  
LCR9 - Increasing the provision of Local Food Growing  
H7 - Housing Accessibility

Relevant policies from the Whitchurch Village Neighbourhood Plan (2015);

WV1.1 Village Design  
WV1.2 Housing Mix  
WV1.4 Heritage Assets  
WV3.1 New Housing  
WV4.2 Traffic

WV4.4 Pedestrian and cycle links

WV4.5 Highway safety

Planning Obligation Supplementary Planning Document (SPD) (2015)

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

There is also duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## **OFFICER ASSESSMENT**

### **PRINCIPLE OF PROPOSED USE:**

The site forms part of the previously approved application 16/04615/FUL which was allocated for a nursery. However, an existing nursery has expanded and the provision is no longer required.

The site is allocated under Policy RA5 of the Core Strategy as a housing site and therefore the proposed use of the site for residential housing is acceptable in principle.

Policy RA5 sets out a number of different placemaking principles that need to be met to comply with the overall policy and which are considered throughout this report.

Furthermore, in line with Policy RA5 the application proposes an addition of 5 dwellings to the previous total of 97 dwellings which, in conjunction with the two other applications on the Horseworld site, means that the site is on course to achieve around 200 dwellings as required. This increase in number will increase density within the site to approximately 39 dph, which is within the required 35-40 dph and is acceptable. The provision of affordable housing as well as the education contribution is explained later in this report.

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

The overall layout and density is considered to be in-keeping with the existing design of the area. Furthermore, the design and siting of the detached and semi-detached properties and the proposed use of matching materials is acceptable.

Overall the development is considered broadly in accordance with Policies D1, D2, D3, D4 and D5 of the Placemaking Plan (2017).

### **IMPACT ON LISTED BUILDINGS:**

The proposed development is adjacent to the historic Staunton Manor Farm that consists of the Grade II listed farmhouse that has C17 origins, and agricultural buildings most of which are historic dating from the C17, C18, C19 and C20. These buildings form the Whitecroft development and are proposed to be converted into dwelling houses.

The development site is also in close proximity to Manor Farm and Grey House to the north of the site both of which also have C17 origins.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The application is considered below in light of this duty:

Within the previously approved planning application from 2016 a heritage statement was included and it was considered by the conservation officer that, subject to the agreement of final details, the previous revisions have resulted in an improved relationship between the proposed development and the existing historic farm buildings. It was acknowledged that they do not go as far as the Conservation Officer had requested but they are nevertheless an improvement. Therefore, as the scheme is proposing five more houses of a similar design and layout which will be positioned within the current site there are not considered to be any significant negative impacts on the surrounding listed buildings.

Therefore whilst having regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paras 193 of the NPPF, it is considered that the development would preserve the setting of the listed building and its curtilage farm complex. The application is broadly compliant with Policy HE.1 of the Placemaking Plan (2017).

#### IMPACT ON ECOLOGY:

The proposal results in the loss of an area of wildflower planting, which is regrettable. However, the hedgerow to the east, which forms a north-south ecological corridor, is unaffected by the proposals. The Planning Statement confirms that the scheme will be implemented in accordance with the site-wide LEMP to ensure protection and enhancement of existing landscape and ecological features.

The proposal specifically excludes public realm lighting as part of the development, to protect the important ecological corridor to the east. However, it is considered necessary to attach a condition to ensure that the development shall be constructed and maintained in accordance with the approved lighting scheme and predicted light levels as shown on drawing B621/62 Rev H dated 09-01-17.

As a precaution, and as recommended by the submitted Ecological Impact Assessment Addendum, it will be necessary to undertake a further badger survey for this application to ensure that no badger setts will be affected.

#### GREEN INFRASTRUCTURE, LANDSCAPE AND TREES:

The Parks and Gardens team have explained that the revised landscape scheme for this development and associated planting plans etc. will need to be incorporated into a single site wide Landscape Scheme Management Plan (LSMP). The revised LSMP will also need to be resubmitted as an amendment to 17/03579/D6A, to ensure future management companies are working to the same single plan. However, such a condition is not

considered necessary in this case as the proposed addition of five extra houses is not considered to have any significant impacts on the previous LSMP and the agreed LSMP is not going to be significantly affected by this development.

Comments from the landscape officer have explained that by comparing the original Planting Plan for the 5 additional units (SLR Consulting 416.001578.00063.29.017 Rev 1) with that which was previously submitted in the permitted application in 2016, the proposals would result in a reduction in the number of trees planted from 22No to 13No. However, it is considered that there is sufficient space within the site to include the previously planned number of trees. Revised plans (416.01578.00063.29.017 Rev 2) were submitted on 11th September 2018 to show that the plan has incorporated 9 additional trees, with two additional Oaks along the site boundary and smaller species within tree groups in the grassed area between the hedgerow and the housing. As this is now consistent with the previously permitted landscape plan this is considered satisfactory and in compliance with policy NE6 of the Placemaking Plan (2017).

#### IMPACT ON RESIDENTIAL AMENITY:

The proposed dwellings have been laid out so that they would not have a harmful impact on the residential amenity of the occupiers of the neighbouring development sites, existing neighbouring residents or residents within the development itself.

Overall the development is considered broadly in accordance with Policy D6 of the Placemaking Plan (2017).

#### PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

The proposed access arrangements and parking levels are considered to be appropriate, and also reflect the surrounding development that was approved as application 16/04615/FUL. It is recommended that the relevant conditions and obligations that were applied to the earlier application are also attached to this permission.

Part of the site includes the footway that runs along the proposed estate road. This would be subject to a Section 38 agreement (as part of the Highways Act). The applicant will need to ensure that this is being delivered in accordance with the rest of the development site. It is assumed that the proposed footpath that runs through the site would remain private and be managed as per the private drive that forms part of the development.

Overall the development is considered broadly in accordance with Policies ST1 and ST7 of the Placemaking Plan (2017).

#### DRAINAGE AND FLOODING:

An Impermeable area of up to 0.071 ha from this development plot was allowed for in the site masterplan. The current submission shows 0.068 ha of impermeable area which is acceptable. Should the proposal change such that the impermeable area is increased to above 0.071 ha a revised submission will be required.

Overall the development is considered in accordance with Policy CP5 of the Core Strategy (2013) and Policy SU1 of the Placemaking Plan (2017).

## PROVISION OF SCHOOL PLACES AND EDUCATION CONTRIBUTION:

Whitchurch has been identified as an area of childcare insufficiency and as such the provision of an additional Early Years facility on the Horseworld site was included within Policy RA5 of the Core Strategy in order to accommodate the children generated by this development. However, it is apparent that the provision of an early years facility is not needed as there is an existing nursery within the local area which has the required capacity.

This development will be required to make a pro-rata financial contribution towards the cost of construction of this expansion and also a contribution towards the other costs related to the acquisition of the additional area of land required for the expansion.

The Primary School capital contribution for the expansion of the school buildings and facilities at Whitchurch Primary school (off site) is calculated on the basis of £12,754.80 per pupil x 1.98 pupils generated = £25,254.50 contribution required.

The Other Costs associated with the acquisition of the additional land required to expand the schools site, which include legal and other fees, site investigation costs and any costs that may be required for ground works, remediation and clearing etc. to bring the land up to the required standard suitable for use as school Playing Field land (land in the open air used for education or recreation) = £1,874.95.

Total contribution due £27,129.45

Subject to amendments to the s106 agreement the development is considered in accordance with Policy RA5 of the Core Strategy (2013) and Policy LCR2 of the Placemaking Plan (2017).

## AFFORDABLE HOUSING AND ACCESSIBILITY:

The application proposed 5 dwellings overall and Policy CP9 of the Core Strategy (2013) requires a 40% affordable housing contribution and as the application proposes 2no. 3-bed (plots 101 and 102) affordable dwellings this is considered acceptable.

1no. social rent and 1no. intermediate as Shared Ownership are proposed and this is considered acceptable. However, section 04 of the Design and Access Statement 2 proposes affordable rent whilst the Planning Statement at table 3.3 proposes Social Rent. It therefore must be highlighted that the council requires Social Rent.

The dwelling layout is acceptable as per plan 7850 EYPL26 Rev B and the parking layout is acceptable as per plan no. 7850 EYPL03 Rev G.

Revised plans submitted 4th September 2018 show the Wroughton housetype, plot 98 to comply with the M4(2) standard. The clear opening width of the external doors (entrance door and the two rear double doors) have been enlarged to 850mm both on plans and elevations. The driveway parking area has also been increased and a 1200x1200 level external landing has also been added on the site layout. The proposal therefore satisfies policy H7 of the Placemaking Plan.

The affordable housing plan has also been produced to clarify the affordable tenure mix as 1 x social rent and 1 x shared ownership unit.

The affordable housing contribution requirements within the BANES Supplementary Planning Document (2015) will be secured by a legal agreement.

#### SUSTAINABILITY AND RENEWABLE ENERGY:

The proposal incorporates many of the sustainable design features as within the previously approved application to which this application is a part of such as:

- Sustainable Urban Drainage System and attenuation pond
- Internal specifications to achieve reduced water use
- Passive design and orientation of many dwellings to achieve solar gain
- Double glazing
- Low impact construction materials

These are considered acceptable and broadly in accordance with Policy CP2 of the Core Strategy (2013) and Policies SU1 and SCR5 of the Placemaking Plan (2017).

#### LOCAL FOOD GROWING, WATER EFFICIENCY AND BROADBAND:

It is noted that there is a garden area for the dwelling which would be suitable for growing food and the location of the property would be adequate for appropriate broadband. Therefore, it is considered that the proposal would comply with policies LCR.9 and LCR.7 B.

Policy SCR5 explains that all dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency being 110 litres per person per day. Rainwater harvesting or other methods of capturing rainwater for use by residents eg) water butts will be required for all residential development. This will be secured by condition.

#### REFUSE COLLECTION:

A waste management plan was submitted as part of the original application and which was revised to address the initial concerns of the Waste Management Team. The addition of five extra dwellings set within the layout of the previously permitted site is not considered to have any significant impacts regarding waste and recycling provision and collection.

#### CONCLUSION:

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

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of

preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposal preserves the setting of the listed building.

## **RECOMMENDATION**

Delegate to PERMIT

## **CONDITIONS**

0 A Authorise the Director, Legal and Democratic Services to enter into a Section 106 Agreement to secure the following:

1) 40% affordable housing on-site.

2) Education contribution;

The Primary School capital contribution for the expansion of the school buildings and facilities at Whitchurch Primary school (off site) is calculated on the basis of £12,754.80 per pupil x 1.98 pupils generated = £25,254.50 contribution required.

The Other Costs associated with the acquisition of the additional land required to expand the schools site, which include legal and other fees, site investigation costs and any costs that may be required for ground works, remediation and clearing etc. to bring the land up to the required standard suitable for use as school Playing Field land (land in the open air used for education or recreation) = £1,874.95.

Total contribution due £27,129.45

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 Roofing Materials (Bespoke Trigger)**

No construction of the roof of the development shall commence until a sample of all external roofing materials has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: 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 Sample Panel - Walling (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken 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.

### **4 Garages (Compliance)**

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

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

### **5 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.

### **6 Residents Welcome Pack (Pre-occupation)**

No occupation of the approved development shall commence until a new resident's welcome pack has been issued to the first occupier/purchaser of each residential unit of accommodation. The new resident's welcome pack shall have previously been submitted to and approved in writing by the Local Planning Authority and shall include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., to encourage residents to try public transport.

Reason: To encourage the use of public transport in the interests of sustainable development in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

### **7 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.

#### **8 Dwelling Access (Compliance)**

Each dwelling shall not be occupied until it is served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and the existing adopted highway

Reason: To ensure that the development is served by an adequate means of access in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan

#### **9 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.

#### **10 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.

#### **11 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.

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

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

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

#### **13 Water Efficiency (Compliance)**

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

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

#### **14 Badger Survey (Pre-commencement)**

No development shall take place until an updated badger survey has been submitted to and approved in writing by the local planning authority.

All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

#### **15 Wildlife Protection and Enhancement Scheme (Compliance)**

The development hereby permitted shall be built in accordance with the approved Wildlife Protection and Enhancement Scheme.

Reason: To ensure the visual amenities of the site in accordance with policy CP6 of the Bath and North East Somerset Core Strategy (2013) and policies NE3 and NE5 of the Bath and North East Somerset Placemaking Plan (2017).

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

The development shall be constructed and maintained in accordance with the approved lighting scheme and predicted light levels as shown on drawing B621/62 Rev H dated 09-01-17.

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.

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

All hard and/or soft landscape works shall be carried out in accordance with the landscape plan (416.01578.00063.29.017 Rev 2). 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.

### **18 Plans List (Compliance)**

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

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

#### **PLANS LIST:**

1 This decision relates to plan references;

7850-EYPL01B, 7850-EYPL28B, 7850-EYPL27B, 7850-EYPL26B, 7850-EYPL25B, 7850-EYPL24B, 7850-EYPL23B, 7850-EYPL22B, 7850-EYPL15B, 7850-EYPL12B, 7850-EYPL05B, 7850-EYPL04B, 7850-EYPL02B received 4th July 2018.

478-8301-3B received 29th June 2018.

7850-EYPL03H, 7850-EYPL06, 7850-EYPL20C and 7850-EYPL21C received 4th September 2018.

416.01578.00063.29.017 Rev 2 received 11th September 2018.

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

### **3 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)

#### **4 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 an application to Discharge Conditions and pay the relevant fee via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

<b>Item No:</b>	02
<b>Application No:</b>	18/01999/FUL
<b>Site Location:</b>	40 Bloomfield Park Bloomfield Bath Bath And North East Somerset BA2 2BX



**Ward:** Lyncombe

**Parish:** N/A

**LB Grade:** N/A

**Ward Members:** Councillor Michael Norton Councillor Mark Shelford

**Application Type:** Full Application

**Proposal:** Erection of 8 no. apartments with associated parking and landscaping following demolition of existing detached house and garage (Resubmission).

**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:** Mr J. Morgan on behalf

**Expiry Date:** 12th December 2018

**Case Officer:** Chris Griggs-Trevarthen

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

## REPORT

### REASON FOR REPORTING TO COMMITTEE

Councillor Mark Shelford has requested that the application be brought before the Development Management Committee if the application is recommended for approval. Councillor Shelford's comments are summarised in the representations section below. The chair has decided that the application should be determined by committee for the following reason:

As the report explains this application has been assessed against relevant planning policies and comments from Inspectors following both appeal decisions. It is a site the Development Management Committee have been involved in previously, so due to its continuing controversy linked to design and parking it is recommended the decision should be taken by the Development Management Committee.

## DESCRIPTION

The application site lies in a mainly residential area and comprises a detached two storey house with stone elevations. The site frontage is relatively large and there is a belt of mature trees between the house and the road of Bloomfield Park from where access is obtained to a single detached garage. There are other mature trees around the site which lies in the Bath Conservation Area and World Heritage Site. The trees on site are not covered by a Tree Preservation Order but are protected by their location in the Conservation Area. The land slopes gradually away from the road down to the north.

The proposal is to demolish the existing house and erect a new building with four levels of accommodation containing 8 apartments and a 'lower ground floor' area of parking which would be partly located within the base of the building and party under a raised terrace. The application is a resubmission of the previously refused application 16/05772/FUL.

The main changes since the last application are:

1. The layout and internal arrangement of the flats has been reconfigured to provide a higher number of larger one bedroom units and fewer two bedroom units. The revised scheme includes 5 no. two bed units and 3 no. one bed unit;
2. The basement parking arrangement has been reconfigured and extended so that it can accommodate 12 spaces in total, 6 of which are in a tandem arrangement. The entrance to the basement has also been slightly enlarged;
3. As a result of the enlarged basement, the raised terrace to side and rear of the proposed building extends approximately 0.5m further to the west;
4. An additional three surface level parking spaces are proposed at the front of the property bringing the total number of parking spaces to 15;
5. One additional tree is proposed for removal to accommodate the additional parking (T14: category C cedar tree);
6. An accessibility assessment has been submitted seeking to demonstrate a 10% to 25% discount to the minimum parking standards would be justified;
7. Additional tracking diagrams have been submitted to demonstrate the accessibility of the spaces in the basement car park.
8. There are three new windows on the rear elevation of the proposed building;

For the sake of clarity, the following elements remain the same as the previous proposal:

1. The height, massing and scale of the proposed building;
2. The siting of the proposed building on the plot (with the exception of the increased width of the terrace mentioned above);
3. The design, fenestration, materials and external appearance of the building (with the exception of the three new windows mentioned above);

4. The length and gradient of the access ramp to the basement car park;

## **PLANNING HISTORY**

Planning reference: 15/04347/FUL

Erection of eight apartments with associated parking and landscaping following demolition of existing detached house and garage

Application status - REFUSED - 25th May 2016

Appeal status - DISMISSED - 22nd December 2016

Inspector's conclusion: *The siting and scale of the proposed building would have a direct affect and also be likely to have a subsequent indirect effect, on the retention of the existing trees on the site. These trees contribute to the attractive character and appearance of the Bloomfield Park part of the Conservation Area and their loss or substantial change would materially harm and would not preserve or enhance the character and appearance of this sensitive area. The statutory test is therefore not met and the proposal would not accord with saved policies BH6 or NE4.*

Planning reference: 16/05772/FUL

Erection of 8 no. apartments with associated parking and landscaping following demolition of existing detached house and garage (Resubmission)

Application status - Refused - 4th May 2017

Appeal status - DIMISSED - 20th October 2017

Inspector's conclusion: *I have found that the proposal would have a neutral effect on the conservation area and would not result in material harm to neighbours' living conditions. The proposal would also bring with it benefits in terms of helping to meet the housing needs to the district, and would make an efficient use of land. There would also be modest economic benefits arising from the construction and occupation of the apartments. Set against this is the harm that I have found which would result to highway safety, which I find clearly outweighs the benefits. There are no other considerations of sufficient weight to outweigh the conflict with the development plan. Accordingly, for the reasons given above, I conclude that the appeal should be dismissed.*

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

A summary of consultation responses to the application have been provided below. Full details of all comments received can be found on the planning pages of the Council's website.

ARBORICULTURE: No objection, subject to conditions

ECOLOGY: No objection, subject to conditions

HIGHWAYS: No objection, subject to conditions

DRAINAGE AND FLOOD RISK: No objection, subject to conditions



CONTAMINATED LAND: No objection, subject to condition

COUNCILLOR MARK SHELFORD: Objection

Firstly, the design shows the building will be closer to the near neighbours, taking yet more light.

Secondly, previously the Inspector rejected the appeal because of the lack of car parking. These plans see cars parked one behind another and we all know that this will result in the second car often being parked on the street, due to human nature.

Finally, the community has asked to meet the developer with an alternative suggestion which would see town houses built on the plot and in keeping with the rest of the street. At the time of writing the developer has not taken up the offer to meet and discuss the alternative which would be supported by the local community.

BLOOMFIELD PARK RESIDENTS ASSOCIATION: Objection

The Bloomfield Park Residents Association consider that the sheer number of objections relating to this application and its previous versions over the past 3 years demonstrate that it is not just NIMBYism and that there is genuine concern. They query whether decision makers can be 100% sure that this will not have a detrimental effect on those living in close proximity. They also make the following points:

- o This application is even closer to 39 Bloomfield Park than the previous one and the parking is not realistically going to be used by the number of cars suggested by the developer.
- o The impact on parking and road safety would be irreversible.
- o This is a 5 storey (including semi-submerged carpark) 1,100 square metre building.
- o The site development density would be about double that of the average in Bloomfield Park.
- o There has been no solution proposed for the huge resulting refuse collection problem.
- o The back of the building extends 12m beyond the rear of 41.
- o The elevated two-storey extension is only 4.5m away from 39 Bloomfield Park - even closer than before
- o The elevated terrace (above the basement car park) is only 2.5m away from 39 Bloomfield Park creating clear privacy and/or light issues.

Policy D.2 f) of the Local Plan requires that 'the proposed development will not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to,

residential or other sensitive premises by reason of loss of light, or increased overlooking, noise, smell, traffic or other disturbance.'

**THIRD PARTIES/NEIGHBOURS:** Letters of OBJECTION have been received from 51 third parties. The main points raised were:

Many comments considered that the proposed building is too big, too tall and too dense and represents overdevelopment of the site. They also considered that the proposed building appears squat, does not sit well within the street scene and would not be in keeping with the rest of the Conservation Area. There was specific concern about the proposed use of double roman tiles instead of slates for the roof and the appearance of the underground parking in the street scene.

A significant number of comments received were concerned that the development lacked sufficient off-street parking and that the parking provided in the basement would be tight and many of the spaces would be difficult to use. There was particular concern about the tandem parking spaces in the basement. It was considered that this would result in potential occupiers parking on-street which would contribute towards a worsening highways safety situation along Bloomfield Park and may potentially block emergency vehicles.

Several comments considered that various factors within the accessibility assessment had been overvalued and that a 25% discount on the parking standards was therefore not justified.

There was concern about what was considered to be the excessive incline of the proposed ramp to the basement car park. There was also concern that this could not be accessed by emergency vehicles and that it would become difficult to navigate if the ramp was covered in leaf debris, snow or ice. It was also considered that there would be difficulty if vehicles attempted to enter or leave the site at the same time as each other.

Concerns were raised about the intensification of the use of the access and which is considered to be on a blind bend in the road. It was also commented that the street was frequently used by pedestrians as a route to nearby schools and a gym.

Concerns were raised about the amount of rubbish and recycling receptacles generated by the development and that the proposed refuse/recycling facilities were inadequate to meet the needs of the development.

Many felt that the current proposals would result in harm to the significant trees along the site's frontage due to the position of the surface level parking and the extended extent of the basement excavation. There was also concern that the existing trees would block light to the ground floor flats and this would result in pressure from future occupiers for pruning or removal works to the trees.

Concerns were raised about the impacts upon adjoining residential properties, in particular 39, 41 and 42 Bloomfield Park and properties immediately to the north of Henley Road. It was considered that the proposals would result in a loss of light, outlook and privacy from these properties and their gardens. Particular concern was raised about the proximity of

the proposed terrace to the kitchen window of 39 Bloomfield Park, which is 0.5m closer than the previous application. It was considered that this terrace would allow direct line of sight into this kitchen window and any hedge or fence erected along the boundary in mitigation would block light.

Several comments considered that the rear extension to the main proposed building was considered to excessively project beyond the rear of adjoining properties, would encroach into the garden and would dominate the landscape.

There was concern that the proposals would generate additional noise from a variety of sources including the electrical/mechanical ventilation of the basement car park, the revving of car engines navigating the ramped access and the additional refuse collections. It was considered that 41 Bloomfield Park would be worst affected by this noise and that the curved walls of the ramp would amplify the impact.

Several concerns were raised about the impacts of the construction of the proposed building. It was considered that excavation and piling required would generate excessive noise and vibration for adjoining neighbours and may possibly compromise the integrity of the foundations of 39 Bloomfield as well as causing land slippage that could affect the retained trees. There was also concern about the amount of construction traffic generated by the proposal, the potential disruption and damage to the road and the impacts of the additional traffic upon air quality.

Several comments considered that there was nothing wrong with the existing building and that it was unsustainable to demolish it.

There was concern raised about the potential for surface water flooding from the site, both during construction and afterwards. It was queried as to how water was going to be drained from the site and it was considered that the proposals represented an increase impermeable footprint over the existing dwelling.

One comment considered the failure to show any solar PV on the roof as unsustainable.

Some comments considered that the changes shown to the number of bedrooms within the proposed units did not reduce the overall potential occupancy of the building. Others felt that the proposed rooms were too small.

Many considered that the proposal was not significantly different from the previous two proposals and that the current application did not address the reasons given by the Inspector for dismissing the most recent appeal.

Several concerns were raised about the impact upon ecology resulting from the loss of trees and pointed to the lack of an ecology assessment.

Several comments stated that they considered the plans and drawings inaccurate and misleading.

Several felt that the developer had failed to listen to the community and the residents association regarding the design and layout of the proposal. Many stated that they would be in favour of a smaller, less intensive form of development on this site.

One comment was received outlining the personal circumstances of the occupiers of 39 Bloomfield Park.

## **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 Policy GDS.1 Site allocations and development requirements (policy framework)
- o Policy GDS.1/K2: South West Keynsham (site)
- o Policy GDS.1/NR2: Radstock Railway Land (site)
- o Policy GDS.1/V3: Paulton Printing Factory (site)
- o Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)

## **RELEVANT CORE STRATEGY POLICIES**

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

- SD1 Presumption in favour of sustainable development
- DW1 District wide Spatial Strategy
- B1 Bath Spatial Strategy
- B4 City of Bath World Heritage Site
- CP2 Sustainable Construction
- CP3 Renewable Energy
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP7 Green Infrastructure
- CP9 Affordable Housing
- CP10 Housing Mix
- CP13 Infrastructure Provision

## **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:

- SCR1 On-site renewable energy requirement
- SCR2 Roof mounted/building integrated scale solar pv
- SCR5 Water Efficiency
- SU1 Sustainable Drainage
- D1 Urban Design Principles
- D2 Local Character & Distinctiveness
- D3 Urban Fabric
- D5 Building Design
- D6 Amenity

D7 Infill and Backland development  
 D8 Lighting  
 D10 Public Realm  
 HE1 Historic Environment  
 NE1 Development and Green Infrastructure  
 NE2 Conserving and Enhancing the Landscape and Landscape Character  
 NE3 Sites, species and habitats  
 NE6 Trees and woodland conservation  
 PCS2 Noise and vibration  
 PCS5 Contamination  
 PCS7A Foul sewage infrastructure  
 H5 Retention of Existing Housing Stock  
 H7 Housing accessibility  
 LCR7A Broadband  
 LCR9 Increasing the Provision of Local Food Growing  
 ST1 Promoting sustainable travel  
 ST7 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 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**

The main issues to consider are.

1. Background
2. Principle of development
3. Character and appearance
4. Residential amenity
5. Trees and woodland
6. Highways and parking
7. Ecology
8. Surface water drainage
9. Contamination
10. Archaeology
11. Community Infrastructure Levy and New Homes Bonus
12. Sustainability
13. Land stability
14. Accessibility
15. Other matters
16. Conclusion

## **1. BACKGROUND**

This application is a revised resubmission of application 16/05772/FUL which was refused in May 2017 and then dismissed at appeal in October 2017. That application was itself a resubmission of an early application, ref: 15/04347/FUL, which was refused in May 2016

and then dismissed at appeal in December 2016. Both of these appeal decisions (ref: 315319 and 3175894) are material considerations which have a significant bearing on the consideration of the current application.

The first application (15/04347/FUL) on this site was refused solely due to the potential impact of the proposals upon the longevity and health of the significant mature trees along the site frontage. At appeal, the Inspector upheld this reason for refusal and dismissed the appeal due to its impact upon trees. However, as part of their decision the Inspector also considered 11 other objections put forward by the Bloomfield Park Residents Association and in doing so made a number of relevant points:

- o The existing building has a neutral effect on the Conservation Area;
- o The proposed building would enhance the character and appearance of the area and not be out of keeping;
- o The development density proposed need not result in a form of inappropriate development;
- o The overall height would be proportional to the adjacent neighbouring buildings;
- o The massing of the building would not be over-bearing for the site, nor would it appear 'squat' in the street scene;
- o The lower level car park would not appear as an alien feature and its use would not give rise to material problems of noise;
- o Some concern about the width and scale of the access and entrance way, but satisfied that this element was not fundamental and could be overcome by condition;

The later application proposed a similar building, but set back further away from the important trees at the front of the site thereby addressing the previous reason for refusal. The application was recommended for approval by officers, but this was overturned by the Development Management Committee and the application was refused for the following reasons:

1. The siting, scale, massing and bulk would have a detrimental impact upon the amenities of the adjoining occupiers;
2. It would not provide an appropriate level of on-site parking spaces and would generate additional traffic which would exacerbate highways safety issues associated with on-street parking on Bloomfield Park;
3. The siting, scale, massing and bulk would result in overdevelopment of the site and extend significantly beyond the rear building line to the detriment of the character and appearance of the Conservation area.

Between the decision to refuse the application and the determination of the appeal, the Placemaking Plan was adopted in July 2017 meaning that its policies began to carry the full statutory force of the development plan. Of particular relevance to the appeal was the

adoption of policy ST7 which required minimum levels of on-site vehicle parking to be provided in accordance with the standards set out in schedule 2 of the policy. The Inspector found that, against these standards, the proposal required 18 parking spaces, but only provided 8 and was therefore contrary to policy ST7. On this basis, the Inspector dismissed the appeal, but did not agree with the Council's two other reasons for refusal; impact upon amenity and harm to the Conservation Area. In making this decision, the Inspector made a number of relevant points:

- o The position of the building would mediate between the more established building line to the north-east and the more set back dwellings on the other side;
- o There would be adequate space at the front, sides and rear of the building, and it would not appear squeezed, discordant or out of character with other properties.
- o The siting of the building would not threaten the health of the trees;
- o The proposal would, at worst, have a neutral effect on the character and appearance of the conservation area;
- o The proposal would not conflict with policies D2, D3 or HE1 of the Placemaking Plan or policy CP6 of the Core Strategy;
- o There is a reasonable likelihood that a 2m high fence would be erected as permitted development along the boundary with 39 Bloomfield Park.
- o Due to the closeness to the boundary, the occupiers of 39 Bloomfield Park cannot reasonably rely on being able to obtain light or an outlook over their neighbour's land (the application site);
- o Having regard to the fallback position (erection of a 2m high fence), the proposals would not result in material harm to 39 Bloomfield Park in terms of sunlight and daylight;
- o The building would not be so close or so high as to seriously damage the living conditions of the occupiers of no. 39 Bloomfield Park;
- o Planting and a boundary enclosure would adequately address privacy concerns relating to 39 Bloomfield Park;
- o The living conditions of 41 Bloomfield Park would not be materially harmed, both in terms of outlook and sunlight;
- o Noise from cars using the undercroft would not be sufficient to materially harm the living conditions of the occupiers of 41 Bloomfield Park.
- o There was a considerable amount of on-street parking along Bloomfield Road when visited during the middle of the day. There is likely to be greater pressure during the evening;
- o The tight configuration of the undercroft parking and access might lead to occupiers with dedicated on-site parking spaces choosing to park on-street in preference, at least for short periods, thereby adding to parking pressure.

The above matters are significant material considerations, particularly in respect of those aspects of the proposal which have not materially changed since the previous application. These matters will be discussed in greater detail in the sections below.

## 2. PRINCIPLE OF DEVELOPMENT

The site lies within the built up area of Bath where the principle of new residential development is acceptable in accordance with policy B1 of the Core Strategy.

The proposal involves the demolition of the existing dwelling on the site. As concluded by the previous Inspectors, it is considered that the existing building has only a neutral effect on the Conservation Area and its loss will preserve the special character and appearance of the area if an appropriate replacement is provided. The loss of the existing dwelling therefore complies with policy HE1 of the Placemaking Plan.

A number of comments from third parties have raised concerns about the sustainability of demolishing an existing habitable dwelling. The sustainability concerns in terms of the embodied energy in the existing building that will be wasted are acknowledged. However, the NPPF states that planning decisions should promote the effective use of land and should support development which seeks to make efficient use of land. Policy B1 of the Core Strategy plans for an additional 1,150 dwellings to be provided in Bath through small scale intensification distributed throughout the existing urban area. Within this context, the application represents a net increase of 7 dwellings on the site and therefore makes a modest, but welcome contribution towards the Core Strategy target. It is considered that the more efficient use of land and contribution towards the housing supply outweighs the sustainability concerns raised.

As the proposals represent a net increase in residential accommodation, there is no conflict with policy H5 (Retention of Existing Housing Stock) of the Placemaking Plan.

In light of the above, it is considered that the principle of development is acceptable.

## 3. CHARACTER AND APPEARANCE

The existing site is occupied by a detached two storey 20th century house, set within a relatively large garden. There is a significant belt of mature trees and a hedge to the front of the plot. These substantially screen the front of the house and make a positive contribution to the character of the street. Mature trees also contribute to the character of the rear garden.

The surrounding neighbourhood has a residential character of larger two/three storey villas set within larger plots with large rear gardens and garden space to the sides. There are also later inter-war semi detached houses and some garden infill bungalows.

The application site is significantly wider than many of the other plots within the street and is one of the largest single plots within the street. The only change to the proposed building since the previous appeal, in terms of amount of the site occupied, is the extension of the side/rear terrace by 0.5m to the west. However, this change is unlikely to



be perceivable in public views and does not fundamental alter the previous Inspector's conclusions that there would be adequate space at the front, sides and rear of the building, and it would not appear squeezed, discordant or out of character with other properties in the area.

As the siting of the proposed building has not changed since the previous appeal, it is considered that the Inspector's conclusions that its location would mediate between the more established building line to the north-east and the more set back dwellings on the other side also remain relevant.

The scale of the building is 4 storeys, with undercroft parking at the rear. This comprises 3 normal storeys and accommodation in the roof. The ground floor is set into the sloping site so that the overall ridge height of the proposed building is broadly similar to the adjacent property, 41 Bloomfield Park. The proposed building also includes a two storey extension to the side and a three storey element to the rear, comprising two normal storeys with roof accommodation. These additional elements add greater bulk to the proposed building, but do so in a manner which ensures that the overall massing is broken up and that there is sufficient articulation. It is therefore considered that the proposed development, although large and at the limits of what the site can accommodate, is not overdeveloped and will not appear cramped when viewed within the street scene.

Concerns have been raised about the density of development. The proposal to replace a single dwelling with a block of 8 apartments will undoubtedly increase the density of development. However, the density of development is not so significantly greater than the surrounding area to warrant an objection to the proposal on design grounds. Matters in relation to the highways, parking and other impacts of the proposed density are considered later in this report.

The proposed replacement building attempts to adopt a character similar to the Victorian villas which dominate this part of Bloomfield Park. The front elevation incorporates a narrow, projecting gable and full height bay windows. The proposal incorporates a mixture of natural bath rubble stone and natural bath stone ashlar and timber windows which are considered appropriate and can achieve a high quality finish.

Concerns were raised about the use of clay double roman tiles rather than slates for the roof. However, the properties surrounding the site comprise a mixture of slates and interlocking roof tiles. Provided that a dark colour is specified for the clay double roman roof tiles, these will not look out of place in the locality. Subject to a condition requiring the submission of samples and the construction of a sample panel, the proposed materials are considered to be acceptable.

The proposed building contains a large element of flat roof which is not a particularly strong characteristic of the immediately surrounding buildings in the area. However, it can be seen from aerial photography that there are a number of large detached buildings within the wider area, including some along Bloomfield Park and a number along Bloomfield Road, which do contain areas of flat roof. The height of the building is such that the flat roof area will not be particularly visible in the street scene and, in longer views from the south, will not appear out of place with other flat roof elements in the area.

The proposed building lacks a main entrance on the front elevation and this does detract from the legibility of the overall design. However, due to the screening provided by the mature vegetation and trees along the front boundary of the site, this omission from the design will not be prominent within the street scene and will not detract from the overall design.

The concern that was raised by the Inspector on the first appeal about the width and scale of the access and entranceway was addressed through changes made to the last application. This included reducing the width of the access to 5m (as per the recommendation of the Highways Officer), specifying pavements as the surfacing material for the initial part of the access and introducing stone piers to match the character and appearance of similar stone piers in Bloomfield Park. These changes have been brought forward into the current application and ensure that the access has a softer, more suburban feel, in keeping with the surrounding area.

The proposed surface parking at the front of the site increases the amount of hardstanding near the site entrance. Frontage parking is not uncommon within this area and the existing dwelling on the site has a concrete parking area immediately adjacent to the site access. Views towards these parking spaces will be partially screened by the front boundary wall and will not look overly prominent in the street scene. It is therefore considered that proposed surface level parking would not appear cramped or result in a car dominated development.

In light of the above, it is considered that the proposed development would preserve the special character and appearance of the Conservation Area. This conclusion aligns with the conclusions of the two previous appeal Inspectors who respectively considered that the proposals would 'enhance' or have a 'neutral effect upon' the Conservation Area. The changes to the proposal since these appeals are relatively minor have not resulted in any significant additional impact upon the character or appearance of the Conservation Area.

#### 4. RESIDENTIAL AMENITY

The application site has two immediately adjoining neighbours. To the east is 41 Bloomfield Park, which is a split level 4 storey dwelling. Immediately to the west of the site is 39 Bloomfield Park, which is a linear bungalow situated alongside the boundary behind the established building line.

One of the windows in the side wall of No 39 serves a kitchen, and the other is a smaller high level window which serves a lounge. The windows are very close to the boundary, with the kitchen window overlooking the garden of the application property. There is a line of boundary planting which partly obscures views into and from the window, but there are gaps which provide clear inter-visibility.

The applicant argues that they benefit from a fall-back position which would allow them to erect a 2m high fence along this boundary as permitted development. The previous Inspector considered this argument, concluding that there was a reasonable likelihood of it being carried out and that the occupiers of no 39 could not reasonably be able to rely on being able to obtain light or outlook over the application site due to the closeness of the boundary.

Furthermore, the previous Inspector acknowledged the fact that the kitchen and lounge of no. 39 are also lit by a window in the other side of the property (to the west), and thus have an alternative outlook and source of light. Thus, whilst concluding that the proposals would result in a reduction in the extent of sunlight and daylight reaching the east side elevation of no. 39, having regard to the fall-back position of being able to erect a 2m fence along this boundary and/or carry out screening planting, the Inspector was satisfied that the proposal would not result in any material harm to the amenities of these neighbouring occupiers.

The current application differs from the previous appeal proposal by the fact that, as a result of the enlarged basement, the raised terrace to side and rear of the proposed building extends approximately 0.5m further towards the boundary with no. 39. However, the position and size of the main proposed building (including the side and rear projections) has not changed and neither has the validity of the fall-back which would enable the erection of a 2m high fence along the boundary. In any case, the height of the terrace varies between 0.3m and 1.1m above ground level. It is therefore considered that this change to the proposals will not have any significant affect upon the sunlight or daylight received by no. 39.

In terms of privacy, as there are no windows in the proposed development directly overlooking no. 39, the main concern is in relation to the rear terrace and views to the kitchen and lounge window which could potentially be obtained from it. Access to the northern, eastern and western edges of the proposed terrace is proposed to be restricted by an area of landscaping to prevent direct or harmful overlooking from the terrace into the adjoining window of 39 Bloomfield Park or the garden of 41 Bloomfield Park. The previous Inspector also considered that, taking account of the fall-back position, any privacy concerns could be overcome through the erection of a fence and/or screening planting along this boundary. The increased width of the terrace (0.5m) in the current scheme has only increase the area of inaccessible landscaping and therefore does not increase the potential for overlooking. As with the previous appeal proposal, the nearest useable part of the terrace is approximately 8m away from the side elevation of no. 39. Notwithstanding this, it is considered that the erection of a fence and/or screening planting would prevent any harmful overlooking from occurring towards no. 39.

In terms of the impact upon no. 41, the previous Inspector concluded that the rearward extent of the proposed building would increase over-shadowing of the house and garden, but the combination of distance and angle between the building and the boundary of no 41 would ensure that occupiers' outlook would not be materially harmed, especially taking into account the existing position where large trees along the boundary affect both sunlight and outlook. As there have been no changes to the height, massing, scale or siting of the building since the previous appeal, the Inspector's conclusions in respect of no. 41 remain valid and there is no reason to conclude that the living conditions of no. 41 would be materially harmed as a result of the proposed building.

In respect of the impact of the rear terrace, the nearest useable part of the terrace is 7.5m from the boundary with no. 41, but at this point the terrace is relatively narrow and not particularly suited to sitting out or lingering. Views from the terrace will primarily be drawn towards the rear of the site and the longer views out to the north. Furthermore, the

retained trees and replacement planting proposed along the eastern boundary will help to screen views of the neighbouring garden.

Concern has been raised about the potential noise impacts arising from vehicles using the access ramp to the underground parking. The narrow width of the access ramp will necessitate low speed manoeuvring by vehicles thereby lessen the noise impacts. Furthermore, ignition and start-up of vehicles will take place within the underground car park where noise impacts are more likely to be contained. The narrowness of the access, and the tight bend would require cars to travel slowly. The widened part of the access where cars can pass and may have to wait is on a more level part of the site and therefore won't necessitate significant revving in low gears.

This view is supported by both previous Inspectors on the two previous appeals, who considered that whilst some noise from passing cars may be heard, it would not be sufficient to materially harm occupiers' living conditions. The increased number of parking spaces within the basement of the current proposal, increases the potential number of vehicles using this access over that of the previous appeal proposal. However, it is considered that the increase from 9 to 12 spaces in the basement car park would not represent a significant intensification of the use of the access and, for the same reasons as given above, would not result in any noise impacts which would materially harm the living conditions of no. 41.

The minor changes to the scheme from the previous appeal do not materially alter the assessment made by the previous Inspector in respect of the impacts upon residential amenity. It is therefore concluded that the current proposals would not result in any material harm to the living conditions of the occupiers of 39 and 41 Bloomfield Park or any other surrounding neighbours, with regard to outlook, light, privacy or noise.

## 5. TREES AND WOODLAND

The original application on this site (ref: 15/04347/FUL) was refused and then dismissed at appeal due to the potential impact upon the tree belt at the front of the site. The subsequent application (ref: 16/05772/FUL) addressed this issue by moving the building footprint to the north and outside of the root protection area of T8 (a large beech tree). This was considered to address the primary arboricultural concerns and there was subsequently no objection on these grounds.

The building footprint of the current proposal is in the same location as the previous application and therefore falls outside of the root protection area of T8.

The new surface parking area is located partially within the root protection area of T8. However, this area is shown as being a no-dig construction and additional drawings and sections have been provided which have reassured the Council's Arboriculturalist that these proposals will not harm the health or longevity of the tree.

The enlarged basement car park also extends close to the root protection area of T8. Concerns were raised about whether the construction of the basement could feasibly be undertaken without impact upon the root protection area. However, additional drawings and a structural engineer's report have been submitted which provide detail and

assurances with regard to the extent of excavations required. This has been reviewed by the Council's Arboriculturalist who considers that this now demonstrates that the development will not harm T8 or any of the other retained trees.

In respect of the other trees on the site, the proposed development will necessitate the removal of 12 No. trees. 11 No. of these trees are classified a 'C' Category and 1 No. is classified as 'B' Category. Of the 'C' Category trees T14, T15, T16 and T17 are visible from Bloomfield Park, but are generally poor specimens and their removal will not impact on the wider visual amenity of the street scene.

Trees T19, T20, G21 are specimens of elderly apple trees of little merit and cannot be seen from the street. Similarly, T22 (Silver Birch) and T23 (Beech), whilst contributing to the internal amenity of the site are not easily seen from the street.

T18 is a mature Walnut which currently makes a limited contribution to the wider visual amenity of the street, but has considerable merit within the rear garden of the property and can be seen easily from neighbouring properties. Its proximity, however, to the existing dwelling is less than 6m so diminishes justification for making a Tree Preservation Order. The retention of this tree cannot be achieved with the current proposed access to the under-croft parking.

The loss of the above trees is therefore justified provided that appropriate replacements are provided.

There is some space on the site for potential replanting, but this is unlikely to be sufficient to provide for the 27 replacement trees requirement in accordance with the Planning Obligations SPD. It is therefore required that a contribution towards off-site tree replacements is secured via a s106 agreement which has been agreed with the applicant.

## 6. HIGHWAYS AND PARKING

The level and accessibility of the proposed parking spaces was the key highways issues considered by the previous Inspector and the primary reason why the previous appeal was dismissed. The previous Inspector determined that the full weight of the recently adopted Placemaking Plan Policy ST7 should be applied, and this requires a residential development in this location to accord with a minimum level of parking.

The current application proposes a total of eight apartments, five of which are two bedroom flats and three of which are one bedroom flats. The adopted minimum parking standards in policy ST7 require that two parking spaces are provided for the two bedroom units and a single space each for the one bedroom units. There is also a requirement for visitor parking, with 0.2 spaces per unit needed.

A total of 15 spaces would be required (10 spaces for the 2beds, 3 spaces for the 1beds and 2 visitor spaces) to comply with the basic requirements of the adopted Policy ST7. However, policy ST7 also states that it is acceptable to adjust the minimum parking standards based on the outcomes of an Accessibility Assessment exercise for each development proposal.

A comprehensive Accessibility Assessment has been provided as part of the application, and the conclusion of the Assessment confirms that it would be appropriate to apply a reduction of between 10-25% to the proposed parking within the site. This would reduce the parking requirement to between 11 and 13 spaces, depending on how the findings of the Assessment are applied.

The current proposal provide 15 spaces through a combination of 12 spaces in the basement car park and 3 surface level spaces at the front of the site.

When the previous appeal scheme was determined, the Inspector commented on the constrained nature of the proposed parking arrangements, and there was some concern that residents may choose to park elsewhere rather than within the basement parking space that forms part of the scheme. In response to this, the applicant's transport consultant has provided swept path analysis of the proposed basement and external parking spaces. The tracking uses a large vehicle (4.8m x 2m), which equates to the dimensions of a large modern MPV. It is noted that all of the parking spaces that are provided next to basement walls have an additional margin (for opening vehicle doors) and this is a welcomed requirement. The swept path analysis shows that each of the spaces can be accessed, and it should also be acknowledged that many of these manoeuvres are likely to be undertaken by smaller vehicles (as compared to that used within the analysis).

The proposal also includes a tandem "nose to tail" parking arrangement for three of the two bedroom units (shown within the application to serve apartments 2, 4 and 6) within the basement area, and this may be off-putting to some prospective residents. If these rear tandem spaces were not used by future residents, the total parking provision within the site would reduce to 12 spaces.

The most significant issue for the highway authority, and the one raised most commonly by neighbours, is whether prospective residents would avoid using the rear tandem spaces (to be provided for three of the units) and choose to park elsewhere. Having reviewed the layout and swept path analysis, if all of the other spaces were full, it would appear to be still possible for one motorist to vacate a tandem space and wait for another motorist to leave the rear tandem space without a requirement for both vehicles to leave the basement. This would make the potential use of the tandem spaces more of a realistic prospect.

Furthermore, it has to be acknowledged that even without these spaces being used, the development would still provide a total of 12 parking spaces, and this level would accord with the minimum parking requirements stated within the Placemaking Plan Policy ST7. Given this, it is not considered to be appropriate to raise a highway objection relating to the level of parking proposed by the current application.

The site access arrangements were previously agreed as part of an earlier planning application, and the Inspector raised no issue with these arrangements in their earlier decision. It is therefore considered that the proposed access layout is suitable for the type of development proposed.

In summary, the highway authority has no objection to the proposal, although it is considered reasonable to require a construction management plan prior to

commencement of development to ensure the safe operation of the highway and the protection of residential amenity during construction.

## 7. ECOLOGY

An ecological and protected species survey and assessment has been submitted and reviewed by the Council's Ecologist. No significant constraints are found, but recommendations are made covering a range of issues, which the Council's Ecologist recommends should be implemented alongside further pre-commencement checks/updates to the bat survey. These can be secured by condition. Subject to the above, it is considered that the proposals will not harm biodiversity or ecology.

## 8. FLOOD RISK AND SURFACE WATER DRAINAGE

The site falls within flood zone 1 which is considered to be the lowest risk flood area.

In terms of surface water drainage, the proposals seek to deal with this through infiltration via soakaways, subject to infiltration testing in accordance with the relevant standards. Should testing show poor infiltration rates, an attenuation chamber with managed infiltration/run off would be utilised instead. Both solutions would cater for a 1 in 30 year rainfall event with a capacity for surcharge and overflow arrangements. This approach has been agreed by the Drainage and Flood Risk team and can be secured by condition.

Some concern was raised about the potential for surface water to flow off the highway down the access ramp. However, the agent has now confirmed that a threshold drain, linked to the surface water system will be provided at the top and bottom of the access ramp to prevent water run-off into the basement parking area.

Subject to the above matters being secured by condition, there is no objection on flood risk or surface water drainage grounds.

## 9. CONTAMINATION

The Contaminated Land Officer has reviewed the application and has raised no significant concerns about the proposals. However, taking account of the sensitive nature of the development (i.e. residential apartments), it is considered that a condition requiring the reporting of any unexpected contamination found during construction should be applied to any permission granted.

## 10. ARCHAEOLOGY

There are no known archaeological sites or monuments in the immediate vicinity that are likely to be affected by the proposed development. The Council's Archaeologist is therefore content that no further archaeological investigation or conditions are required.

## 11. COMMUNITY INFRASTRUCTURE LEVY AND NEW HOMES BONUS

The proposed residential development will be charged at a CIL rate of £100 per square metre. CIL funds can then be spent towards items of infrastructure on the Council's Regulation 123 list.

The proposed dwellings would be subject of the New Homes Bonus which would generate additional council tax receipts for the Local Authority.

## 12. SUSTAINABILITY

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. A summary of the energy statement for the development has been submitted. This includes the following measures:

- o Materials selected with regard to high thermal mass principle;
- o Fabric first approach, incorporating high performance insulation and low fabric air-permeability;
- o Whole house mechanical ventilation with heat recovery;
- o 100% LED light fittings with intelligent control;
- o High efficiency condensing gas boilers and intelligent heating controls;
- o Robust on-site QA procedures during construction and commissioning.

Additionally, Policy SR5 requires all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. There is also a requirement for a scheme of rainwater harvesting for the residents to be provided. These matters can be secured by condition.

## 13. LAND STABILITY

Paragraph 120 of the NPPF states that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Concerns have been raised about the land stability of the site given its sloping nature. The site is not within a coal mining referral or high risk area, but notwithstanding this the applicant has submitted a report by a structural engineering detailing the construction of the proposed structure.

The report is a desk based study and does not include ground investigations. However, it does raise any issues regarding land stability on the site. It is considered that without any evidence to demonstrate that the site is affected by land stability issues, there is no justification for refusal on these grounds or requiring further works by condition.

## 14. ACCESSIBILITY

Concern was raised by third parties about access to the proposed dwellings for wheelchair users given the sloped nature of the parking to the front of the property. Access to the



proposed dwellings for a wheelchair user or a disabled person may be difficult from these parking spaces as they are located on a slight slope. However, only three of the proposed 15 parking spaces are located at the surface level. The other 12 parking spaces are located in the basement where there is direct access to a lift serving the rest of the building. It is therefore considered that the building is accessible and in all likelihood a disabled resident would be allocated one of the spaces within the basement with easy access to the lift.

## 15. OTHER MATTERS

### *Emergency vehicles*

Some concerns were raised about the potential for emergency vehicle access to the proposed building. The proposed building is within 45m of the adopted highway and therefore complies with the building regulations requirement for access for fire vehicles. This also provides suitable access for other emergency and service vehicles to the property. There would be no requirement for emergency vehicles to have vehicular access to the basement car park.

### *Space standards*

Concern was also raised that some of the proposed units were too small. However, all of the proposed dwellings meet and exceed the minimum sizes in the nationally described space standards. The two bedroom units range from between 72sqm - 89sqm against a minimum standard of 70sqm and the one bedroom units range from between 51sqm - 52sqm against a minimum standard of 50sqm. The proposed units are therefore considered to be adequately sized.

### *Waste collection*

Concerns were raised about the amount of rubbish and recycling receptacles generated by the development. The proposals include a bin store within the basement level which is sufficiently sized to ensure that bins are not left outside the proposed building in an untidy manner. The proposals will generate 8 individual general waste bins which will be collected once a fortnight via kerbside collection. Recycling will be collected every week. This is consistent with other properties in the street and, whilst it will generate quite a large number of individual bins, the proposed scheme is not large enough to support private management and collection of refuse and recycling.

## 16. CONCLUSION

The proposed scheme has been amended since the previous appeal to incorporate additional on-site parking and to overcome the previous reasons for refusal. It is considered that the additional on-site parking meets the minimum parking standards given in policy ST7 and that refusing the application on highways or parking grounds would not be justified.

In all other respects the minor changes to the scheme do not materially alter the judgement of the previous appeal Inspector who considered that the proposal was acceptable in terms of its effect upon the Conservation Area and neighbours' living conditions. There have been no changes to the scheme which would justify departing from the previous Inspector's conclusions on these matters.

In light of the above, it is considered that the proposals accord with the above listed relevant policies of the Bath and North East Somerset Core Strategy and the Bath and North East Somerset Placemaking Plan and, in accordance with paragraph 17 of the National Planning Policy Framework, should be approved without delay.

## **RECOMMENDATION**

Delegate to PERMIT

## **CONDITIONS**

### **0 DELEGATE TO PERMIT**

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

a) A financial contribution towards off-site tree replacements in accordance with the Planning Obligations SPD (April 2015)

2.) Subject to the prior completion of the above agreement, authorise the Group Manager to PERMIT subject to the following conditions (or such conditions as may be appropriate):

#### **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 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 the following:

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities;
7. Site compound arrangements;

The construction of the development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with policies D6 and ST7 of the Bath and North East Somerset Placemaking Plan. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

### **3 Arboricultural Method Statement (Pre-commencement)**

No demolition or development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with policy NE.6 of the Placemaking Plan and CP7 of the Core Strategy. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

### **4 Wildlife Protection and Enhancement (Pre-commencement)**

No development shall commence until details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

(i) A method statement for pre-construction, demolition and construction phases to provide full details of all ecological protection and mitigation measures, including but not limited to: proposed pre-commencement checks and update surveys for bats; proposed precautionary working methods and ecological supervisory watching brief for the duration of demolition works with a named ecological consultant (licenced bat worker); proposed reptile mitigation scheme; measures to avoid disturbance or harm to nesting birds; hedgehog and other wildlife,

(ii) Proposed notification of pre-commencement checks and update survey findings to the Council ecologist prior to commencement of works;

(iii) Detailed proposals for implementation of the wildlife mitigation measures and recommendations of the approved ecological report by Crossman Associates dated 24th October, including wildlife friendly planting / landscape details; provision of bat and bird boxes, with proposed models, specifications, numbers and positions to be shown on all relevant plans and drawings;

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

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Placemaking Plan. The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation, demolition and construction phases

### **5 Drainage Strategy (Pre-commencement)**

No development shall commence, except ground investigations and remediation, until viable and sustainable surface water drainage strategy has been submitted to and approved by the Lead Local Flood Authority. The drainage strategy should include the results of infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) and will need to demonstrate that the most sustainable method of surface water management is to be employed and that there will be no increase in surface water flood risk to the site or surrounds. The development shall thereafter be undertaken in accordance with the approved details and the surface water drainage strategy implemented 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 the most appropriate drainage strategy prior to any initial construction works which may prejudice such a strategy.

### **6 Sample Panel - Materials (Bespoke Trigger)**

No construction of the external materials of the development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken 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.

### **7 Landscaping Scheme (Pre-occupation)**

No occupation of the development shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority showing details of the following:

1. All trees, hedgerows and other planting to be retained;
2. A planting specification to include numbers, size, species and positions of all new trees and shrubs;
3. Details of existing and proposed walls, fences, other boundary treatment and surface treatments of the open parts of the site,
4. A programme of implementation for the landscaping scheme.

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 Arboricultural Compliance (Pre-occupation)**

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

Reason: To ensure that the approved method statement is complied with for the duration of the development to ensure that trees to be retained are not adversely affected by the development proposals in accordance with policy NE.6 of the Placemaking Plan and CP7 of the Core Strategy.

### **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 where appropriate, completion and implementation of the Wildlife Protection and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of the Wildlife Protection and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in accordance with policies NE3 of the Bath and North East Somerset Placemaking Plan.

### **10 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.

### **11 Water Efficiency (Compliance)**

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

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

### **12 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 prior to the occupation of the development, 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 policy PCS5 of the Bath and North East Somerset Placemaking Plan and chapter 15 of the National Planning Policy Framework.

### **13 Implementation of Landscaping Scheme (Compliance)**

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

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

### **14 Plans List (Compliance)**

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

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

#### **PLANS LIST:**

- 1 020 Existing Site Location and Block Plan
- 021 Existing Elevations Sheet 1
- 022 Existing Elevations Sheet 2
- 023 Existing Streetscene
- 051 Proposed Floor Plans
- 055 South East Elevation Alteration
- 056 South West Elevation Alteration
- 057 North West Elevation Alteration
- 058 North East Elevation Alteration
- 060 Proposed Site/Location Plan
- 061 Proposed Floor Plans
- 062 Proposed Elevation Sheet 1
- 063 Proposed Elevation Sheet 2
- 064 Proposed Street Scene
- 065A No-dig Parking Area Sections and Plan

#### **DECISION MAKING STATEMENT**

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

### **2 Condition Categories**

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

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

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

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

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

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

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

### 3 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)

4 This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

<b>Item No:</b>	03
<b>Application No:</b>	18/04233/FUL
<b>Site Location:</b>	14 The Beeches Odd Down Bath Bath And North East Somerset BA2 2UX



**Ward:** Odd Down

**Parish:** N/A

**LB Grade:** N/A

**Ward Members:** Councillor Steve Hedges Councillor Nigel Roberts

**Application Type:** Full Application

**Proposal:** Installation of rear and side dormer windows with two front roof lights. (Resubmission)

**Constraints:** Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

**Applicant:** Mr Daniel McIntyre

**Expiry Date:** 16th November 2018

**Case Officer:** Edward Allsop

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

## REPORT

The application property is a semi-detached property within The Beeches, the application site falls within the Bath World Heritage Site. Planning permission is sought for the installation of side and rear dormers and 2no. roof lights.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

None.

Third party representations:

One comment has been received from Cllr Steve Hedges requesting the application be considered by Committee if the application is to be recommended for refusal. This comment notes that other properties have been extended within the Beeches, including



the 2 storey extension to the neighbouring property and how this is also pronounced within the street-scene.

Three other support comments have been received.

## **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:

B1: Bath Spatial Strategy  
B4: Bath World Heritage Site and its Setting  
CP6: Environmental Quality

Placemaking Plan:

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

D1: General Urban Design Principles  
D2: Local Character and Distinctiveness  
D.3: Urban Fabric  
D.4: Streets and Spaces  
D.5: Building Design  
D.6: Amenity  
HE1: Historic Environment

The National Planning Policy Framework (NPPF) was revised in July 2018 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

SPD's

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

## **OFFICER ASSESSMENT**

Character and appearance and impact on the World Heritage Site:

The properties within The Beeches; due to their uniform design and appearance, form a distinctive character within this part of the World Heritage Site. It is considered that the introduction of dormer windows would not respond positively to the locality and would be harmful to its setting. The rear of no.14 and those adjacent are open to view and visually prominent, the orientation of No.14 further results in a side dormer being pronounced within the street-scene.

The applicant has identified 2 rear dormer examples found within the Beeches, however, it should be noted that these did not receive planning permission; and in any case, are in a more discrete siting and are located to the rear only. One comment has been received in relation to the 2 storey extension at the neighbouring property and that other properties have undergone extensions that are visually prominent.

It is noted that other properties have been extended, however, due to their siting and design, the character has been preserved and the character of this part of the World Heritage Site has been maintained. The two storey extension adjacent to the site has been significantly set down from the ridge line of the main dwelling, back from the front elevation and retains the hipped roof design and incorporates matching materials. The orientation of this property also enables the extension to appear less dominant within the street-scene.

For these reasons, it is not considered that the extensions within the locality are comparable to an application for 2 dormer windows. Consideration has also been given to the precedent of such development which would result in the significant deterioration of the existing character.

Therefore the application cannot be supported and is recommended for refusal.

## **RECOMMENDATION**

REFUSE

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

1 The proposed dormer windows; due to their size, scale and prominent siting are considered to cause harm to the character and appearance and setting of this part of the World Heritage Site. The application is therefore contrary to policies D1, D2, D3 and HE1 of the Bath and North East Somerset Placemaking Plan (2017) and policies B4 and CP6 of the adopted Core Strategy (2014).

## **PLANS LIST:**

1 This decision relates to the following plans:

Site location plan-001- 17th September 2018  
Existing site plan- 002- 17th September 2018  
Existing floor plans- 003- 17th September 2018  
Existing loft and roof plan-004- 17th September 2018  
Existing elevations-005- 17th September 2018  
Proposed site plan-006- 17th September 2018  
Proposed floor plans-007- 17th September 2018  
Proposed loft and roof plans-008- 17th September 2018  
Proposed elevations-009- 17th September 2018

## **2 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)

3 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy 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.

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Bath & North East Somerset Council		
MEETING:	Development Management Committee	
MEETING DATE:	21 November 2018	AGENDA ITEM NUMBER
TITLE:	Quarterly Performance Report July – Sept 2018	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Analysis of Chair referral cases – Appendix 1		

## **1 THE ISSUE**

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

*This report covers the period from 1 July – 30 Sept 2018.*

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

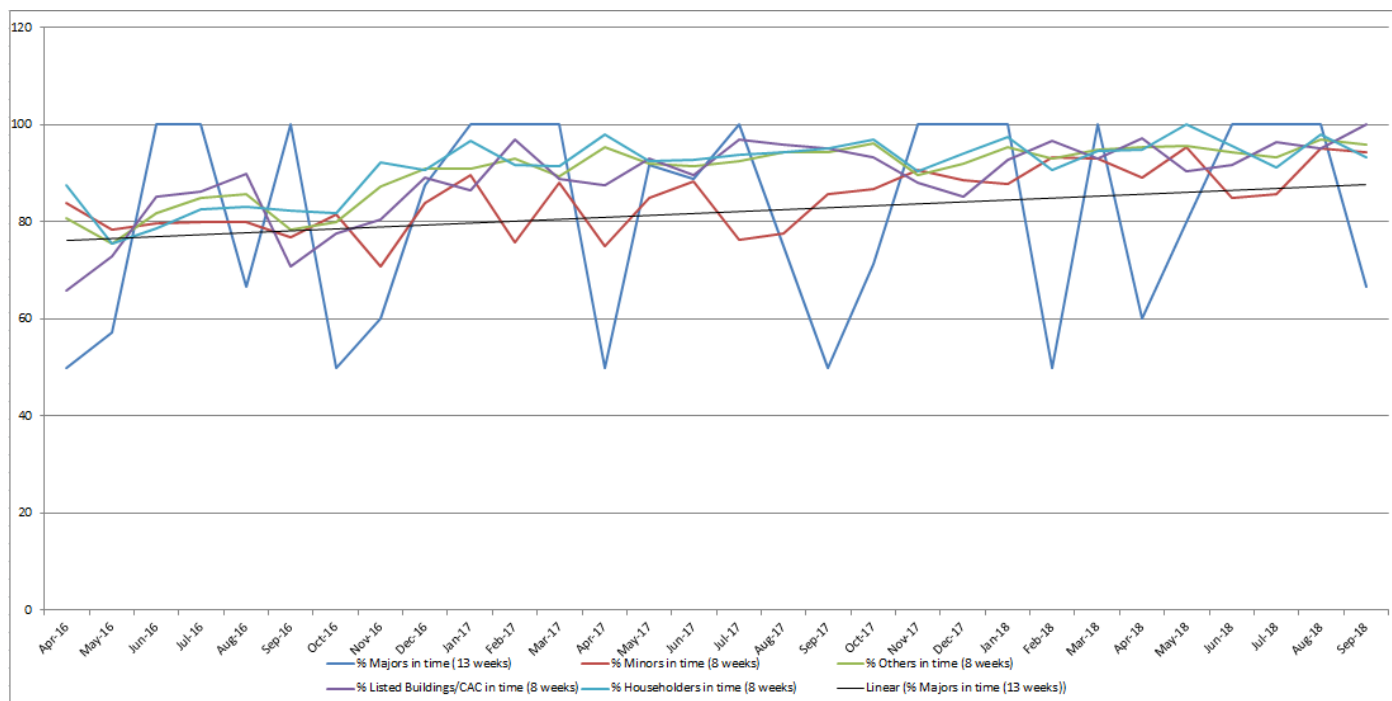
## **2 RECOMMENDATION**

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

## **3 THE REPORT**

Tables, charts and commentary

## 1 - Comparison of Applications Determined Within Target Times



% of planning applications in time	2017/18				2017/18			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
% Majors in time	87%	73%	88%	80%	77%	89%		
% Minors in time	83%	80%	89%	91%	89%	92%		
% Others in time	93%	94%	93%	95%	95%	96%		

### Highlights:

- All three categories have been above target consistently every quarter for 3 years.

*Note: Major (10+ dwellings/0.5 hectares and over, 1000+ sqm/1 hectare and over); Minor (1-10 dwellings/less than 0.5 hectares, Up to 999 sqm/under 1 hectare); Other (changes of use, householder development, adverts, listed building consents, lawful development certificates, notifications, etc).*

## 2 - Recent Planning Application Performance

Application nos.	2017/18				2017/18			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Received	719	719	672	716	684	673		
Withdrawn	56	66	93	63	51	52		
Delegated no. and %	603 (95%)	597 (96%)	577 (96%)	553 (96%)	647 (97%)	579 (97%)		
Refused no. and %	52 (8%)	52 (8%)	68 (11%)	47 (8%)	54 (8%)	45 (8%)		

### Highlights:

- A 2% fall in planning application numbers compared to the previous 12 months - slightly above the national trend (3% decrease year ending Jun 2018).
- The current delegation rate is a little above the last published England average of 94% (Year to Jun 2018).

- Percentage of refusals on planning applications remains very low compared to the last published England average of 12% (Year ending Jun 2018).

### **3 – Dwelling Numbers**

Dwelling numbers	2016/17				2017/18			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Major residential (10 or more dwellings) decisions	12	4	10	0	7	6		
Major residential decisions granted	9	4	7	0	6	6		
Number of dwellings applied for on Major schemes	438	197	143	477	297	255		
Number of dwelling units permitted on schemes	579	349	591	66	123	627		

Highlights:

- There were 6 major residential planning decisions last quarter, all permitted

### **4 - Planning Appeals**

	Oct – Dec 2017	Jan – Mar 2018	Apr – Jun 2018	Jul – Sep 2018
Appeals lodged	33	21	25	32
Appeals decided	21	35	21	22
Appeals allowed	3 (14%)	7 (20%)	7 (35%)	4 (18%)
Appeals dismissed	18 (86%)	28 (80%)	13 (65%)	18 (82%)

Highlights:

- Over the last 12 months performance on Appeals Allowed (21%) is very good and well within the national average of approx. 33%
- Appeal costs awarded against council in last quarter:
  - £2,019.40 (Midsomer Pet Lodge Paulton)
  - £3,195.00 (Greenleigh Farm Chew Magna)

### **5 - Enforcement Investigations**

	Oct – Dec 2017	Jan – Mar 2018	Apr – Jun 2018	Jul – Sep 2018
Investigations launched	126	139	145	109
Investigations in hand	284	240	228	198
Investigations closed	190	166	176	165
Enforcement Notices issued	7	1	5	1
Planning Contravention Notices served	4	18	2	1
Breach of Condition Notices served	2	0	0	0

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

The service also processes other statutory applications (discharging conditions, prior approvals, prior notifications, non-material amendments etc) and discretionary services like pre-application advice & Permitted Development Questionnaires. The table below shows the number of these applications received

	Oct – Dec 2017	Jan – Mar 2018	Apr – Jun 2018	Jul – Sep 2018
Other types of work	534	487	541	520

## **7 – Works to Trees**

	Oct – Dec 2017	Jan – Mar 2018	Apr – Jun 2018	Jul – Sep 2018
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	21	18	13	22
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	100%	94%	92%	100%
Number of notifications for works to trees within a Conservation Area (CA)	241	158	143	176
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	100%	99%	90%	100%

### Highlights:

- Performance on determining applications for works to trees subject to Tree Preservation Orders and on dealing with notifications for works to trees within a Conservation Area is excellent

## **8 – Corporate Customer Feedback**

Customer Feedback	Oct – Dec 2017	Jan – Mar 2018	Apr – Jun 2018	Jul – Sep 2018
Compliments received	30	10	14	To be reported in next quarter
Complaints received	15	10	10	To be reported in next quarter
Complaints upheld	1	0	0	To be reported in next quarter
Complaints Not upheld	7	7	7	To be reported in next quarter



Complaints Partly upheld	2	1	2	To be reported in next quarter
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Highlights:

- There has been one upheld complaint over the last year

## **9 - Ombudsman Complaints**

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

<b>Ombudsman Complaints</b>	<b>Oct – Dec 17</b>	<b>Jan – Mar 18</b>	<b>Apr – Jun 18</b>	<b>Jul – Sep 18</b>
<b>Complaints received</b>	0	3 (2 closed after initial inquiries (rejected by LGO with no action or out of their jurisdiction))	3 (3 closed after initial inquiries (rejected by LGO with no action or out of their jurisdiction))	0
<b>Complaints upheld</b>	1	0	0	0
<b>Complaints Not upheld</b>	0	1	0	0

Highlights:

- There has been one upheld complaint over the last year

## **10 – Working With Our Customers**

Online payments were introduced in September meaning that customers can now go onto the B&NES website and pay for their application 24/7. This was introduced to complement the improvements introduced by the Planning Portal, making it quicker and easier to submit applications electronically. During August 2018, 99% of all applications received were allocated to an officer, or invalidated, within 5 working days, the best performance ever.

For all the latest stories and updates from Development Management, Building Control and Policy teams

<http://www.bathnes.gov.uk/services/planning-and-building-control/latest-news>

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

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

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

S106 Funds agreed (2018/19)	<b>£30,649.40</b>
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S106 Funds received (2018/19)	<b>£2,663,893.58</b>
CIL sums overview - Potential (April 2015 to date)	<b>£8,328,695.92</b>
CIL sums overview - Collected (April 2015 to date)	<b>£8,635,995.66</b>

## 12 – Chair Referrals

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

	<b>Oct – Dec 2017</b>	<b>Jan – Mar 2018</b>	<b>Apr – Jun 2018</b>	<b>Jul – Sep 2018</b>
Chair referral delegated	27	27	19	19
Chair referral to DM Committee	12	13	12	16

## 13 – 5 Year Housing Land Supply

A	Total planned housing 2011-2029		13000
B	Completions 2011-2018	2011-2018	5,117
C	Plan requirement	2011-2023	8664
D	5 year supply requirement (100%)	2018-2023	3547
E	5 year supply requirement (with 5% buffer)	2018-2023	3724
F	5 year supply requirement (with 20% Buffer)	2018-2023	4256
G	Deliverable supply (#)	2018-2023	5,499
H	Deliverable supply buffer (%)	2018-2023	55%
I	Deliverable supply (#) over 100% requirement	2018-2023	1952
J	Deliverable supply (#) over 105% requirement	2018-2023	1775
K	Deliverable supply (#) over 120% requirement	2018-2023	1243

A	Alternative Calculation Method			
B	5 year supply requirement (722x5)		3610	
C	Surplus/deficit		63	
D	Deliverable supply		5,499	
E	5 year requirement + backlog		3547	Supply as a % of requirement
F	5 year requirement + backlog +5% buffer		3724	148%
G	5 year requirement +backlog + 20% buffer		4256	129%
				Supply in years
				7.38
				6.46

The Council has identified a supply of deliverable housing land for **5,490** homes between 1 April 2018 and 31st March 2023. This compares to a five year housing land supply requirement (including 5% buffer) of 3,547 (Core Strategy requirement, calculated using the 'Sedgefield Method'). **This amounts to a housing land supply of 7.38 years.**

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

Application no	ADDRESS	PROPOSAL	Decision Level	Decision Date	Status	Notes
18/03786/FUL	7 Elm GroveSouthdownBathBath And North East SomersetBA2 2HJ	Erection of single storey front porch and single storey flat roof rear extension	COMMDC	27-Sep-18	PERMIT	Applicant is the spouse of a council employee.
18/02310/FUL	Lark's Rest7 The OrchardNorton LaneChew MagnaBristolBS40 8RR	Change of garage to study, to include installation of window to gable in lieu of garage door. Erection of garden shed.	CHAIR	11-Jul-18	PERMIT	Chair referral delegated decision
18/01951/FUL	Parcel 5001Woollard LanePublowBristol	Creation of horse menage measuring 38m x 45m	CHAIR	18-Jul-18	PERMIT	Chair referral delegated decision
18/01958/AR	Parcel 0006Maynard TerraceCluttonBristolBath And North East Somerset	Display of non-illuminated sign to indicate the new construction site off Maynard Terrace.	CHAIR	20-Jul-18	CON	Chair referral delegated decision
17/06224/FUL	Hillside ViewSutton Hill RoadBishop SuttonBristolBath And North East SomersetBS39 5UN	Erection of open garden structure with solid roof, two-storey rear extension, raised roof over garage, garage conversion and new side garage.	CHAIR	20-Jul-18	PERMIT	Chair referral delegated decision
18/02390/FUL	22 Reynolds CloseKeynshamBristolBath And North East SomersetBS31 1LX	Erection of single storey rear extension and front porch.	CHAIR	26-Jul-18	PERMIT	Chair referral delegated decision
18/02446/FUL	72 Rush HillSouthdownBathBath And North East SomersetBA2 2QS	Change of use from a 4-bed dwelling (Use Class C3) to a 5-bed house of multiple occupation (HMO) (Use Class C4).	CHAIR	30-Jul-18	PERMIT	Chair referral delegated decision
18/01675/FUL	Parcel 2400FossewayEnglishcombeBath	Installation of a hardstanding field access track	CHAIR	07-Aug-18	PERMIT	Chair referral delegated decision
18/02622/FUL	176 Charlton ParkMidsomer NortonBA3 4BR	Erection of two storey attached dwelling.	CHAIR	07-Aug-18	PERMIT	Chair referral delegated decision
18/02137/AR	Greggs Bakery 42A High StreetKeynshamBristolBath And North East SomersetBS31 1DX	Display of 1no. non-illuminated fascia sign, 1no. non-illuminated projecting sign, and 2 no. internal posters	CHAIR	09-Aug-18	CON	Chair referral delegated decision
18/01494/FUL	Land Adjoining Number 15CoombendRadstock	Erection of 1no dwelling (Resubmission)	CHAIR	10-Aug-18	PERMIT	Chair referral delegated decision
18/02604/FUL	Field FarmLitton LaneHinton BlewettBristolBath And North East SomersetBS39 5BA	Change of use of former agricultural building to ancillary domestic accommodation with minor alterations to building (Retrospective)	CHAIR	10-Aug-18	RF	Chair referral delegated decision
18/02757/FUL	115 WellswayKeynshamBristolBath And North East SomersetBS31 1HZ	Erection of a two storey side extension and single storey rear extension.	CHAIR	15-Aug-18	PERMIT	Chair referral delegated decision
18/02765/FUL	Echo Gate 27 Rodney RoadSaltfordBS31 3HR	Erection of 1 detached dwelling and garage.	CHAIR	15-Aug-18	PERMIT	Chair referral delegated decision

18/00513/OUT	Lays Farm Business CentreLays Farm Trading EstateKeynshamBS31 2SE	Outline Planning Application for the demolition of existing industrial buildings and erection of 9 dwellings	CHAIR	21-Aug-18	RF	Chair referral delegated decision
18/02302/VAR	Mercedes Benz Of Bath Bath Business ParkFoxcote AvenuePeasedown St. JohnBathBath And North East SomersetBA2 8SF	Variation of condition 12 (opening hours) of application 04/02602/FUL (The erection on Plot 1 of a new building for the sale and/or display and/or hire of new and/or used private and light goods vehicles and/or sale of parts and/or for the repairing and/o	CHAIR	21-Aug-18	PERMIT	Chair referral delegated decision
18/02875/FUL	92 Lays DriveKeynshamBristolBath And North East SomersetBS31 2LE	Erection of two storey side and rear extensions.	CHAIR	30-Aug-18	RF	Chair referral delegated decision
18/03089/FUL	Mulberry HouseSion HillLansdownBathBath And North East SomersetBA1 2UL	Erection of a dwelling & double garage following the demolition of the existing dwelling.	CHAIR	04-Sep-18	PERMIT	Chair referral delegated decision
18/02794/FUL	23 Thicket MeadMidsomer NortonRadstockBath And North East SomersetBA3 2SZ	Erection of 1.5m high wooden fence (retrospective).	CHAIR	14-Sep-18	PERMIT	Chair referral delegated decision
18/03421/FUL	2 Windrush CloseWhitewayBathBath And North East SomersetBA2 1PL	Change of use from 3 bed dwelling house (use class C3) to 5 bed house in multiple occupation (use class C4)	CHAIR	25-Sep-18	PERMIT	Chair referral delegated decision
17/05597/FUL	Ryman Engineering ServicesFrome RoadRadstockBath And North East SomersetBA3 3PY	Demolition of existing building and redevelopment of the site for residential purposes involving the erection of 10 units and associated infrastructure, including parking and private gardens	COMMD C	21-Sep-18	PERMIT	Chair referral to committee.
15/01802/FUL	Church Farm Derelict PropertyChurch HillHigh LittletonBristol	Construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall.	COMMD C	23-Aug-18	PERMIT	Chair referral to committee. Objections to the proposal by the Parish Council.
18/00179/FUL	The CopseBannerdown RoadBatheastonBathBath And North East SomersetBA1 7PL	Erection of 5no dwellings with access and associated works following demolition of existing dwelling	COMMD C	02-Aug-18	PERMIT	Chair referral to committee. Batheaston Parish Council and third party consultees have objected while other consultees have supported the proposals. All points raised have been assessed against relevant planning policy by the Officer in the report presented. However, the application is controversial and it should be determined by Development Management Committee so that the issues raised can be debated fully.
18/01379/FUL	19 Rockliffe RoadBathwickBathBath And North East SomersetBA2 6QN	Erection of single storey extension to rear and side of property. Insertion of conservation rooflights in plane of roof to rear and side of property. (Revised proposal).	COMMD C	09-Jul-18	RF	Chair referral to committee. I have studied the application & looked at the history of the site carefully, I note the Ward Cllr DMC request & third party objections. The application, as it now stands, has been assessed against relevant planning policy as explained in the report presented to me however the impact on neighbour's amenity & finished materials remain controversial & therefore I recommend it should be debated by DMC.

18/01187/FUL	7 Uplands DriveSaltfordBristolBath And North East SomersetBS31 3JH	Erection of new dwelling following demolition of existing dwelling.	COMMDC	05-Jul-18	PERMIT	Chair referral to committee. I have studied the application & note both third party & SPC objection comments. The points raised have been addressed in the assessment of the application against relevant planning & while I feel some points adhere to planning policy I recommend the impact on the design & scale of the proposed building on the area should be debated therefore this application should be determined by the DMC.
18/02224/FUL	146 WellswayBathBath And North East SomersetBA2 4SE	Provision of off road parking area for 1no vehicle	COMMDC	02-Aug-18	RF	Chair referral to committee. I have studied the application & note the statutory consultee comments & Ward Cllr DMC request. Opinions are varied regarding the impact on the Conservation Area, therefore I recommend this application be determined by the DMC so the points raised can be discussed in the public arena.
18/01510/LBA	31 Sion HillLansdownBathBath And North East SomersetBA1 2UW	Internal and external alterations to insert pair of new windows to ground floor of rear elevation and new joinery details to existing rear doors.	COMMDC	02-Aug-18	CON	Chair referral to committee. I have studied the application & related information which the Officer has assessed against relevant planning policy which she feels it adheres to however I have looked at the points raised by both the Ward Cllr in his DMC request & third party support comments & feel the impact of the proposals on the Grade II listed building should be debated by the DMC as the rear of the dwellings are not uniform.
18/01744/FUL	St Hugh's Rc ChurchWells RoadWestfield	Conversion of former Mass Centre to provide 8 No. residential units with associated car parking and incidental works of demolition	COMMDC	30-Aug-18	PERMIT	Chair referral to committee. I have studied the application and related information including comments and suggested conditions from statutory consultees, I also note the objection reasons from WPC. The points raised have been addressed by the officer as the application has been assessed against relevant planning policy however I feel this site is within a prominent area of Radstock and the points raised should be debated in the public arena therefore I recommend the application be determined by the DMC.
18/02261/FUL	27 Rockliffe AvenueBathwickBathBath And North East SomersetBA2 6QP	Erection of replacement dwelling following demolition of existing (Resubmission of 16/02520/FUL)	COMMDC	27-Sep-18	PERMIT	Chair referral to committee. I have studied the application carefully including the history of the site & Planning Inspector's Report. The application has been assessed against relevant planning policies & I am aware the application has addressed points raised by the Inspector which is explained by the Officer in the report presented to me. However there are clearly varying views on the proposal which remains controversial & I feel this application should be debated by the DMC as requested by the Ward Cllr.

18/01448/REM	ArundelChurch LaneBishop SuttonBristolBath And North East SomersetBS39 5UP	Removal of condition 2 of application 17/01983/FUL (Erection of single storey side and rear extensions, front dormer window and internal reconfiguration works to existing dwelling.)	COMMD C	05-Jul-18	PERMIT	Chair referral to committee. I have studied the application including the history of the site & I also note third party & SSPC comments. The Officer has assessed the application explaining a recent appeal decision should be considered when determining this proposal. The application, in my view, remains controversial & the issues should be debated, therefore I recommend the application be determined by the DMC.
18/01696/FUL	60 Cranwells ParkLower WestonBathBath And North East SomersetBA1 2YE	Erection of a two storey side extension (Resubmission).	COMMD C	10-Jul-18	PERMIT	Chair referral to committee. I have studied the application including the history of the site including the permission granted last year which this seeks to replace, I also note Ward Cllrs differing views & a number of third party objections. The issues raised have been addressed in the Officer's assessment of the application against relevant planning policy however impact on the area, due to the character & size of the extension, remains a controversial aspect of this proposal as reflected in Ward Cllrs comments. Therefore I recommend the application be determined by the DMC so the concerns raised can be debated fully.
18/01483/FUL	Chapel CottageClarendon RoadWidcombeBathBath And North East SomersetBA2 4NJ	Change of use from 3bed residential dwelling (C3) to 3bed House of Multiple Occupation (C4)	COMMD C	05-Jul-18	PERMIT	Chair referral to committee. I have studied the application, Ward Cllr & third party comments alongside the Highways comments. The Officer has assessed the application in line with relevant planning policy as the report explains however the Highways issues remain controversial & therefore I recommend the application be determined by the DMC so the points raised can be debated.
18/01240/FUL	StablesAccess Road To Weston ReservoirUpper WestonBath	Conversion of stables to 2no. bedroom single storey dwelling house (Class C3) and associated works.	COMMD C	30-Aug-18	PERMIT	Chair referral to committee. I have studied this application carefully & all related information including comments from Ward Cllr, statutory consultees & third party, all raising concerns. The report has assessed the application in line with relevant planning policies & it is clear the principle of development is recognised & Highways are happy with height of hedges to remain however the impact on the area remains controversial & for this reason I recommend the application be determined by the DMC.
18/02507/FUL	97 Sheridan RoadWhitewayBathBath And North East SomersetBA2 1RA	Change of use from dwelling house (use class C3) to HMO (use class C4)	COMMD C	30-Aug-18	RF	Chair referral to committee. I note the Ward Cllr comment that the adjacent applications should be debated at DMC & numerous third party objection comments. The application has been assessed against relevant planning policy which it does not contravene however I feel the application should be debated in the public arena so that all views can be expressed fully, therefore I recommend the application be determined by the DMC.



18/02256/FUL	99 Sheridan RoadWhitewayBathBath And North East SomersetBA2 1RA	Change of use from a 4 bed dwelling house (Use Class C3) to a 4 bed House in Multiple Occupation (Use Class C4) (Retrospective)	COMMDC	30-Aug-18	PERMIT	Chair referral to committee. I note the Ward Cllr comment that the adjacent applications should be debated at DMC & numerous third party objection comments. The application has been assessed against relevant planning policy which it does not contravene however I feel the application should be debated in the public arena so that all views can be expressed fully, therefore I recommend the application be determined by the DMC.
18/03034/FUL	DryleazeBath RoadSaltfordBristolBath And North East SomersetBS31 3JT	Erection of two storey side extension and loft conversion with front dormer window following removal of existing conservatory (resubmission following withdrawal of 18/00679/FUL)	COMMDC	30-Aug-18	PERMIT	Chair referral to committee. Request from Cllr Davis that the application be referred to committee if the officer is minded to refuse as the proposals respond to and improve the host dwelling and leads to lower percentage increase in the Green Belt than permitted development rights.
18/02432/FUL	56 Brook RoadTwertonBathBath And North East SomersetBA2 3RS	Change of Use from 6no. bedroom house in multiple occupation (use class C4) to 7no. bedroom house in multiple occupation (sui generis use).	COMMDC	30-Aug-18	PERMIT	Cllr June Player, ward councillor for Westmoreland, requested that should officers be minded to recommend approval, consideration be given to determination of the application by Development Management Committee. Planning policy reasons were given by the ward councillor in objection to the application, contrary to officer recommendation.
18/01994/FUL	Rose CottageChurch LaneChew StokeBristolBath And North East SomersetBS40 8TU	Erection of a rear two storey extension.	COMMDC	30-Aug-18	PERMIT	Cllr Liz Richardson, ward councillor for Chew Valley North, requested that should officers be minded to recommend refusal, consideration be given to determination of the application by Development Management Committee. Planning policy reasons were given by both the ward councillor and Chew Stoke Parish Council in support of the application, contrary to officer recommendation.
14/05836/FUL	Land Rear Of Yearten HouseWater StreetEast HarptreeBristol	Erection of 8 dwellings and access.	COMMDC	10-Aug-18	PERMIT	Councillor Tim Warren has requested that this application be presented to the plannig committee due to the level of local interest.
18/01851/FUL	Monkton Combe School FarmBrassknocker HillMonkton CombeBathBath And North East SomersetBA2 7HX	Proposed erection of 2 dwellings following demolition of redundant agricultural buildings, alteration to existing dwelling, and associated access and comprehensive landscaping.	COMMDC	05-Jul-18	RF	The application has been called to committee at the request of Councillor Neil Butters for the following reason: This is a complex case which has aroused a lot of public interest in the local area.
17/01466/FUL	Waterloo Road Open SpaceWaterloo RoadRadstockBath And North East Somerset	Development of a new Healthy Living Centre to provide new health centre and ancillary pharmacy, community kitchen, children's centre and library	COMMDC	09-Aug-18	PERMIT	The application has been referred to Committee at the request of the Group Manager due the fact that the development involves the Council and has generated a significant level of public interest. Cllr Dando has also requested that this is heard at Committee and the Town Council has objected to this application with planning reasons given.
18/00356/FUL	Curbar Edge 2 Rowlands CloseBathfordBathBA1 7TZ	Roof change to create habitable space with 4 bedrooms incorporating rear dormer structure, front single storey extension and landscaping including engineering works to the rear garden.	COMMDC	02-Aug-18	PERMIT	The application is being referred to the committee at the request of Councillor Geoff Ward, Councillor Alison Millar and Councillor Martin Veal.

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<b>Bath &amp; North East Somerset Council</b>		
<b>MEETING:</b>	<b>Development Control Committee</b>	<div>AGENDA ITEM NUMBER</div> <div></div>
<b>MEETING DATE:</b>	<b>21<sup>st</sup> November 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:** 18/01669/FUL  
**Location:** 42 Gainsborough Road Keynsham Bristol Bath And North East Somerset BS31 1LS  
**Proposal:** Erection of 1no self-contained house adjacent to existing property  
**Decision:** REFUSE  
**Decision Date:** 23 July 2018  
**Decision Level:** Delegated  
**Appeal Lodged:** 10 October 2018

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**App. Ref:** 17/02942/OUT  
**Location:** 46 Radstock Road Midsomer Norton Radstock Bath And North East Somerset BA3 2AW  
**Proposal:** Erection of 10 no. dwellings with associated new vehicular access, car parking, infrastructure and landscaping, following demolition of existing dwelling and outbuildings (Outline application with access to be determined and all other matters reserved).  
**Decision:** REFUSE  
**Decision Date:** 7 November 2017  
**Decision Level:** Delegated  
**Appeal Lodged:** 12 October 2018

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**App. Ref:** 18/01276/FUL

**Location:** 1 The Square Temple Cloud Bristol Bath And North East Somerset  
BS39 5DG  
**Proposal:** Erection of 2no semi detached dwellings.  
**Decision:** REFUSE  
**Decision Date:** 26 June 2018  
**Decision Level:** Delegated  
**Appeal Lodged:** 12 October 2018

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**App. Ref:** 18/01706/ODCOU  
**Location:** 1B Trafalgar Road Upper Weston Bath BA1 4EW  
**Proposal:** Prior approval request for change of use from offices (Use Class B1(a)) to residential use (Use Class C3)  
**Decision:** REFUSE  
**Decision Date:** 8 June 2018  
**Decision Level:** Delegated  
**Appeal Lodged:** 12 October 2018

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**App. Ref:** 18/00505/FUL  
**Location:** Land To South Of Widcombe Lodge South Widcombe Hinton  
Blewett Bristol  
**Proposal:** Erection of a dwelling (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 10 May 2018  
**Decision Level:** Delegated  
**Appeal Lodged:** 19 October 2018

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**App. Ref:** 18/01272/FUL  
**Location:** Sunlife Buildings South View Place Midsomer Norton  
**Proposal:** Erection of 1no. 2bed residential dwelling, hard and soft landscaping and associated works, following demolition of existing building.  
**Decision:** REFUSE  
**Decision Date:** 13 June 2018  
**Decision Level:** Delegated  
**Appeal Lodged:** 29 October 2018

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**App. Ref:** 18/02732/FUL  
**Location:** 37 Combe Road Combe Down Bath Bath And North East Somerset  
BA2 5HZ

**Proposal:** Erection of new detached 2No bedroom dwelling, replacing an old Garage Block  
**Decision:** REFUSE  
**Decision Date:** 23 August 2018  
**Decision Level:** Delegated  
**Appeal Lodged:** 29 October 2018

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## APPEALS DECIDED

**App. Ref:** 17/03841/FUL  
**Location:** 19 Gladstone Street Welton Midsomer Norton Radstock Bath And North East Somerset  
**Proposal:** Erection of terrace of three dwellings.  
**Decision:** REFUSE  
**Decision Date:** 18 October 2017  
**Decision Level:** Delegated  
**Appeal Lodged:** 5 June 2018  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 12 October 2018

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**App. Ref:** 18/01791/FUL  
**Location:** 52 Manor Road Saltford Bristol Bath And North East Somerset BS31 3AB  
**Proposal:** Erection of raised rear terrace (Retrospective)  
**Decision:** REFUSE  
**Decision Date:** 15 June 2018  
**Decision Level:** Delegated  
**Appeal Lodged:** 13 September 2018  
**Appeal Decision:** Appeal Allowed  
**Appeal Decided Date:** 23 October 2018

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**App. Ref:** 18/01560/FUL  
**Location:** 63 Brassmill Lane Newbridge Bath Bath And North East Somerset BA1 3JD  
**Proposal:** Conversion of the loft with a rear dormer and erection of a single storey rear extension (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 15 June 2018  
**Decision Level:** Delegated

**Appeal Lodged:** 13 September 2018  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 25 October 2018

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**App. Ref:** 18/00930/ADCOU  
**Location:** Barn Opposite Moor Lodge Moorledge Lane Chew Magna Bristol  
**Proposal:** Prior approval for a proposed change of use of an agricultural building to a dwelling house (class C3), and for associated operational development (Resubmission).  
**Decision:** REFUSE  
**Decision Date:** 18 April 2018  
**Decision Level:** Delegated  
**Appeal Lodged:** 23 July 2018  
**Appeal Decision:** Appeal Allowed  
**Appeal Decided Date:** 26 October 2018

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**App. Ref:** 17/04891/FUL  
**Location:** Flat 35 High Street Upper Weston Bath Bath And North East Somerset  
**Proposal:** Change of use from 3 bed dwelling (Use class C3) into a 4 bed House in Multiple Occupation (HMO) (Use Class 4).  
**Decision:** REFUSE  
**Decision Date:** 11 December 2017  
**Decision Level:** Delegated  
**Appeal Lodged:** 26 July 2018  
**Appeal Decision:** Appeal Allowed  
**Appeal Decided Date:** 1 November 2018

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**App. Ref:** 17/05330/FUL  
**Location:** 15 Middle Street East Harptree Bristol Bath And North East Somerset BS40 6BA  
**Proposal:** Erection of a 1no bedroom attached house  
**Decision:** REFUSE  
**Decision Date:** 9 January 2018  
**Decision Level:** Delegated  
**Appeal Lodged:** 26 July 2018  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 1 November 2018

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## **FORTHCOMING HEARINGS AND ENQUIRIES**

App Ref: 16/00205/UNAUTH  
Location: Lime Kiln Farm Charlton Road Queen Charlton Bristol Bath And  
North East Somerset BS31 2TW  
Breach: Without planning permission the change of use of land from  
agriculture (Sui Generis) to open storage (Use Class B8).  
Appeal Lodged: 03 May 2018

Inquiry to be held on 21st November 2018 at the Guildhall, Bath.

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