

Development Management Committee

Date: Wednesday, 24th April, 2019

Time: 2.00 pm

Venue: Council Chamber - 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

Democratic Services

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: 01225 39 4414

Web-site - <http://www.bathnes.gov.uk>

E-mail: Democratic_Services@bathnes.gov.uk

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. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

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

4. **Public Speaking at Meetings**

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

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

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, 24th April, 2019

at 2.00 pm in the Council Chamber - Guildhall, Bath

AGENDA

1. EMERGENCY EVACUATION PROCEDURE

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

2. ELECTION OF VICE CHAIRMAN (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

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

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

(b) The nature of their interest.

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

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

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

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

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

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

7. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

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

To confirm the minutes of the meeting held on 13 March 2019.

9. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 29 - 44)

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 45 - 130)

11. BATH AND NORTH EAST SOMERSET COUNCIL (LAND TO WEST OF WESTON ALL SAINTS PRIMARY SCHOOL, OSBOURNES HILL, UPPER WESTON, BATH NO. 318) TREE PRESERVATION ORDER 2018 (Pages 131 - 186)

12. QUARTERLY PERFORMANCE REPORT - JANUARY TO MARCH 2019 (Pages 187 - 194)

The Committee is asked to note the quarterly performance report.

13. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 195 - 200)

The Committee is asked to note the appeals report.

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

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

DEVELOPMENT MANAGEMENT COMMITTEE**Minutes of the Meeting held**

Wednesday, 13th March, 2019, 2.00 pm

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

110 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

111 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

112 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from:

Cllr Caroline Roberts – substitute Cllr Will Sandry
Cllr David Veale – substitute Cllr Patrick Anketell-Jones

113 DECLARATIONS OF INTEREST

There were no declarations of interest.

114 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

115 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.

116 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

117 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 13 February 2019 were confirmed and signed as a correct record.

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

The Committee considered:

- A report by the Head of Planning on various planning applications.
- An update report by the Head of Planning on items 1 and 3 attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

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

Item No.1

Application No.18/03797/FUL

Site Location: Chivers House, Windsor Bridge Road, Twerton, Bath, BA2 3DT – Demolition of existing building and redevelopment of the site to provide 95 dwellings across two separate buildings. External works including hard and soft landscaping and site clearance works with land set aside for the future facilitation of a Sustainable Transport Route. Proposed vehicular access to Windsor Bridge Road and provision of 24 vehicular parking spaces and cycle parking

The Case Officer reported on the application and his recommendation for refusal. He gave the following updates to his report:

- There are 24 car parking spaces rather than the 26 specified in the report.
- The permission for other uses which is referred to under the relevant planning history section of the report lapsed in January 2019.
- The site is not located in a Conservation Area but is adjacent to one. Therefore the duty to pay special attention to the preservation of enhancement of the character or appearance of the surrounding conservation area referred to on page 33 of the report does not apply in this case.

A representative from the Bath Preservation Trust spoke against the application.

The Agent, Architect and a representative from the Two Tunnels Group spoke in favour of the application.

The Case Officer then responded to questions as follows:

- Although the planning policies state that loss of employment space should be prevented policies also support the use of this type of space for housing. This required a balance to be struck and refusal on the grounds of loss of an industrial site would not be justified in this instance.
- The provision of 24 parking spaces was well below policy requirements as 63 spaces would be needed to meet the specified parking standard. There was no indication as to how the 24 spaces would be allocated.

- The policy specified that parking requirements were:
 - 1 bedroom properties - 1 parking space
 - 2-3 bedroom properties – 2 parking spaces
 - 4 bedroom or more properties - 3 spaces
 - 0.2 of a parking space for visitors.
- The parking space for electric vehicles was included within the overall number of 24.
- There were two cycle parking areas contained within the plans.
- The sustainable transport route would be for pedestrians and cyclists.
- The applicant had now offered to provide 17 affordable dwellings as shared ownership units, however, the policy required 30% of the properties to be affordable housing. The application offered no properties for social rent.
- The height of the development had been reduced by the applicant since the original application. However, officers still felt that the buildings were too high.
- It could be considered that the proposals will contribute towards cumulative incremental change over time which could be harmful to the World Heritage Site. The dominance of large and tall buildings in this part of Bath could be harmful and lead to blocking of views.
- In answer to a question from a member, the Legal Advisor informed members that they should base their decisions on the officer report and the documents relating to the planning application which were available on the Council's website, rather than on information sent to them directly by the developer.

Cllr Crossley noted that this development would provide 100% residential accommodation which was much needed in Bath. It also provided 18% affordable housing, although he would have preferred to see more than this. The site is highly sustainable being close to a bus route and railway station and an electric car charging point would be provided along with cycle storage. He felt that the height of the development was acceptable in the context of the local area which already contained a cluster of large buildings. This was a brownfield site and its development would reduce the need to build on Green Belt land. The scheme was a good one with a variety of accommodation and interesting design including a number of balconies. A Community Infrastructure Levy (CIL) contribution would offer an opportunity to provide a cycle path in the area. He felt that the design was sympathetic to the surroundings and noted that the nature of the location would reduce reliance on the car leading to improved air quality.

Cllr Crossley then moved that the Committee delegate to permit the application, subject to conditions and the completion of a S106 Agreement, for the following reasons:

- The design responds sympathetically to the emerging form and character that is developing around this location and by its improvement to the cycle infrastructure makes a positive contribution to the public realm.
- By turning a derelict part of Bath into a thriving location with good architecture and design it enhances the status of the World Heritage designation of the city. There would be no harm to the Conservation Area or World Heritage Site.
- By nature of its location and sustainability consideration it is reducing the dependence on the car and responds to the increasing numbers of

households that do not want to own a car. This will improve the air quality of the area by generating less vehicular traffic.

Cllr Matthew Davies seconded the motion. He pointed out that more electric car charging points may be required and also stressed the need to retain as many trees as possible and to provide landscaping.

Cllr Jackson stressed the contextual importance of being a World Heritage City on the boundary of a Conservation Area. This development can be seen for miles around and the proposal represented an overdevelopment of the site. The blocks of flats were too large and higher standards of design were required. There was a need for housing within Bath but the requirement was for family accommodation rather than flats.

Cllr Appleyard pointed out that the height of the buildings had already been reduced. He also felt that it was important not to always place such high priority on car use. He felt that the car parking requirements set out in the Council's planning policy should be reviewed. He felt that the loss of industrial space was acceptable in this case, as it would be balanced by the large amount of employment that would be provided through the Bath Quays development. The provision of 18% affordable housing units was acceptable and a positive contribution.

Cllr Sandry felt that the location of the disabled parking space far away from the buildings represented thoughtless design. The cycle parking was positioned in the corner of the site which was also sub-standard. He felt that the application was fundamentally flawed from a design perspective and that the buildings were too large. Employment space was being lost and the urban design was not acceptable.

Cllr Becker stated that this development simply offered another grey building and that the height was overbearing. Flats were being provided merely to maximise profits. The developers should come back with an improved and more attractive design. The high blocks of flats would undermine the character of Bath.

Cllr Anketell-Jones noted that the proposal provided much needed housing and was on a brownfield site. Whilst he recognised that intensification was required the quality must be improved. He had concerns about the lack of landscaping and green provision. The buildings were dominated by hard surfaces and there was no natural surveillance. The pedestrian routes had not been sufficiently thought through. He felt that the development would change the character of Bath and would cause cumulative harm.

Cllr Kew felt that this was a borderline application but was in line with policies B1 and B3 of the Core Strategy by providing residential accommodation. The site was within walking distance of the centre of Bath and was an interesting design. It was disappointing that the required 30% affordable housing was not being provided. However, there would be one bedroom properties which would be suitable for young people.

Cllr Matthew Davies noted that employment opportunities would be available nearby and that the younger generation was more inclined to car share. There were buses, trains and cycle routes on the doorstep.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 4 votes against to DELEGATE TO PERMIT the application subject to appropriate conditions and the completion of a S106 Agreement.

Item No. 2

Application No. 18/05513/FUL

Site Location: 47 Edward Street, Lower Weston, Bath – Erection of one dwelling house

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

Two local residents spoke against the application.

The architect spoke in favour of the application.

Cllr Sue Craig, local ward member, spoke against the application. She raised concerns regarding the roof height, the gates opening onto the public highway and the design being out of keeping with the location and Conservation Area. She requested that a sunlight assessment be carried out. If the Committee were minded to approve the application she asked that a condition be included to prevent the use of the flat roof as a terrace area. She also asked that the construction management plan be shared with local residents prior to the commencement of work.

The Case Officer then responded to questions as follows:

- The main differences between the extant application on this site and the current application were materials, roof design, openings and less excavation. The building was longer but the footprint was similar to the previous application.
- Condition 10 (as set out in the officer report) would address the concerns raised about the flat roof being used as a terrace, balcony or veranda. If a breach of this condition were reported it would be dealt with by the Planning Enforcement Team.
- The Deputy Head of Planning, Development Management, explained that if the Committee was minded to refuse the application it would have to specify the harm that would be caused by the development and that would have to take into account the approval already granted. She also confirmed that although land stability is a material consideration and there is a policy to cover areas of higher risk, in cases such as this, land stability matters would be dealt with by building control officers rather than the planning team.

Cllr Jackson moved the officer recommendation to permit. This was seconded by Cllr Kew.

Cllr Crossley referred to the debate at the previous meeting which had been complex. The application had to be considered against the background of the previous permission. He noted that the flat roof was the main issue and pointed out that this was now closer to the neighbouring property.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 votes against to PERMIT the application subject to the conditions set out in the

report.

Item No. 3

Application No. 18/05706/FUL

Site Location: Rookehill Farmhouse, 34 Wellsway, Keynsham – Creation of new vehicular access and erection of a two storey building following demolition of existing garden room and store (Resubmission)

The Case Officer reported on the application and her recommendation for refusal. She drew the Committee's attention to a small amendment to the wording of the reason for refusal no. 3 to state that the development would "appear materially larger than the existing building" in line with the planning policy test.

The agent spoke in favour of the application.

Cllr Organ spoke as local ward member. He stated that this was a steeply sloping site and that Wellsway was a difficult road. This proposal could remove vehicles from the road. The vegetation on the site had fallen into a poor state and he did not feel that the application would cause harm to the Green Belt.

The Case officer then responded to questions as follows:

- The building was not listed.
- There was an objection from the Case Officer on conservation grounds.
- The building would have a flat roof.

Cllr Organ moved that consideration of this application be deferred pending a site visit. This was seconded by Cllr Kew.

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 2 abstentions to DEFER consideration of the application pending a site visit.

Item No. 4

Application No. 19/00179/FUL

Site Location: 132 Old Fosse Road, Odd Down, Bath, BA2 2ST – Erection of a single storey rear extension

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

Cllr Kew moved the officer recommendation to permit. This was seconded by Cllr Jackson.

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

Item No. 5

Application No. 19/00495/FUL

Site Location: 5 Dene Close, Keynsham, BS31 1RL – Erection of single storey rear, first floor side and front porch extensions. Installation of pitched roof over existing garage

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

Cllr Organ, local ward member, stated that he had not received any comments from local residents regarding the application.

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

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

119 **TREE PRESERVATION ORDER - UNIVERSITY OF BATH, CLAVERTON DOWN, BATH - NO. 317**

The Committee considered a report regarding a Tree Preservation Order (No.317) at the University of Bath, Claverton Down.

The Case Officer reported on the Order and explained that a request had been received to provide an up to date assessment of the current cohort of trees as the original order had been made in 1995. The aim was to rationalise the current area into specific individual trees, groups of trees and woodlands.

One comment had been received from the Bath Cats and Dogs Home seeking clarification as to which trees were on land owned by the Home and which were on land belonging to the University. Officers had now met with representatives from the Cats and Dogs Home and recommended that the plan be modified as detailed in the report.

In response to a question from Cllr Sandry the Case Officer confirmed that there was no reason to believe that the tree in the area to be removed from the Order was under threat.

Cllr Kew moved the officer recommendation set out in the report and this was seconded by Cllr Crossley.

The motion was put to the vote and it was RESOLVED unanimously to CONFIRM the Tree Preservation Order with one minor modification to the Tree Preservation Order relating to map No. 4 of 6 as set out in the report.

120 **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 4.25 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date 13th March 2019

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

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
1	18/03797/FUL	Chivers House

Affordable Housing

Following the publication of the committee report, the applicant has revised their offer in respect of on-site affordable housing provision. Whereas previously they were maintaining that the scheme was not viable with any affordable housing, they have now offered to provide 17 affordable dwellings as shared ownership units. This represents 18% of the total number of dwellings. The detail of this matter could be agreed as part of a s106 agreement.

The proposed offer now aligns with the Council's position in respect of the viability of the scheme and, as such, the proposal is considered to comply with policy CP9 of the Core Strategy.

The officer recommendation is therefore to be amended to removal reason for refusal 1 relating to affordable housing.

Community Infrastructure Levy and New Homes Bonus

Upon review of the committee report further clarification is proposed in respect of how CIL payments and the New Homes Bonus should be considered as part of any decision.

Both of these items can be classified as 'local finance considerations' and can be considered material considerations in the determination of a planning application. The NPPG advises that:

Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.

In deciding an application for planning permission or appeal where a local financial consideration is material, decision takers need to ensure that the reasons supporting the decision clearly state how the consideration has been taken into account and its connection to the development.

New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. Even where anticipated Bonus payments are not a material consideration in making planning decisions, they can be noted for information in committee reports on applications for housing. Where this is done, care will be required not to imply that Bonus payments are relevant to the decision before the committee.

Paragraph: 011 Reference ID: 21b-011-20140612

In respect of the current application, it is considered that the CIL payment of this development is relevant to the decision as the money generated can be spent on local infrastructure (from the CIL 123 list) to mitigate some of the impacts of the development, e.g. strategic transport infrastructure, green infrastructure, early years provision, social infrastructure, etc.

In respect of the New Homes Bonus, the link to making the development acceptable in planning terms is less clear and therefore officers consider that this matter is not material to the decision before committee.

Overall Balance

The 'overall balance' section of the committee report is therefore altered to reflect the above changes.

In respect of the list of harms:

- Point (2) relating to the lack of affordable housing is removed from this side of the balance.

In respect of the list of material considerations in favour of the application:

- The provision of 17 units of affordable housing (18%) is now construed as a benefit of the scheme and will contribute a small, but welcome amount towards meeting affordable housing targets in Bath;
- The New Homes Bonus is removed from the list of material considerations in favour of the application.

Conclusion

The provision of affordable housing is now seen to be a benefit of the scheme and adds weight in favour of the application to the planning balance.

However, it is considered that the multiple and significant remaining conflicts with the development plan, including its poor design, lack of parking and

impacts on the local character as well as the World Heritage Site and Conservation area, weigh heavily against the proposal.

In light of the above, the officer's recommendation is that the application should still be **refused**.

Item No.	Application No.	Address
3	18/05706/FUL	Rookehill Farmhouse

Clarification

In this case it is concluded that there is harm caused to designated heritage assets – the setting of the listed building and the conservation area. Members are reminded that, in accordance with paragraph 193 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. It is recommended that the application is refused due to the harm to the heritage assets.

This page is intentionally left blank

BATH AND NORTH EAST SOMERSET COUNCIL

MEMBERS OF THE PUBLIC AND REPRESENTATIVES WISHING TO MAKE A STATEMENT AT THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE ON WEDNESDAY 13 MARCH 2019

MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	Chivers House, Windsor Bridge Road, Twerton, Bath, BA2 3DT	Caroline Kay (Bath Preservation Trust)	Against
		Colin Virtue (Agent) Tom Jarman (Architect) Frank Thompson (Two Tunnels Group)	For (To share 3 minutes)
2	47 Edward Street, Lower Weston, Bath	Peter Harrell	Against (To share 3 minutes)
		Stephen James	
		Mr Gore (Architect)	For
		Cllr Sue Craig (Local Ward Member)	Against
3	Rookehill Farmhouse, 34 Wellsway, Keynsham	Tom Rocke (Agent)	For

This page is intentionally left blank

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

13th March 2019

DECISIONS

Item No:	01	
Application No:	18/03797/FUL	
Site Location:	Chivers House, Windsor Bridge Road, Twerton, Bath	
Ward: Westmoreland	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Demolition of existing building and redevelopment of the site to provide 95no. dwellings across two separate buildings. External works including hard and soft landscaping and site clearance works with land set aside for the future facilitation of a Sustainable Transport Route. Proposed vehicular access to Windsor Bridge Road and provision of 24no. vehicular parking spaces and cycle parking.	
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B3 Twerton and Newbridge Riversid, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Contaminated Land, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Railway, Railway, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, Policy ST2 Sustainable Transport Routes,	
Applicant:	C G WBR (Ltd)	
Expiry Date:	15th March 2019	
Case Officer:	Chris Griggs-Trevarthen	

DECISION Delegate to PERMIT subject to conditions and a S106 Agreement

Item No:	02	
Application No:	18/05513/FUL	
Site Location:	47 Edward Street, Lower Weston, Bath,	
Ward: Kingsmead	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	

Proposal:	Erection of 1 no. dwellinghouse.
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 NE2A Landscapes and the green set, SSSI - Impact Risk Zones,
Applicant:	Dr Helen Moore
Expiry Date:	15th March 2019
Case Officer:	Chris Griggs-Trevarthen

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 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 Materials - Sample Panel and Schedule (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority and a and a sample panel of the natural bath stone has been erected on site and approved in writing by the Local Planning Authority.

The schedule shall include:

1. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
2. Photographs of all of the proposed materials;
3. An annotated drawing showing the parts of the development using each material;

The development shall be carried out only in accordance with the approved details and the approved sample panel of the natural bath stone shall be kept on site for reference until the development is completed.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with policies D1, D2, D3, D5 and HE1 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy.

4 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 and to protect the residential amenity of adjoining occupiers in accordance with policies D1, D2, D4, D6 and NE2 of the Bath and North East Somerset Placemaking Plan.

5 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.

6 Energy Efficiency (Pre-occupation)

The development hereby approved shall incorporate sufficient energy efficiency measures or renewables such that carbon emissions from anticipated (regulated) energy use in the development shall be reduced by at least 19% above the baseline emissions (as defined by the details submitted in support of the planning application). Prior to first occupation of the development hereby approved those matters listed below shall be submitted to and approved in writing by the local planning authority:

1. A completed copy of Table 2.4 of the local planning authority's Sustainable Construction Checklist. This shall be completed to reflect the actual measures installed as part of the development hereby approved;

2. Post-completion SAP/SBEM Part L summary documents.

Reason: To ensure that the development's carbon emissions (from anticipated regulated energy use) are reduced by at least 19% by means of sufficient renewable energy generation, in accordance with policy CP2 of the Bath and North East Somerset Core Strategy.

7 Water Efficiency (Compliance)

The approved dwelling 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.

8 Rainwater Harvesting (Compliance)

No occupation of the approved dwelling shall commence until a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g. water butts) has been installed.

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

9 Bound/Compacted Vehicle Access (Compliance)

No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

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

10 No terrace/balcony (Compliance)

The area of flat roof in the southern corner of the dwelling hereby approved shall not be used as a terrace, balcony or veranda and shall not be accessed except for maintenance or emergency purposes.

Reason: To prevent the use of the flat roof area as a terrace, balcony or veranda in the interests of preserving the privacy of adjoining occupiers in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

11 External Lighting (Bespoke Trigger)

No new external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers and heights;
2. Predicted lux levels and light spill;
3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE.3 and D8 of the Bath and North East Somerset Placemaking Plan.

12 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:

160 P L12 01 A	PROPOSED FLOOR PLANS & SITE PLAN
160 P L12 02 A	PROPOSED ELEVATIONS AND SECTION AA
160 P L12 03 A	PROPOSED SECTION BB & CC
160 P L02 01	SITE LOCATION PLAN AND EXISTING SECTIONS

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.

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 or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Community Infrastructure Levy

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

INFORMATIVES

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

Item No:	03	
Application No:	18/05706/FUL	
Site Location:	Rookehill Farmhouse, 34 Wellsway, Keynsham, Bristol	
Ward: Keynsham East	Parish: Keynsham Town Council	LB Grade: II
Application Type:	Full Application	
Proposal:	Creation of new vehicular access and erection of a two storey building following demolition of existing garden room and store (Resubmission).	
Constraints:	Bristol Airport Safeguarding, Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Conservation Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building,	

	SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,
Applicant:	Mr David Westgate
Expiry Date:	21st February 2019
Case Officer:	Helen Ellison

DECISION Defer for a site visit

Item No:	04		
Application No:	19/00179/FUL		
Site Location:	132 Old Fosse Road, Odd Down, Bath, Bath And North East Somerset		
Ward:	Odd Down	Parish:	N/A
		LB Grade:	N/A
Application Type:	Full Application		
Proposal:	Erection of a single storey rear extension.		
Constraints:	Article 4 HMO, Agric Land Class 1,2,3a, 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 James Gray		
Expiry Date:	15th March 2019		
Case Officer:	Emily Smithers		

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Materials (Compliance)

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

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

3 Plans List (Compliance)

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

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

PLANS LIST:

Drawing no. 2 REV A EXISTING & PROPOSED PLANS AND ELEVATIONS -
Received 12/02/2019

Drawing no3 REV A PROPOSED SIDE ELEVATION - Received 12/02/2019

Drawing no.1 LOCATION PLAN AND EXISTING PLAN AND ELEVATIONS - Received
16/01/2019

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 or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Community Infrastructure Levy

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

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

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

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

Item No:	05	
Application No:	19/00495/FUL	
Site Location:	5 Dene Close, Keynsham, Bristol, Bath And North East Somerset	
Ward: Keynsham East	Parish: Keynsham Town Council	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of single storey rear, first floor side and front porch extensions. Installation of pitched roof over existing garage.	
Constraints:	Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
Applicant:	Mr And Miss Southard And Sheikh	
Expiry Date:	2nd April 2019	
Case Officer:	Rae Mepham	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to:

05 Feb 2019 SITE LOCATION PLAN

05 Feb 2019 PROPOSED PLANS
05 Feb 2019 EXISTING AND PROPOSED SIDE ELEVATION

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

Condition Categories

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

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

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

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

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

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

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

Community Infrastructure Levy

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

Bath & North East Somerset Council	
MEETING:	Development Management Committee
MEETING DATE:	24th April 2019
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

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

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.

- [2] Department work sheets relating to each application/proposal as above.

- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)

 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal

- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

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

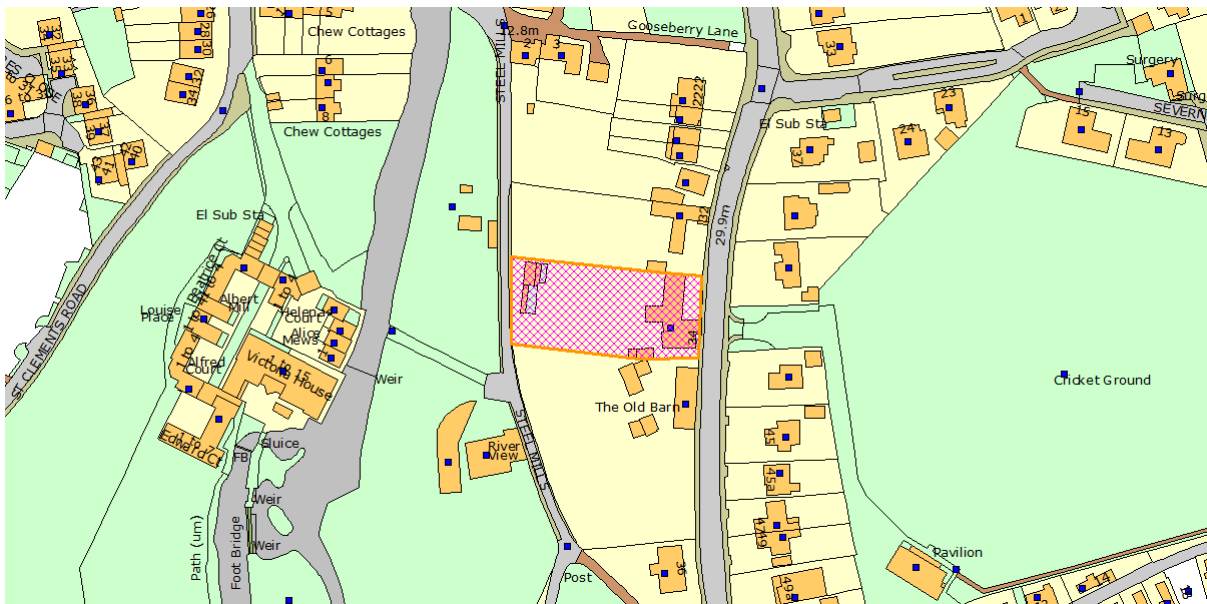
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	18/05706/FUL 21 February 2019	Mr David Westgate Rookehill Farmhouse, 34 Wellsway, Keynsham, Bristol, Bath And North East Somerset Creation of new vehicular access and erection of a two storey building following demolition of existing garden room and store (Resubmission).	Keynsham East	Helen Ellison	REFUSE

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 18/05706/FUL
Site Location: Rookehill Farmhouse 34 Wellsway Keynsham Bristol Bath And North East Somerset



Ward: Keynsham East

Parish: Keynsham Town Council

LB Grade: II

Ward Members:	Councillor Marie Longstaff Councillor Bryan Organ
Application Type:	Full Application
Proposal:	Creation of new vehicular access and erection of a two storey building following demolition of existing garden room and store (Resubmission).
Constraints:	Bristol Airport Safeguarding, Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Conservation Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant:	Mr David Westgate
Expiry Date:	21st February 2019
Case Officer:	Helen Ellison
To view the case click on the link here .	

REPORT

REASON FOR REPORTING TO COMMITTEE

Keynsham Town Council supports the proposal.

In accordance with the Council's Scheme of Delegation, the application was referred to the chairman of the Development Management Committee who has decided that the application should be determined by committee for the following reasons:

- Notes the comments from both third party and statutory consultees, and that views differ particularly linked to the impact the proposal will have on the area.
- The application has been assessed against relevant planning policies and while Keynsham Town Council feel it does not contravene them the Officer is of an opposite view therefore it is clearly controversial
- The Chair recommends the application be determined by the DMC so the issues can be debated fully.

The application was deferred from the DMC meeting of 13.03.2019 for a site visit as moved by Cllr Organ.

SITE DESCRIPTION

The application site comprises in the main of Rookehill Farmhouse, which is a Grade II listed building of C17 fronting Wellsway, and a modern garden outbuilding located towards the rear boundary with Steel Mills. The site stands within Keynsham conservation area (Character Area 11: Steel Mills & Wellsway) and on land that is designated Green belt. The site slopes markedly downhill from east to west. The rear garden supports a number of trees and there is a belt of soft vegetation across its lower section. There are two wooden posts close to the rear Steel Mills boundary that may be indicative of a former driveway but clearly not in use as such now. Steel Mills is a quiet back road with pavement and long stretch of medium height stone wall on its west side and a mainly soft landscaped sloping embankment to the east (albeit with a high section of stone wall

running north that starts broadly beyond the northern most corner of the rear garden to No. 32 Wellsway).

PROPOSAL

This application seeks planning permission to create a new vehicular access and for the erection of a two storey building with double garage at ground and accommodation at first comprising store, wc, games and studio with floors linked by way of internal staircase. 2 No. off street parking car parking spaces would be located to the front of the double garage on a newly formed driveway accessed from Steel Mills, with new retaining walls to the sides and new box hedging running in parallel with the new walls and roadside boundary.

An existing building described as garden room and store would be demolished and the replacement building would occupy a similar position on the site but be located slightly further south to give greater clearance from the north facing side boundary. Due to site contours the lower floor of the replacement building would cut into the ground but the two storey west elevation would still be visible in its entirety from Steel Mills.

The application is a resubmission of 18/04569/FUL.

BACKGROUND

The proposed two storey building would not constitute permitted development under Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 because the height of the eaves of the building would exceed 2.5m and it would be situated within the curtilage of a listed building and therefore a fall back position does not, in this instance exist.

The applicant was advised to withdraw the previous application and to apply for pre-application advice in order to establish principles. No pre-app was applied for and the current application was submitted without the benefit of advice. However, the scheme has been amended to retain parts of the existing embankment along the Steel Mills frontage (albeit with low level vegetation removed, new driveway and box hedge planted adjacent to road). The submission now includes an Arboricultural Impact Assessment/Tree Survey Report.

An application for listed building consent (18/05707/LBA) was also submitted but as the proposed development does not require listed building consent the application has been withdrawn.

PLANNING HISTORY

DC - 15/00490/TCA - NOOBJ - 11 March 2015 - 1x Conifer - reduce height by 30%. 4x Sycamore - prune back to previous reduction points

DC - 15/05607/TCA - NOOBJ - 14 January 2016 - 1x Conifer - fell

DC - 17/04545/TCA - NOOBJ - 20 October 2017 - Holly at front of house. To reduce by 1/3, shape and trim.

DC - 17/04668/TCA - NOOBJ - 26 October 2017 - 1x Holly - reduce the height by approximately 25%

DC - 18/03319/TCA - NOOBJ - 30 August 2018 - T1. Apple - Fell. T2. 2No. Sycamore - Fell. T3. Elder - Fell. T4. 2No. Spruce - Fell.

DC - 18/04569/FUL - WD - 4 December 2018 - Creation of new vehicular access and erection of a two storey building following demolition of existing garden room and store.

DC - 18/04570/LBA - WD - 4 December 2018 - Demolition of existing garden room and store.

DC - 18/05706/FUL - PCO - - Creation of new vehicular access and erection of a two storey building following demolition of existing garden room and store (Resubmission).

DC - 18/05707/LBA - PCO - - Demolition of existing garden room and store (Resubmission).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultations/Representations;

Consultation Responses:

Keynsham Town Council supports this application, in summary; There are no planning reasons to object to the application as the proposal is in accordance with Bath and North East Somerset Council Policies D1 - D6 of the Placemaking Plan 2017.

Highways DC: No objection subject to conditions
Arboriculture: No objection subject to conditions
Ecology: No objection subject to condition
Landscape: Objection

Historic England: On the basis of the information available to date, do not wish to offer any comments. Suggest that views of specialist conservation and archaeological advisers be sought, as relevant.

Representations

12 representations have been received (8 support 4 object) , in summary;

Support:

Enhancement/positive improvement
No loss of privacy
Low impact on green belt
No adverse impact on traffic/highway
Encourage upkeep of area

Object:

Will increase traffic
Out of keeping with character of conservation area
Set unwelcome precedent
Loss of privacy/overlooking
Impact on neighbouring trees

Building may become dwelling

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works of development which affect 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.

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

The Development Plan for Bath and North East Somerset comprises:

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

Core Strategy:

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

CP6 Environmental Quality
CP7 Green Infrastructure
CP8 Green Belt
DW1 District Wide Spatial Strategy
SD1 Presumption in favour of Sustainable Development

Placemaking Plan:

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

D1 General Urban Design Principles
D2 Local Character and Distinctiveness
D3 Urban Fabric
D4 Streets & Spaces
D5 Building Design
D6 Amenity

D8 Lighting
GB1 Visual Amenities in the Green Belt
GB3: Extensions and Alterations to Buildings in the Green Belt
HE1 Historic Environment
NE1: Development & Green Infrastructure
NE2: Conserving and Enhancing the Landscape and Landscape Character
NE3: Sites, Species and Habitats
NE6: Trees and Woodland Conservation

Guidance:

Historic England Advice Note 2 Making Changes to Heritage Assets (2016)
Historic England 'The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3' 2nd Ed (2017)
BaNES 'Keynsham Conservation Area Appraisal' (2016)
BaNES 'Keynsham Conservation Area Management Plan' (2016)
BaNES SPD 'Existing dwellings in the green belt' (2008)

National Policy:

The National Planning Policy Framework (July 2019) and National Planning Practice Guidance.

OFFICER ASSESSMENT

The main issues for consideration are: Character and appearance, Residential amenity, Highways, Landscape, Ecology, Designated Heritage Assets (conservation area & setting of listed building, Green Belt and Arboriculture

CHARACTER & APPEARANCE

The proposed two storey building is of a size, design, scale and massing that would result in an obtrusive and dominant structure. In addition, the proposed vehicular access, due to its extent, location and associated side retaining walls and rear boundary layout/means of landscaping would appear out of place and overbearing.

Representations raised refer to the enhancement/positive improvement that would result and that the development would encourage upkeep of area. Concern has been raised by representation that the development would set an unwelcome precedent and that the building may become a dwelling.

The Agent has requested that approval 14/03766/FUL for creation of a new highway access and driveway extension at River View, Steel Mills be taken account of to ensure consistency in decision-making. The River View application was initially refused, due to the partial removal of a wall within a Conservation Area, and the introduction of a close boarded fence; it was appealed, and subsequently dismissed. The 2014 resubmission moved the location of the access to an area where a small portion of wall was no longer in place. As the proposal required removal of around 1.7m of a 1m high wall, but also provided around 8.5m of additional stone walling to a height of 0.9m the re-introduction of the wall was considered to enhance the character of the Conservation Area.

The site and circumstance at River View are not equivalent or comparable to the application under consideration because, in part, it reinforced existing landscape elements whereas at Rookehill Farmhouse the proposal would impose significant hard landscaping on a part of the site that is currently and essentially rural in appearance and character and devoid of walling or vehicular access to its rear boundary.

Although it could be argued that the Steel Mills boundary would benefit from some landscape management, the proposed development would go far beyond what could be termed enhancement or positive improvement; the proposed level of intervention that would include hard landscaping elements and uncharacteristic Box hedging would not complement the essentially rural character of the lane. The upkeep and ongoing maintenance of an area can of course be regarded as a positive but there is a distinct difference between what can be achieved by adopting a sensitive low key approach and harsh, unsympathetic approach. In terms of precedent each proposal is determined on its merits and it would not necessarily follow that one approval would lead the way for the same. A separate application for planning permission would be required if it were proposed that the two storey building become a dwelling.

In respect of impact on character and appearance the proposal is inappropriate and would fail to contribute or respond positively to the local context. Neither would it maintain the character and appearance of the surrounding area instead it would appear as a harsh uncharacteristic intervention that would not constitute an acceptable improvement. The proposal does not, therefore, accord with policy CP6 of the adopted Core Strategy (2014) or policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) or part 12 of the NPPF, which seeks to achieve well-designed places that are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

RESIDENTIAL AMENITY

The proposed development would be located towards the lower end of the site where the position of the building (and associated works), together with the marked contours of the site would be reasonably expected to avoid significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact or loss of privacy. Although the size and extent of the development may result in some impact on outlook, the marked fall in ground level and landscaping as shown on the submitted plan, would ensure that it would not be unreasonable.

Concern has been raised by representation regarding loss of privacy/overlooking but conversely that the development would result in no loss of privacy. As referred to above the size and extent of the development may give rise to some impact on outlook, the significant fall in ground level (with development located towards the rear end of the garden and towards its lowest point), the separation distance between nearest residential properties/development and the existing/proposed landscaping as shown on the submitted plan, should ensure that any impact would not be unreasonable.

In terms of impact on residential amenity, given the siting of the proposed development relative to neighbouring properties the proposal is not expected to cause significant harm

to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords, therefore, with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

HIGHWAYS

The Highways Development Control Engineer reiterates comments made at the time of the previous application and observes that the applicant proposes to erect a two-storey building which comprises a double garage at ground floor level, the dimensions of which are satisfactory. An additional 2 No. off-street car parking spaces are proposed to the front of the garage, the dimension of which is also satisfactory. The off-street parking provision will be accessed via a new vehicular access to be taken from Steel Mills. The second storey includes a studio which the covering letter advises will be 'accommodation'.

In summary, the highway authority raises no objection to the planning application, subject to conditions and an advisory being attached to any planning permission granted. The recommended Conditions would be to secure a properly consolidated and surfaced drive; retention of garage for private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose; the area allocated for parking to be kept clear of obstruction and not be used other than for parking of vehicles in connection with the development; and submission of details of the provision for the sustainable disposal of surface water within the site. The recommended Advisory would be for the securing of a license for the creation of a vehicle crossing.

Concern has been raised by representation that the proposal will increase traffic. By contrast representation received considers that the proposal would have no adverse impact on traffic/highway. Given the size of the proposed hardstanding and purpose of the building as ancillary accommodation it would seem unlikely that traffic movement to/from the site would increase by a significant amount. The quiet, rural character of the lane is noted but any additional traffic would not be expected to have an undue impact.

On balance, and taking account of the above it is considered that subject to conditions the means of access and parking arrangements are acceptable and would maintain highway safety standards. The proposal accords, therefore, with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

LANDSCAPE

The Landscape Architect objects to the application and recommends refusal because the proposed development would be contrary to national and local planning policy and would have a detrimental impact on the landscape and townscape character, features, local distinctiveness and visual amenity which could not be easily or adequately mitigated.

Although the area of garden adjacent to Steel Mills may be perceived by some as 'unkempt', the informal and understated nature of the landscape adds positively to the rural character of the road. The extent of hard landscaping that is proposed, in terms of driveway and walls would significantly change this rural aspect and result in a harsh

intervention that would be inappropriate and fail to achieve the visual improvement that is sought.

The Landscape Architect previously objected to the development proposals because they would be likely to have an unacceptable impact on landscape/townscape character, features, local distinctiveness and views due to their impact on:

- the openness and visual amenity of the Green Belt
- The character and appearance of the Keynsham Conservation Area
- The setting of a listed building
- Trees of wildlife landscape and amenity value

As no substantive changes to the proposals have been made the Landscape Architect continues to consider that they would have a significant adverse landscape and visual impact which could not be easily mitigated.

In respect of impact on landscape the proposal would fail to conserve or enhance local landscape character, features and local distinctiveness and would, therefore, conflict with paragraphs 143 and 145 of the National Planning Policy Framework (2019), policy CP6 of the adopted Core Strategy (2014) and Policies HE1, NE6 and GB1 of the Placemaking Plan for Bath and North East Somerset (2017).

ECOLOGY

BaNES Ecologist has no objection to the scheme, subject to a Condition to ensure compliance with recommendations in accordance with Section 5 of the submitted Bat Surveys Report; this is to avoid harm to protected species and to provide additional habitat value in line with the requirements of NPPF and in accordance with policies NE3 and D8 of the Placemaking Plan for Bath and North East Somerset (2017).

DESIGNATED HERITAGE ASSETS

CONSERVATION AREA

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

The significance of this part of the conservation area is largely defined by clusters of older buildings, steep wooded river valley and natural rural landscape. The busy flow of traffic to Wellsway contrasts with the quiet prospect of Steel Mills.

The proposed two storey building and associated works, due to their size, scale, massing, location and design would result in an obtrusive, dominant and discordant addition to the site. The development would not respond sensitively to the historic character of the area, in particular the rural setting and soft landscape that extends along Steel Mills. The development would add an imposing structure and hard landscape elements that would

appear entirely out of place. As such the proposal would fail to preserve the character and appearance of this part of the Conservation Area and harm its significance.

SETTING OF THE LISTED BUILDING

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

The significance of Rookehill Farmhouse is largely derived from its architectural and historic interest, its position at the centre of a group of older buildings, the striking landscape to the rear of the Farmhouse provided by the steep and wooded river valley, rural aspect and natural landscape constitute positive elements of its setting.

Demolition of the existing outbuilding is not objected to on the basis that it is modern and of no particular architectural or historic interest.

However, the proposed two storey building and associated works, due to their size, scale, massing, location and design would result in an obtrusive, dominant and discordant addition to the site that would harm the significance of the listed building and its setting. The NPPF makes it clear that the extent of the setting of a heritage asset is not fixed; Although the proposed building would be sited towards the end of the garden the impact on setting is not reduced. Advice from Historic England (GPA PN3) states that consideration of the contribution of setting to the significance of heritage assets will almost always include the consideration of views. In this case the rural nature and natural landscape as viewed when looking out from the rear of the Farmhouse (or towards the Farmhouse from Steel Mills) make a very positive contribution to the setting of the listed building; the topography, aspect, landscape, green space and openness all play a part in the overarching rural nature and backdrop of the site as a whole. The existing garden outbuilding has assimilated into this landscape by way of surrounding trees and vegetation. By contrast the introduction of a two storey building with associated hard landscape would have a very urbanising effect that would not harmonise with the setting and instead would have a very negative impact on the setting of the listed building.

DESIGNATED HERITAGE ASSETS CONCLUSION

For the reasons set out above it is concluded that the harm caused to the designated heritage assets, is, in the context of the significance of the assets as a whole and in the language of the NPPF, less than substantial, given the extent of the works relative to the size of the garden and that of the conservation area. In such circumstances Paragraph 196 of the NPPF (2018) requires that any harm be weighed against the public benefits of the proposal, including securing the optimum viable use. The proposed development would mainly be for the private gain of the household in terms of providing ancillary accommodation, rear driveway access and off street parking. Although, the proposal would involve 'tidying up' the rear embankment the level and manner of intervention would be harmful to the essentially rural character of the lane and its natural landscape; this

would not constitute preservation or enhancement. Consequently, there is insufficient public benefit that would outweigh the considerable importance and weight to be given to the harm to the heritage asset. As such, the proposal would not comply with paragraph 196 of the NPPF.

In terms of impact on designated heritage assets the proposal would fail to enhance or better reveal their significance and would not make a positive contribution to its character and appearance. Therefore it is considered that the proposals are not consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposed development would have an unacceptable impact on the listed building and its setting and the character and appearance of the conservation area and would fail to preserve the significance of the designated Heritage assets. The proposal does not therefore accord with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

In this case it is concluded that there is harm caused to designated heritage assets - the setting of the listed building and the conservation area. In accordance with paragraph 193 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This is not therefore a straight balancing exercise.

GREEN BELT

Council policy and the NPPF states that the construction of new buildings in the green belt is inappropriate development but there are a few exceptions to this. One of these exceptions, which is relevant to the consideration of this application is 'the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces'. Whilst the proposed building can be regarded as being in the same use as the existing building i.e. it is an ancillary use to the main house, the size of the proposed building is significantly and materially larger than the building it replaces.

The Applicants Agent has confirmed that the volume of the proposed two storey building is 455m³ compared with an existing volume of 170m³. A proportion of the proposed volume is below existing ground level; the Agent confirms that the proposed volume above existing ground level amounts to 294m³.

The Council's SPD, Existing Dwellings in the Green Belt, which is now interpreted as relevant to 'building' in the green belt states that an extension of about a third is regarded as proportionate. However, this SPD does not apply in this case as the existing building is not to be extended, rather it is to be demolished and replaced with a new building.

'Very special circumstances' in support of the application have not been submitted for consideration.

In respect of impact on the green belt the proposed development is of a size, scale and design, and, would be located where it would represent inappropriate development in the

green belt that would be harmful towards its openness and the purposes of including land within the green belt.

Representation received considers that the proposal would have a low impact on the green belt, but this is not accepted in this instance.

The proposal would not, therefore accord with policy CP8 of the adopted Core Strategy or policy GB1 of the Placemaking Plan for Bath and North East Somerset (2017) or part 13 of the NPPF.

ARBORICULTURE

A tree survey and arboricultural impact assessment has been submitted to support the current application.

BaNES Arboricultural Officer has raised no objection, subject to conditions. However, the Officer expresses reservations with regards to the working space and extent of excavation required to enable the development. The Conditions would be to secure a Revised Arboricultural Method Statement with Tree Protection Plan and for the development to be carried out in accordance with the approved Revised Arboricultural Method Statement and signed certificate of compliance. These conditions would be to ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained and to ensure that the approved method statement is complied with for the duration of the development.

Concern has been raised by representation regarding impact on neighbouring trees (No. 32 Wellsway). In this respect the Arboricultural Officer notes that the trunk diameters of the offsite trees have been estimated. The owner of the Copper Beech has submitted the measurement for the circumference of the Copper Beech as 87cm which equates to a diameter of approximately 28cm. The tree survey therefore produces a larger root protection area calculation. Based on the submitted sections the proposal appears to require considerable earth works which will extend beyond the footprint of the building. The Arboricultural Officer is not convinced that this and the full extent of construction activities has been adequately taken into account and notes that the drawing titled Proposed Tree Protection Measures (drawing number D163-122A) shows the position of the fencing during development but does not take into account the demolition phase. The current structure is timber, however, the floor construction is unknown and may involve the breaking up of concrete. The arboricultural method statement and tree protection plan require amendment to incorporate the demolition of the existing building. This can be conditioned and it is recommend that the full extent of working space and excavation required is also reviewed with the appointed contractor. The submissions do not provide details relating to services such as surface/drinking/foul water management and electricity provision. These potentially require trenching so require arboricultural input during design stage.

Taking account of the above and on balance the proposed development is not expected to have any adverse impact on any tree which has significant visual or amenity value. Subject to conditions the proposal accords with policy NE6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 15 of the NPPF.

CONCLUSION

There is no objection to the proposal on highways, residential, ecology or arboricultural grounds, subject to conditions. By contrast and as set out in this report, harm to the green belt, landscape, designated heritage assets and character/appearance of the area has been identified.

The comments of the third parties have been noted, but the proposal is not considered to constitute a sympathetic addition to the site or an appropriate design response given the sensitive historic and landscape context.

On balance, and for the reasons outlined above, the application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed two storey building is of a size, design, scale and massing that would result in an obtrusive and dominant structure. In addition, the proposed vehicular access, due to its extent, location and associated side retaining walls and rear boundary layout/means of landscaping would appear inappropriate, intrusive and out of place. As such the proposal would fail to maintain or enhance the local character, distinctiveness or landscape. This would be contrary to Policies CP6 and CP7 of the adopted Core Strategy (2014), Policies D1, D2, D3, D4 D5, NE2 and NE6 of the Placemaking Plan for Bath and North East Somerset (2017) and the provisions of the NPPF (2019).

2 The proposed two storey building and associated works, due to their size, scale, massing, location and design would result in an obtrusive, dominant and discordant addition to the site that would harm the significance of the designated heritage assets and fail to preserve or enhance the character or appearance of the conservation area and the special interest of the listed building and its setting. There are no public benefits to the proposal that would outweigh the harm. This would be contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CP6 of the adopted Core Strategy (2014), Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017), the provisions of the NPPF (2019) and guidance from Historic England.

3 The proposed development which is located within the green belt would introduce a disproportionately large two storey building to an area that is essentially open and rural in character. As such the development would appear materially larger than the existing building and therefore represent inappropriate development in the green belt that would harm its openness. 'Very special circumstances' in support of the application have not been submitted for consideration. The proposal would, therefore, be contrary to Policy CP8 of the adopted Core Strategy (2014), Policy GB1 of the Placemaking Plan for Bath and North East Somerset (2017) and the provisions of the NPPF (2019).

PLANS LIST:

This decision relates to the following drawings and document;

Date: 27.12.2018 Drwg. No. D163 02E Drwg. title: Existing site plan
Date: 27.12.2018 Drwg. No. D163 12E Drwg. title: Proposed site plan
Date: 27.12.2018 Drwg. No. D163 120A Drwg. title: Tree Survey
Date: 27.12.2018 Drwg. No. D163 122A Drwg. title: Tree protection measures
Date: 27.12.2018 Drwg. No. D163 13D Drwg. title: Proposed site sections
Date: 27.12.2018 Drwg. No. D163 14F Drwg. title: Proposed floor plans
Date: 27.12.2018 Drwg. No. D163 15C Drwg. title: Proposed elevations and section DD
Date: 27.12.2018 Drwg. No. D163 3C Drwg. title: Existing site sections
Date: 27.12.2018 Drwg. No. D163 4A Drwg. title: Existing garden building floor plan and elevations
Date: 27.12.2018 Drwg. No. D163 01 REV B Drwg. title: Location and site plan

Date: 27.12.2018 Document title: Bat Surveys Report
Date: 27.12.2018 Document title: Bat Surveys Report
Date: 27.12.2018 Document title: Tree Survey

Community Infrastructure Levy

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

In determining this application the Local Planning Authority considers it has complied with the aims of 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.

This page is intentionally left blank

Bath & North East Somerset Council	
MEETING:	Development Management Committee
MEETING DATE:	24th April 2019
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

List of background papers relating to this report of the Head of Planning 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.

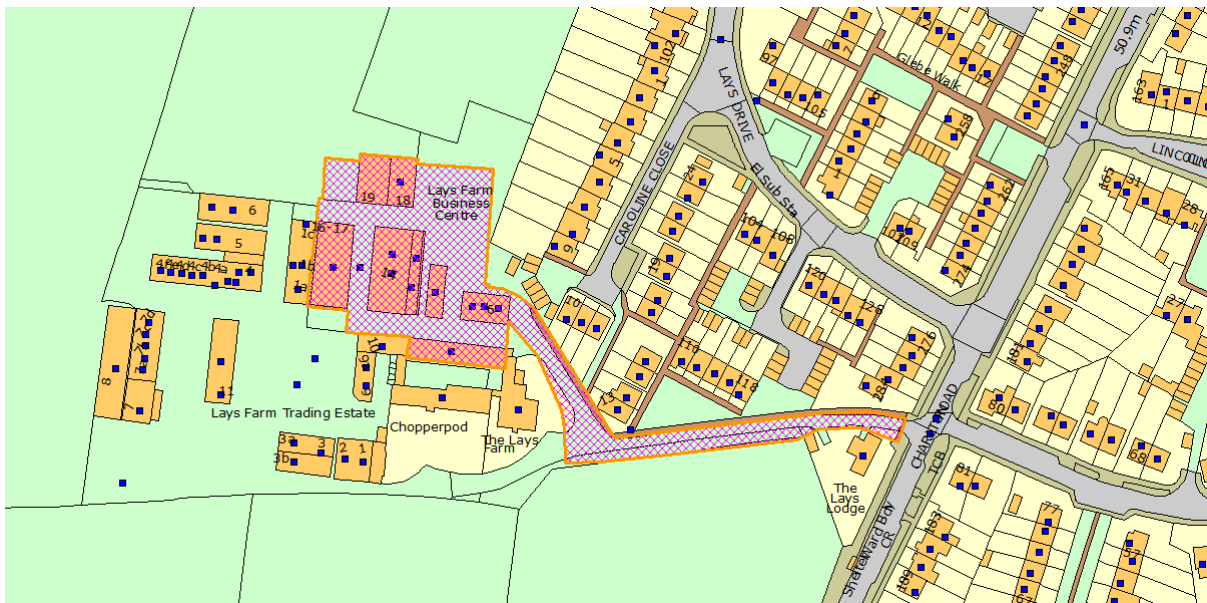
INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	18/05696/OUT 30 April 2019	Mr & Mrs Williams Lays Farm Business Centre, Lays Farm Trading Estate, Keynsham, BS31 2SE, Outline planning application for the demolition of existing industrial buildings and erection B1 Business buildings and 8 no. dwellings	Keynsham North	Tessa Hampden	PERMIT
02	19/00682/FUL 1 April 2019	Mrs Susan Chivers Wellow House, High Street, Wellow, Bath, Bath And North East Somerset Erection of 1 No. residential dwelling and associated landscaping and access.	Bathavon South	Samantha Mason	REFUSE
03	19/00492/FUL 29 April 2019	Mr Adam Bailey 27 Georgian View, Southdown, Bath, Bath And North East Somerset, BA2 2LZ Change of use from 4 bed dwelling (use class C3) to 6 bed HMO (use class C4) with works to convert garden store to living space	Odd Down	Anna Jotcham	PERMIT
04	18/04922/OUT 5 April 2019	Mr Kevin Liang 6 Mount Road, Southdown, Bath, Bath And North East Somerset, BA2 1LD Outline application for the erection of 1 no dwelling in rear garden (Access, layout and scale to be determined and all other matters reserved).	Southdown	Anna Jotcham	PERMIT
05	19/00803/FUL 26 April 2019	Mr Seymour Cherry Cottage, Mead Lane, Saltford, Bristol, Bath And North East Somerset Erection of front gables, front balcony, and external alterations (resubmission of 18/05702/FUL).	Saltford	Rae Mephram	REFUSE

06	18/05561/FUL 14 February 2019	Clementine and Stephanie Gent 31 High Bannerdown, Batheaston, Bath, Bath And North East Somerset, BA1 7JZ Alterations and extension to bungalow.	Bathavon North	Dominic Battrick	PERMIT
07	18/04535/FUL 26 April 2019	Mr Mujib Khan 49 - 50 Meadow Park, Bathford, Bath, Bath And North East Somerset, BA1 7PY Installation of timber decking and paved areas at rear of house with new decking and paving, including isolated raising of perimeter fences (retrospective).	Bathavon North	Martin Almond	PERMIT
08	18/05670/FUL 26 April 2019	Mr Matthew Davies Richmond House, Weston Park, Upper Weston, Bath, Bath And North East Somerset Erection of a rear kitchen & garden room extension.	Weston	Adrian Neilson	PERMIT
09	18/05671/LBA 26 April 2019	Mr Matthew Davies Richmond House, Weston Park, Upper Weston, Bath, Bath And North East Somerset External and internal alterations to include erection of a rear kitchen & garden room extension.	Weston	Adrian Neilson	CONSENT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 18/05696/OUT
Site Location: Lays Farm Business Centre Lays Farm Trading Estate Keynsham
BS31 2SE



Ward: Keynsham North

Parish: Keynsham Town Council

LB Grade: N/A

Ward Members:	Councillor Brian Simmons Councillor Charles Gerrish
Application Type:	Outline Application
Proposal:	Outline planning application for the demolition of existing industrial buildings and erection B1 Business buildings and 8 no. dwellings
Constraints:	Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant:	Mr & Mrs Williams
Expiry Date:	30th April 2019
Case Officer:	Tessa Hampden
To view the case click on the link here .	

REPORT

Reason for referring application to committee

The application has been referred to committee following the comments of Cllr Gerrish, Cllr Hale and the Town Council. The chair of the Committee considers it necessary to discuss the issues in public, in particular the loss of employment.

Site description and proposal

Lays Farm is located adjoining the western edge of the developed area of Keynsham adjacent to Caroline Close. The site is a former agricultural holding which has developed into an industrial estate, with a large number of enterprises, mostly falling within classes B1, B2 or B8. Access to the site is via a surfaced driveway leading onto Charlton Lane to the east of the site. The site is located within the Green Belt and outside of the Keynsham Housing Development Boundary.

The application seeks outline planning permission for the demolition of existing industrial buildings and the erection of B1 Business buildings and 8 no. dwellings. At this stage, the application seeks consent for means of access.

A recent application on this site which sought outline planning permission for the demolition of the existing industrial buildings and erection of 9 dwellings was refused for the following reasons:

1 The proposed access arrangements are considered to be sub-standard due to the lack of suitable pedestrian facilities, and this would have a detrimental impact on road safety. The proposal is therefore considered to be contrary to Policy ST7 of the Bath and North East Somerset Placemaking Plan.

2 The proposal would result in the loss of industrial floorspace in a non-strategic industrial estate. There is a strong economic reason why this would be inappropriate. The development is considered to be contrary to Bath and North East Somerset Placemaking Plan Policy ED.2B.

Relevant Planning History

18/00513/OUT - Outline Planning Application for the demolition of existing industrial buildings and erection of 9 dwellings - Refused 21.08.2018

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Economic development - no objection

Highway Development Officer - no objection

Ecology - no objection subject to conditions

Landscape Officer - Not acceptable in the current form; the previous iterations have included public open space; have been more coherent in terms of their design, access and circulation; and have not be dominated by access and parking provision.

Cllr Hale - Objects to the development - concerned for the loss of employment land and thus the loss of local jobs. The construction of houses as proposed adjacent to light industrial units on the neighbouring trading estate will lead to conflict from the new occupiers of the houses who find that the trading estate naturally creates noise and the danger then is that the home owners may seek noise reduction measures from the council, thus adversely affecting even more jobs. Similar to those people who move close to a church and then create issues because of the ringing of bells. The plan indicates that the road will come to an abrupt but unimpeded end. This will no doubt mean that in the not too distant fullness of time the current greenbelt land that runs behind Lays Drive and down towards Stockwood Vale will be subject of an application to build a few hundred houses. (In the interests of clarity my home does not back on to this field but is on the opposite side of the road). A few years back a number of those living on the opposite side of the road and backing on to the field were approached to see whether they would be willing to sale their houses, presumably to create an access to the field. Speculative perhaps and not to the best of my knowledge at the behest of Mr & Mrs Williams but it does show that there is interest in certain quarters. The development and any potential future development would create a blot of the sky line that would be much more visible from Stockwood and Stockwood Vale. This application opens the door to such potential development and thus even more traffic movement when the town is already almost at grid lock from the weight of through traffic and that generated by the over development of the town.

Cllr Gerrish - concerns re loss of employment land , highway issues and also implications that if consent was granted that there would be cause of complaint from the new residents to all the light industrial activity that would continue around them

Keynsham Town Council - Objects to the development for the following reasons:

The application is contrary to the Bath and North East Somerset Council's Core Strategy Policies for Keynsham which only allows for residential development within the housing development boundary defined on the Policies map. This site is not within the adopted housing boundary nor does it form an element of the Keynsham housing policies KE2, KE3a, KE3b and KE4 the only areas defined for future housing in Keynsham. This site is also not specified for housing in the B&NES Local Plan.

- The site is not recorded within the safeguarded land allocated for housing as part of the HELAA.

- The site is within the Green Belt and on land that has not be given up for strategic release
- Policy CP8 Green Belt. Concerns are raised that this will create a precedent for more housing on the adjacent/adjoining Green Belt land. Causing significant damage to this Site of Specific Scientific Interest any development poses an unacceptable potential risk to the visual amenity across Stockwood Vale. A development such as this would set a precedent and could lead to further encroachment of the Green Belt in this area.
- The Keynsham Neighbourhood Development Plan although not adopted, as yet, will include planning policies to protect existing employment sites. Potential loss of an employment site in the town is unacceptable through the damage to the planned urban blend of homes and employment. Strategic and other Primary Industrial Estates named in the Bath and North East Somerset Council Placemaking Plan are considered to be most important within in the District. There are very strong economic reasons to retain them and they are afforded the highest level of protection. Un-named estates (of which this site is one) smaller industrial clusters and standalone premises are subject to Policy ED2.B (unless allocated for another use in the site allocations section). They are still subject to protection, to guard against the wholesale and unsustainable redevelopment of industrial land supply to other higher value uses, but to a lesser degree.
- The Town Council reiterate their concerns in respect of the lane leading to the current Business Centre which is deemed as being not appropriate for increased vehicular access (24 hours a day). The exit/egress junction on to Charlton Road has no splays and exiting is difficult especially with the increased traffic volume associated with the new K17, K17a and K17b sites that have been developed and that are still underdevelopment.

Representations

7 objection comments and 3 comments have been received. These can be summarised as follows:

- Loss of employment
- Residential use not compatible with surrounding industrial uses
- Noise and disturbance/residential amenity issues
- Highway safety issues
- Construction Management issues
- Damage from larger vehicles
- Impact upon trees
- Green belt issues
- Health implications
- Inaccurate information

2 supporting comments have been received. These can be summarised as follows:

- Less disruption/traffic
- Reduction in highway safety issues

POLICIES/LEGISLATION

The Council's Development Plan comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)

- o Bath & North East Somerset Local Plan (2007) - only saved policy GDS.1 in relation to 4 part implemented sites
- o Joint Waste Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

- Policy DW1 (District Wide Spatial Strategy)
- Policy KE1 (Keynsham Spatial Strategy)
- Policy SD1 (Presumption in Favour of Sustainable Development)
- Policy CP2 (Sustainable Construction)
- Policy CP5 (Flood Risk Management)
- Policy CP6 (Environmental Quality)
- Policy CP7 (Green Infrastructure)
- Policy CP8 (Green Belt)
- Policy CP10 (Housing Mix)
- Policy CP13 (Infrastructure provision)

The following policies of the Placemaking Plan are relevant to the determination of this application:

- Policy SD1 - Presumption in favour of sustainable development
- Policy CP2 - Sustainable Construction
- Policy CP3 - Renewable Energy
- Policy SCR1 - On-site renewable energy requirement
- Policy SCR5 - Water Efficiency
- Policy SU1 - Sustainable Drainage Policy
- Policy D1 - General Urban Design Principles
- Policy D2 - Local Character and Distinctiveness
- Policy D3 - Urban Fabric
- Policy D4 - Streets and Spaces
- Policy D5 - Building Design
- Policy D6 - Amenity
- Policy D7 - Infill and Backland Development
- Policy D8 - Lighting
- Policy D10 - Public Realm
- Policy NE2 - Conserving and Enhancing the Landscape and Landscape Character
- Policy NE2A - Landscape Setting of Settlements
- Policy NE3 - Sites, Species and Habitats
- Policy NE6 - Trees and Woodland Conservation
- Policy CP7 - Green Infrastructure
- Policy NE1 - Development and Green Infrastructure
- Policy PCS2 - Noise and Vibration
- Policy LCR7B - Broadband
- Policy ST1 - Promoting Sustainable Travel
- Policy ST7 - Transport Requirements for Managing Development
- Policy H7 Housing accessibility
- Policy NE4 (Ecosystem Services)
- Policy NE5 (Ecological Networks)
- Policy NE6 (Trees and Woodland Conservation)

Policy NE1 (Development and Green Infrastructure)
Policy GB1 (Visual Amenities of the Green Belt)
Policy ED.2B (Non-Strategic Industrial Premises)

Planning Obligations SPD

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

National Planning Policy

The National Planning Policy Framework (NPPF) is a material consideration and due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

OFFICER ASSESSMENT

Principle of development

Green Belt

The site is located in the designated Green Belt where new development is strictly controlled by both national and local planning policy. The National Planning Policy Framework (NPPF) explains that all new development in the Green Belt is considered to be inappropriate unless it falls within one of the categories of exemption set in the NPPF. One exemption set out in paragraph 145 of the NPPF is the partial or complete redevelopment of previously developed sites which do not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The existing Lays Farm Trading Estate comprises a range of industrial and storage buildings, associated structures and paraphernalia. It is considered to be previously developed land. It therefore needs to be considered as to whether or not the proposed development has a greater impact upon the openness of the Green Belt and the purpose of including land within it than the existing development. This is partly a volumetric test, although there is a visual aspect of openness as well. The submission cites that the existing volume of the buildings is 6,349m³ and based on the indicative proposals, the proposed volume would equate to 6,723m³. Based on the indicative proposals, the development would increase the volume of buildings on the site by 6%.

From a visual perspective, given the context of the site, and the indicative layout of the proposed scheme, it is considered that the development will not visually appear materially larger than those buildings to which they will replace. Overall therefore it can be concluded that the development will have no greater impact upon the openness of the Green Belt than the existing industrial warehouses and the development will not conflict with the purposes of including land within the Green Belt. The development is therefore not considered to be inappropriate development in the Green Belt. Furthermore, subject to a satisfactory scheme coming forward at reserved matters stage, the development is not considered to harm the visual amenities of the Green Belt.

Location of the housing

It is recognised that the land is outside of, but adjoining the Housing Development Boundary of Keynsham. Policy KE1 explains that housing will be allowed within the housing development boundary or within one of the allocated sites. The application however must be considered against the Development Plan as a whole and the requirements of the NPPF. The district wide spatial strategy policy DW1 explains that sustainable development should be promoted by prioritising the use of brownfield opportunities for new development in order to limit the need for development on greenfield sites. DW1 also states that development in rural areas is located at settlements with a good range of local facilities and with good access to public transport. The development accords with these aims.

The proposal must also be considered in accordance with paragraph 79 of the NPPF which seeks to avoid introducing new, isolated homes within the countryside. The proposal is closely related to other buildings and located adjoining the development boundary, and adjacent to industrial units outside of the boundary. As such, the proposal cannot be considered to be isolated and is considered to be in a sustainable location.

On balance therefore, the location of housing in this location can be supported in principle.

Loss of employment land

The current application site relates to 1,538sqm of employment space. It is however recognised that a number of units are vacant within this part of the estate. Whether the tenants have left of their own accord or due to the choice of the landlords is unclear, but it is apparent from the submission and the site visit that the buildings are of a poor quality and would benefit from significant refurbishments.

As part of the proposals, the existing buildings would all be demolished and two new commercial buildings (alongside the residential units) would be constructed. The application has been revised to include additional floor space from that originally proposed. Although the proposals are indicative, they now demonstrate the quantum of industrial space that could be accommodated within the scheme.

In terms of the proposed footprint, the application proposes 465 sqm of B1 space, and if this were to incorporate a mezzanine floor, this could equate to 535sqm. This will still result in a loss of 1071 sqm of space, although the change from partly B8 space to B1 should result in a higher jobs density. If there is a mezzanine floor with part of the space dedicated as office space, then the applicant's assertion that up to 25 jobs is plausible. However, if the space is all single floor B1b/B1c space then there will only be an estimated 10 FTE jobs within the new buildings. This would be less than the stated 17 jobs that previously existed on site when the estate was fully occupied. It is important to retain the correct mix of employment and the maximum floor space delivered through the inclusion of mezzanine floor space. This can be secured through a condition.

As highlighted above, although the development proposes new industrial buildings, the proposal would result in a net loss of industrial floorspace in a non-strategic/non-primary industrial estate. This must be considered against Place Making Plan (PMP) Policy ED.2B. This states that applications for residential development will normally be approved unless there is a strong economic reason why this would be inappropriate. The preamble

to the policy states that this is to guard against the wholesale and unsustainable redevelopment of industrial land supply to other higher value uses.

The policy is clear that non-strategic sites, such as the application site are not afforded the same degree of protection as strategic sites and that there is a presumption in favour of residential redevelopment unless there is a strong economic reason why this would be inappropriate. The Core Strategy and PMP do not provide an explanation on what constitutes strong economic reasons.

The 2015 Industrial Market Review report by Lambert Smith Hampton indicated that take up of industrial space in the Keynsham area, based on a five year average, is circa 2,000sqm per annum. The report acknowledges that small units have an important role in accommodating businesses and indicates that, when combined with low vacancy rates, the retention of this size / type of unit is critical to meeting the demand of local businesses and maintaining the functions of the local industrial market. Given the current ongoing demand and restricted supply, as evidenced in the Industrial Market Review, these units provide a valuable supply of small industrial space in Keynsham.

The submission explains that the existing buildings are extremely poor quality and by 2023 they will have reached the end of their economic and physical life and would in effect be unlettable due to the introduction of the Minimum Energy Efficiency Standards (MEES) Regulations. The supporting information explains that the refurbishment/redevelopment, to extend the life of the units and allow compliance with the MEES Regulations is not seen as a viable option.

The MEES regulations mean that Energy Performance Certificates (EPCs) are required on all non domestic buildings. Any units with a worse EPC rating than E cannot now be let until improvements to their energy efficiency are made to make them E or better. Any existing long-term leases cannot be honoured after 1st April 2023 if their EPC's are not better than an E.

Whilst officers recognise the issues raised by the introduction of the MEES regulations, this can not be a reason to set aside the policies in place to protect industrial buildings. It can however form a material consideration. It is important to note that the MEES regulations do set out a number of exemptions. The prohibition on letting non-domestic property below EPC energy efficiency rating of E does not apply if a landlord can show that the cost of purchasing and installing a recommended improvement or improvements does not meet a simple 7-year payback test. If applied, this exemption would enable the business to proceed as normal for 5 years, at the expiration of which the exercise will have to be repeated.

Therefore, whilst the MEES regulations are not a reason to allow for this development, it must be recognised that the buildings are not of a high standard and this may limit their ability to be function successfully in the future. There are therefore benefits of providing higher quality space, fit for purpose in the long term. A qualitative and quantitative assessment must be made when balancing the loss of space against the provision of higher quality units. Given the fact that modern buildings are being provided which will offer flexible employment space for the future, which is likely to generate similar levels of employment on site, it is considered that it would be difficult to sustain the position that

there is a strong economic reason for refusal where the presumption is to permit residential development.

It is however considered necessary to secure the delivery of these commercial units and these can be secured through a S106 agreement attached to any permission. The S106 will ensure that the units are marketed on commencement of development in accordance with an agreed marketing strategy, and the residential units are not occupied prior to the industrial units being delivered to a shell and core. The S106 should also include mitigation strategy for managing the decanting of the current tenants. A condition will also be included on any permission to secure 535sqmetres of floorspace comes forward at reserved matters stage.

Character and appearance

The development is submitted in outline, and therefore, the matters relating to scale, layout, appearance, and landscape would be dealt with in full at reserved matters stage. The overall design approach as outlined within the indicative plans and design and access statement is considered to be acceptable. Because of the nature of the surrounding topography and intervening field boundary vegetation to the west and housing to the east close views of the site are likely to be limited to the owners of one or two neighbouring properties and the users of nearby footpaths. Middle distant and distant views may be possible from properties on the eastern edge of Stockwood but are unlikely to be substantially materially different from the present view and may indeed be substantially improved if the implied soft landscape to the sites boundaries is realised.

If the boundary planting suggested/implied in the Design and Access Statement is realised it is likely that its ability to filter and or screen views from the north and west would be limited until such time as it had established. However the proposed development is likely to have less of an adverse visual impact when compared to the industrial buildings it replaces. As a consequence the proposed development is likely to be less visually detrimental than the industrial buildings it would replace with or without the realisation of the implied landscape planting.

The landscape officer has raised concerns due to the green amenity space indicatively proposed in the last application has been removed, and replaced with the industrial building, which as a result reduced the quality of the development. This is recognised, but needs to be balanced against the benefits of the provision of the industrial buildings as discussed above. Although there is no longer room within the scheme to accommodate a large green amenity space, the indicative proposals still demonstrate that there is space within the site for adequate soft landscaping. Further concerns have been raised in relation to the car parking layout and permeability throughout the site. It must however be recognised that this is an outline application and these matters will be considered in full at reserved matters stage.

Overall, it is considered that a future scheme can be designed to ensure that the visual amenities and landscape character of the area is preserved.

Highway safety

Whilst the site is located outside of the adopted Housing Development Boundary, it is positioned immediately adjacent to the boundary and the development is not considered to be unsustainable. Although this is an outline application, with the internal layout being a reserved matter, it is recognised that the development will be able to accommodate the car parking levels in accordance with the PMP standards.

The planning application is outline, although it is noted that "access" is not a reserved matter. The current scheme includes changes to the site's pedestrian access, with Drawing Plan TS-2 (included within the submitted Transport Statement) showing a segregated footway provided along the southern side of the site access road. The drawing shows that a footway width of 1.8m could be achieved, and the land required is included within the red line boundary of the planning application. Improvements are also shown on Charlton Road, and this provides a crossing facility and access to the local bus stop. These can be secured by condition to ensure that the works are implemented before any occupation of the proposed dwellings.

The proposed development of this scale is likely to have a similar or lower traffic impact as compared with the existing use, and therefore there is no need to undertake any further traffic analysis on the surrounding network.

Whilst it is likely that the site would be able to accommodate a turning refuse vehicle and fire appliance, it is recommended that this should be demonstrated by swept path analysis before any reserved matters decision is made. There may be possibilities to connect with adjacent footpath routes; however, the current submission is not entirely clear whether this is achievable. It is not considered to be critical for the determination of this outline application and the detail can be reviewed at any reserved matters stage. It is also recommended that the on-site vehicular access is constructed to an adoptable standard, and the detail of the design can be determined at any reserved matters stage.

Residential amenity

The development will be sited close to Caroline Close. However, the indicative plans show that sufficient distance between these dwellings and the proposed units can be retained to ensure that the residential amenity of these occupiers is not compromised. It is recognised that the access to the dwellings will run alongside Caroline Close. However, this is not considered to result in a significant harm, especially when considering the existing situation.

It is noted that concerns have been raised with regards to the impact of the development on the operation of the existing industrial units due to complaints from occupiers of the future residential occupiers. The applicant has submitted an environmental noise assessment which assesses the noise from the neighbouring industrial units outside of the application site, the noise from Charlton Road, and potential noise from the proposed B1 units.

The noise assessment clarifies that B1 uses are by definition appropriate in residential areas. However, if any plant is proposed for the B1 use, i.e. condenser units/extract fans, these should be assessed in accordance with BS4142 to confirm their noise impact and consequently acceptability at the proposed dwellings. This can be secured via a condition.

A 48hr noise survey has been conducted to establish the environmental and commercial/industrial noise affecting the proposed residential development. The dominant underlying noise source affecting the site is road traffic on Charlton Road. The existing general day and night noise levels affecting the site are low resulting in negligible impact during the day; negligible to low during the night and compliant with BS8233 guidance noise limits in all garden areas. Standard double glazing units and non-acoustic trickle vents providing sufficient sound insulation in order to comply with BS8233 noise ingress limits.

The noise emissions from the adjacent Lays Farm Trading Estate are generally low. The proposed B1 unit will act as a barrier to to mitigate the noise emissions from the nearest existing commercial unit. With this in place, the aggregate rating level will be acceptable and will accord to BS4142.

On the basis of the above, the development is considered to result in satisfactory living conditions for the future occupiers of the development and would not result in any significant harm to the residential amenity of the existing surrounding occupiers.

Ecological considerations

Completed bat and ecological survey has now been submitted and no bat roosts were found following an emergence survey. The small risk remains however of bats making use of the buildings at a later date, therefore precautionary working methods are recommended which is an appropriate approach - this must be adhered to and should be secured by condition. Buildings with previously restricted access were also re-inspected. Nesting swallows were found on site and mitigation will be required to avoid harm to existing active nests, and to provide suitable replacement nesting sites. This and other recommended wildlife measure should be designed with advice from a suitably experienced ecologist and incorporated into the scheme. Final details can be secured by condition.

Arboricultural Issues

The arboricultural officer has highlighted that the application should have been accompanied by an Arboricultural Impact Assessment (AIA). However, given this application is outline it is considered that this can be dealt with at reserved matters stage. The final layout should be informed by an AIA.

Drainage

Following the supply of additional surface water drainage information, the drainage strategy put forward is considered to be acceptable.

Sustainable construction

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. Policy SCR1 requires major developments to provide sufficient renewable energy generation to reduce carbon emissions from anticipated energy use in the building by at least 10%.

As this application is for outline planning permission, there is only a requirement to submit a summary of the energy strategy at this stage. This has been provided with the application. This indicates the range of measures which will be incorporated into the proposals and the overall approach is considered acceptable, although further detail will be required at the reserved matters stage.

Planning balance/conclusion

The proposed development would comprise the redevelopment of previously developed land, and as the development would not have a greater impact upon the openness of the Green Belt, would not constitute inappropriate development in the Green Belt. The development results in the loss of industrial floorspace, and whilst a lower quantum is being proposed within the scheme, on balance given the quality of the proposed compared to the existing, the reduction in space is not considered to result in a strong economic reason which would result in the development being unacceptable.

The application has demonstrated that there will be no highway safety issues associated with the development, and subject to a satisfactory layout being submitted at reserved matters stage, there would be no harm to the character and appearance of the area. Further, whilst the development introduces residential development close to commercial units, subject to appropriate mitigation being in place, these uses are considered to be compatible.

For the above reasons, this application is recommended for approval subject to conditions and a S106 being in place to secure the delivery of the commercial units.

RECOMMENDATION

PERMIT

CONDITIONS

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

B Subject to the prior completion of the above agreement authorise the Head of Planning to PERMIT subject to the following conditions:

1 Outline Time Limit (Compliance)

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

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

2 Reserved Matters (Pre-commencement)

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

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

3 Reserved Matters Time Limit (Compliance)

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

4 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.

5 Bound/Compacted Turning Space (Pre-occupation)

No occupation of the development shall commence until the turning space shown on drawing number has been constructed with a bound and compacted surface (not loose stone or gravel). The turning space shall be kept clear of obstruction and available for use as a turning space at all times.

Reason: To ensure that vehicles can enter and leave the site in a forward gear in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

6 Ventilation and Extraction - Commercial units (Pre-commencement of use)

The use of the commercial units hereby permitted shall not commence until a detailed scheme for the ventilation and extraction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the precise details of the flue extraction equipment to be used, including: the stack height; the design and position of all ductwork and filters; the noise/power levels of the fan(s); the number, type and attenuation characteristics of any silencers; details of anti-vibration mounts and jointing arrangements in the ductwork; the number of air changes per hour, and the efflux velocity. The scheme shall be installed in accordance with the approved details prior to the commencement of the use and thereafter maintained as such.

Reason: In the interests controlling odours and protecting residential amenity in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan.

7 Sound Attenuation (Compliance)

The development shall be constructed to achieve sound attenuation against external noise in accordance with BS8233:2014 with maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F timeweighting) shall not (normally) exceed 45dBLAmax.

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

8 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme, which shall be in accordance with (but not limited to) the recommendations in Section 4 of the Ecological Appraisal dated 3 July 2018 by Crossman Associates, have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Method statement for pre-construction and construction phases to provide full details of all necessary wildlife protection and mitigation measures, including as applicable, fenced exclusion zones, pre-commencement checks, and precautionary working methods

(ii) Detailed proposals for implementation of the wildlife mitigation measures and recommendations of the approved ecological report, including wildlife-friendly planting / landscape details; provision of bat and bird boxes, and provision of replacement and additional nesting sites for swallows, with proposed materials, models and manufacturers specifications, numbers and positions to be shown on plans;

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 Local Plan.

9 External Lighting (Bespoke Trigger)

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

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

10 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which,

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

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

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

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

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

12 Removal of Permitted Development Rights - Use Class (Compliance)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification), the ground floor of the premises of the commercial units shall be used only for B1 (b) and (c); and for no other purpose in Class B of the schedule to that Order.

Reason: The approved use only has been found to be acceptable in this location and other uses within the same use class may require further detailed consideration by the Local Planning Authority.

13 Employment space (Compliance)

The reserved matters application must include at least 535sqmetres of commercial (within B Use class) floorspace.

Reason: To ensure that adequate employment space is provided on site.

14 Drainage Strategy- (Pre commencement)

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy. This is a condition precedent because it is necessary

to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

15 - Arboricultural Impact Assessment (Pre commencement)

No development shall commence until a Tree Survey, Arboricultural Impact Assessment and if necessary a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 have 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 2017. 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.

16 Building Regulations (Compliance)

Two of the dwellings within the development hereby permitted shall be carried out to meet the optional technical standard M4(2) in the current Building Regulations.

Reason : In the interest of providing a choice of accessible housing for all residents

17 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.

18 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.

19 Highway works (Pre occupation)

The development hereby approved shall not be occupied until the highway works/improvements (provision of a footway width of 1.8m and improvements on Charlton

Road to provides a crossing facility and access to the local bus stop) have been implemented as illustrated on drawing TS-2 within the Transport Statement.

Reason: In the interest of highway safety

20 Plans List (Compliance)

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

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

PLANS LIST:

11 Mar 2019 1628.P.100 C SITE LOCATION 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.

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

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.

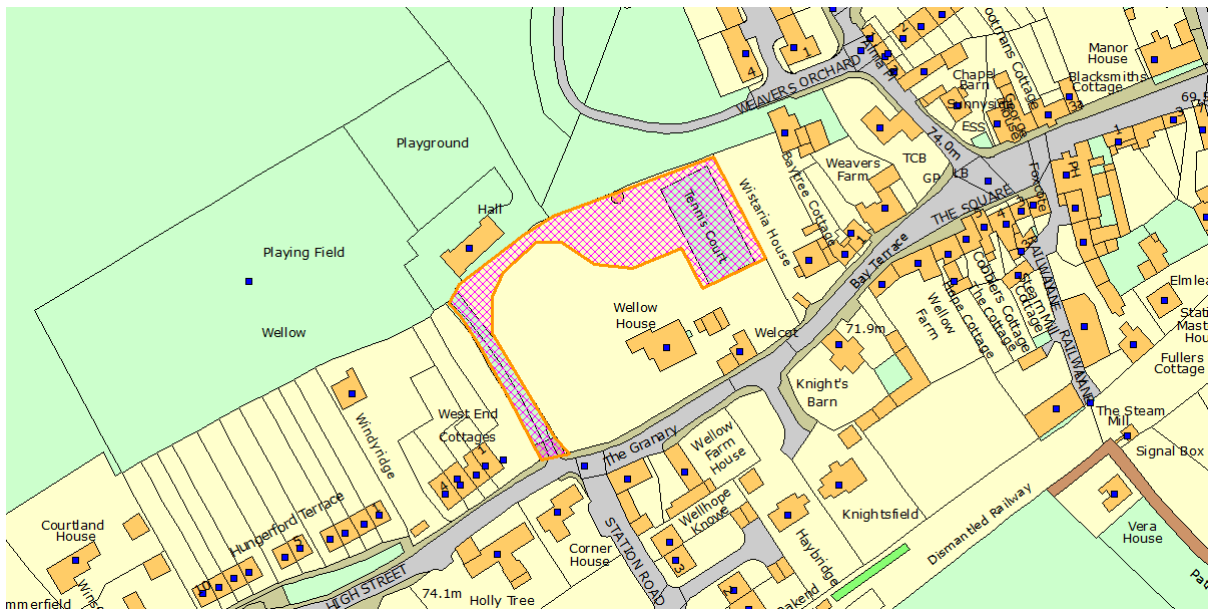
Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

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 or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Item No: 02
Application No: 19/00682/FUL
Site Location: Wellow House High Street Wellow Bath Bath And North East Somerset



Ward: Bathavon South **Parish:** Wellow **LB Grade:** IISTAR
Ward Members: Councillor Neil Butters
Application Type: Full Application
Proposal: Erection of 1 No. residential dwelling and associated landscaping and access.
Constraints: White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Conservation Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE2 AONB, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Mrs Susan Chivers
Expiry Date: 1st April 2019
Case Officer: Samantha Mason
 To view the case click on the link [here](#).

REPORT

Reasons for Committee:

The officer is minded to refuse the scheme and the Parish Council have supported the application. as such, in line with the Council's Scheme of Delegation, the application was recommended to the Chair of the Committee for a decision.

In her decision the chair stated that; 'I have studied the report & all associated information linked to this application, it is evident it has been amended & issues raised addressed as the application has progressed through the planning process. I note Wellow PC & third party consultees support, there are mixed views from statutory consultees. The proposed building as it now stands is not assessed as having a detrimental impact on the area however the interpretation of infill as stated in the NPPF & Greenbelt (Policy GB2 of the Placemaking Plan) & the Arboricultural Report raises several concerns. I recommend the application be determined by the DMC as it is clearly controversial & the issues raised can then be debated.

Site Description and Proposal:

Wellow House is a large detached grade II listed building set towards the front of a large garden.

It is located on High Street in the Wellow Conservation Area and the Cotswold Area of Outstanding Natural Beauty. The property is in the Green Belt.

Planning permission is sought for the erection of a single dwelling.

Relevant Planning History:

DC - 02/01577/FUL - PERMIT - 25 September 2002 - Conservatory extension, new back porch and internal Alterations

DC - 02/01642/LBA - CON - 22 October 2002 - Internal alterations to form new kitchen and conservatory, alterations to garage to form laundry and workshop, and construction of new back porch

DC - 97/02119/FUL - REF - 10 April 1997 - Provision of dormer windows and windows in existing gables and internal alterations to facilitate loft conversion.

DC - 97/02120/LBA - REF - 10 April 1997 - Provision of dormer windows and windows in existing gables and internal alterations to facilitate loft conversion.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Wellow Parish Council: Wellow Parish Council voted unanimously to SUPPORT the above application. Wellow Parish Council requests that this proposal is included in a Developmental Management Committee Meeting should the B&NES Case Officer be minded to refuse).

Conservation Officer: No objection. Due to the topography, size of garden, relationship of the proposed development with the listed building and its amended design, it is considered that the proposed development would not harm the setting of Wellow House or the character or appearance of this part of the Wellow Conservation Area.

SW Heritage Trust: No objection

Histoic England: Historic England has provided pre-application advice on this scheme which has resulted in amendments to the original scheme in both location and design. The proposed new dwelling has been significantly reduced and altered so as to better relate to the heritage significance of Wellow House and to limit its impact on the setting of the heritage asset. Concerns regarding the physical fragmentation of the site due to the presence of an access drive along the northern periphery of the site remain. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 194 and 196 of the NPPF.

Arboricultural Officer: Objection. The property contains a number of exceptional trees. The proposal will result in the loss of a number of good trees, introduce tree pruning requirements which would adversely affect significant retained trees and introduce future pressures for tree removals. There are no amendments possible to overcome the adverse effects of the proposal on the trees which I am able to suggest.

Highways Officer: No objection subject to conditions.

Drainage and Flooding: No objection subject to conditions.

Representations Received:

Three comments of support have been received from third parties in regards to the application.

POLICIES/LEGISLATION

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

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

Core Strategy:

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

- CP2: Sustainable Construction
- CP3: Renewable Energy
- CP6: Environmental Quality
- CP8: Green Belt
- CP10: Housing Mix
- DW1: District Wide Spatial Strategy
- SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

- D1: General urban design principles
- D2: Local character and distinctiveness
- D.3: Urban fabric
- D.5: Building design
- D.6: Amenity
- GB1: Visual amenities of the Green Belt
- GB2: Development in Green Belt villages
- HE1: Historic environment
- NE2A: Landscape setting of settlements
- NE3: Sites, species and habitats
- NE6: Trees and woodland conservation
- ST7: Transport requirements for managing development
- SCR1: On-site renewable energy requirement
- SCR5: Water efficiency
- SU1: Sustainable drainage policy
- LCR9: Increasing the provision of local food growing

National Policy:

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

Conservation Areas:

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

Listed Buildings:

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

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development in the Green Belt
- Heritage
- Design
- Trees
- Landscape
- Residential Amenity
- Highways Safety and Parking
- Drainage
- Sustainable Construction

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

The primary issue to consider is whether the proposal represents inappropriate development in the Green Belt.

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Paragraph 145 of the National Planning Policy Framework (NPPF) sets out the exceptions to this:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development Plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - (i) not have a greater impact on the openness of the Green Belt than the existing development; or
 - (ii) not cause substantial harm to the openness of the Green Belt, where the development would reuse previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The proposal is not for agriculture or forestry, or for sports, recreation, cemeteries or allotments uses. It is for a new dwelling in addition to the existing dwelling. The proposal is

not for affordable housing. Therefore the two criteria the proposal could be considered against are (e) or (g).

Criterion (e):

Criterion (e) refers to limited infilling in villages. Wellow is washed over by the Green Belt. Policy GB2 of the Placemaking Plan follows the thrust of the NPPF and states that development in villages in the Green Belt will not be permitted unless it is limited to infilling and in the case of residential development is within the defined Housing Development Boundary. Infilling is defined in the glossary of the Placemaking Plan as 'the filling of small gaps within existing development, e.g. the building of one or two houses on a small vacant plot in an otherwise extensively built up frontage. The plot will generally be surrounded on at least three sides by developed sites or roads'. Whilst the NPPF provides no definition of "infilling", the Planning Portal defines "infill development" as "The development of a relatively small gap between existing buildings". Policy D7 relates to infill and backland Development. It states that 'Infill development is defined as the filling of a small gap in an otherwise built-up frontage, usually consisting of frontage plots only.'

The proposed site is set in the northern corner of the plot on the existing tennis court. It is located behind Wellow House and Welcot and does not form part of the frontage of High Street. These properties are to the south. To the east is Wisteria House, and its garden borders the site. To the west is a gap. The housing development boundary bounds the plot to the north and beyond that is agricultural land. It is considered that the proposed does not represent infill development as it is not surrounded by developed sites on three sides and is not on the street frontage. The proposal therefore represents backland development.

Furthermore whilst the site is within the Housing Development Boundary the village of Wellow is washed over by the Green Belt rather than being excluded from it. Other villages within the district are surrounded by Green Belt but have specifically been excluded from it. This highlights that Wellow is an important village within the Green Belt and remains washed over to protect the open character of the village.

Criterion (g):

Criterion (g) refers to limited infilling, which has been explored above, or the redevelopment of previously developed land.

Previously developed land is defined in the NPPF as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. However it goes on to say that this excludes 'land in built-up areas such as residential gardens'.

The site is located within the Housing Development Boundary which marks the extent of the built up area. The site is within the residential garden of Wellow House. Therefore the site is not considered to be previously developed land in accordance with the NPPF definition.

Given that the proposal is not considered infilling or to be on previously developed land it is not considered that an assessment of conditions i or ii of criterion (g) is required. However clearly the proposal will result in a greater impact on openness than the existing site which is open garden land.

Given that the proposal does not meet with any of the criteria listed in the exceptions within the NPPF the proposal is considered inappropriate. Consideration of whether or not very special circumstances exist is discussed below.

HERITAGE AND DESIGN:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness.

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

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Additionally there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

Wellow House is a grade II* listed building located in the Wellow Conservation Area and Cotswold Area of Outstanding Natural Beauty. It fronts High Street and is set on a large plot with an extensive garden. The house has C17 origins and was remodelled in the early C18, with later C19 alterations. The Archaeological and Historical Assessment accompanying the application suggests that by 1843 the house and garden was a commercial nursery which ceased operations by the turn of the century. In the C20 the garden was encroached on at its east end by rearward extension of adjoining gardens and the construction of Welcot. Further encroachment in this part of the garden took place when the present tennis court was constructed in the north east corner of the garden in the 1970's, followed by the garage and conservatory extension at Wellow House in the late C20.

It is proposed to replace the existing C20 tennis court in the north east corner of the garden with a detached house enclosed within a walled garden, accessed from the lane leading to the Village Hall.

Design:

Following negotiations, the design of the proposed house has been amended to:

- Substantially reduce the projecting front central gable element, which has both physically and visually reduced the bulk of the proposed house

- Replace the photovoltaic laminate roof cladding on the south facing roof slope (which would have a reflective finish visible from the valley side to the south), with traditional double Roman clay tiles

The use of a split form of design for the house, set into the bank and linking with the new 'kitchen garden' boundary wall, is considered to be well executed. The front portion will appear as a single storey structure, about 6 metres high at ridge level, reflecting the form and appearance of a traditional lean-to kitchen garden greenhouse or conservatory. The rear element is set between the main south facing form and the existing north boundary garden wall, with views from the rear limited to the top of the slated roof and new rubble stone 'garden' wall. Historically, Wellow is part-characterised by local stone-built walls, and the concept of new rubble stone and lime rendered kitchen garden wall is supported.

The design of the proposed house and garden wall is considered sympathetic to the setting of the listed building and the character and appearance of this part of the conservation area.

It is noted that Historic England (HE) were consulted on the scheme and the applicants also undertook pre-application advice from HE which resulted in amendments to the original scheme in both location and design. HE considers that the proposed new dwelling has been significantly reduced and altered so as to better relate to the heritage significance of Wellow House and to limit its impact on the setting of the heritage asset.

Access drive:

Concern was expressed at the pre-application stage regarding the proposed new access drive, based on the impact on trees and the garden setting of the listed building. Historic England has still raised concerns to this element of the scheme although they have not specifically objected.

The route of the drive has now been slightly amended. It follows the topography without cutting into it, and is located on the northern periphery of the garden, leaving a substantial proportion of the garden area and existing trees undisturbed.

The council's Listed Building officer considers that the proposed gravel surface, estate style railing and native hedgerow planting on the south side of the drive will have an attractive appearance in views from the garden and the listed building. On balance the proposed drive is now considered acceptable. Treatment of its entry point on to the access drive to the village hall, including any gates would be conditioned.

Impact of the proposed house and walled garden on the listed building:

The garden rises to the north, away from the house, and the existing tennis court has been cut into this distinct topography to form a level area. On its north side there is a steep grassed retaining bank leading up to the 2 metre high north boundary stone garden wall. The tennis court is an alien feature in the garden landscape setting of the listed building, due to its excavated form, hard surface and metal post and wire enclosure. Returning a large part of the tennis court area to a garden use is welcomed.

The nearest part of the proposed new garden wall would be about 7 metres from the listed building, and that of the proposed house about 18 metres. Although near to the listed building, the proposed development is in that part of the garden which has previously experienced built change in the form of the tennis court, C20 extensions to the house itself, and the construction of Welcot. Replacing the tennis court with a high quality design of new house within a walled garden as proposed could improve and enhance the setting of the listed building, and its significance.

Although there are several listed buildings in the proximity of Wellow House, none are directly inter-visible with the application site, and there would be no harm caused to their settings by the development.

Overall the proposed development is within that part of the garden previously encroached upon. Subject to all other planning considerations, from the heritage perspective the proposed development is not considered to harm the setting or significance of the listed building or the character and appearance of this part of the Wellow Conservation Area. It meets the requirements of the relevant heritage policy and guidance and would also make a positive contribution to local character and distinctiveness, in accordance with paragraph 192 of the National Planning Policy Framework. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

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

If permission were to be granted conditions would have been recommended in regards to materials, joinery details and access drive details.

A further point of note is that South West Heritage was consulted on the scheme in regards to archaeology. No objection was raised on these grounds as there was considered listed potential for archaeology issues on site.

LANDSCAPE:

The site is within the Cotswolds AONB and is washed over by the Bath and Bristol Green Belt. These designations underscore the landscape value of the area.

A landscape strategy has been submitted with the application. The site is within the Housing Development Boundary for the village and is read in wider views as part of the existing village. The existing tennis court area would be well contained by the existing buildings, roofscape, walls and vegetation. Views have been provided within the landscape strategy showing that views of the building from the wider area would be read in context with the existing village and likely be limited to the roof. Following negotiations with the agent the solar photovoltaic panels originally proposed from the roof have been removed as it was considered these may cause reflection and impact on the current landscape character of the village which is generally traditional style roofscape interspersed with trees.

Overall the proposed development by virtue of its design, scale, massing, position and use of external materials would not adversely affect the natural beauty of the landscape of the designated AONB in accordance with policy NE2 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 15 of the NPPF.

TREES:

The property is within Wellow Conservation Area which affords tree protection. Policy NE6 of the Placemaking Plan: Trees and Woodland Conservation states:

1 Development will only be permitted where: a. it seeks to avoid any adverse impact on trees and woodlands of wildlife, landscape, historic, amenity, productive or cultural value; and b. it includes the appropriate retention and new planting of trees and woodlands; and
2 If it is demonstrated that an adverse impact on trees is unavoidable to allow for appropriate development, compensatory provision will be made in accordance with guidance in the Planning Obligations SPD (or successor publication) on replacement tree planting.

The grounds include a number of exceptional individual trees and trees which contribute towards the public visual amenity generally. These include but are not limited to a Beech in the north western corner, two Walnuts, Silver Birch, a group of Limes and an exceptionally large Laburnum identified as T26 within the January 2018 arboricultural report.

The council's Arboricultural officer has been consulted on the scheme and considered the Laburnum a veteran tree rather than over mature. A Veteran tree is defined within the NPPF as:

'A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species.'

Additionally several trees within the site are worthy of a Tree Preservation Order (TPO), however, a TPO would not prevent tree losses or works if they are required to enable a permitted development or if they are justified as a result of an adverse impact on the living conditions and usability of the gardens.

The management requirements of the retained trees will alter as a result of the proposed development resulting in unfavourable pruning which is not currently essential. This will in part be because of the additional pressures that will be placed on the trees by the future residents of the proposed dwelling, as it is likely they will cause some shadowing and safety concerns.

The Tree Constraints Plan does not illustrate how the above ground elements of the trees, especially the Limes, will impact on the reasonable living conditions of the future occupants or how the trees would be perceived by future occupants.

The subdivision of the garden will reduce the available external space serving each dwelling and lead to intensification of garden usage with the accompanying paraphernalia such as sheds and childrens' play equipment in due course. Given the limited outside space provided for the new dwelling it is envisaged that there will be future S211 notices to remove trees within the group shown retained containing T33 - T42.

The entire length of the drive is shown as 'no-dig' construction on the Tree Protection Plan supplied in the arboricultural report dated February 2019. It should be noted that no services including drainage requiring trenching or above ground cabling are shown on this drawing. The Arboricultural Impact Assessment states under 6.8 that services have been planned outside of root protection areas, however, a plan demonstrating this has not been provided.

The position of the dwelling places the long term retention of the group of four Limes along the eastern boundary at risk. The Arboricultural Impact Assessment states in paragraph 6.2 that the northern extent of the new dwelling will require the excavation of a raised bank within the calculated Root Protection Area of T44A. Any excavation or soil compaction in this area could potentially lead to root severance or damage. Therefore it not been demonstrated that there will be no harm to these trees. The Arboricultural assessment proposes the excavation of a trial trench to check for tree roots, its states that If major roots are encountered the proposed footprint of the building will be revised to allow the retention of the existing bank. However this will effectively result in an un-implementable permission if the proposal was permitted. As such the harm needs to be established before permission can be granted, in this case that has not been done.

The Arboricultural Officer remains unconvinced that the proposal has taken into account the species specific characteristics, future growth and maintenance requirements of the trees contrary to the recommendations within 5.3.4 of BS 5837:2012.

Overall the property contains a number of exceptional trees. The proposal will result in the loss of a number of good trees, introduce tree pruning requirements which would adversely affect significant retained trees and introduce future pressures for tree removals. Additionally the proposal may result in adverse impact on trees in the T44 group. As such the proposal is considered contrary to policy NE6 of the Placemaking Plan and the relevant paragraphs of the NPPF.

RESIDENTIAL AMENITY:

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

The site slopes upward to the north and the existing tennis court is set above the properties to the south including Wellow House and Welcot. Given the one and a half storey height of the proposed design and the distance from neighbours it is not considered that residential amenity of neighbours will be significantly adversely affected. No third party objections have been received.

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

HIGHWAYS SAFETY AND PARKING:

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

This type of proposal at this location has been considered by the highway authority as an earlier pre-application submission. It is noted that the site is located within the adopted Housing Development Boundary, and therefore there is no objection to the principle to the proposed residential development at this location in regards to highways sustainability. However, the proposed access and parking arrangements need to be appropriate.

The proposed access arrangements for the new dwelling would be combined with the existing access to the village hall and playing fields. Given the proposed scale of development and the standard of the access junction with the High Street, there is no highway objection to the use of the lane. For this type of development the visibility at the access junction is adequate and there is unlikely to be a detrimental impact on the operation of the local road network. The applicant will need to ensure that they have the appropriate access rights across the lane.

The site layout plan shows that ample parking for this residential development could be provided within the site boundary.

There is no highway objection to the planning application as presented; if the application were being recommended for permission planning conditions for parking would be recommended.

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

DRAINAGE AND FLOODING:

The development should represent a reduction in impermeable area and therefore should not adversely affect surface water flood risk.

The applicant has suggested that they will manage surface water from roofs and hardstanding by way of soakaway and the Flooding and Drainage Team would support this endeavour. British geological survey data suggests the area may be viable for infiltration.

If the proposal were recommended for permission a condition in regards to infiltration testing would be required.

COMMUNITY INFRASTRUCTURE LEVY:

The site would generate additional residential floor space within the district and is subject to contributions via the infrastructure Levy in line with the Council's adopted Planning Obligations SPD.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy CP2 of the Placemaking Plan has regard to Sustainable construction. The policy requires sustainable design and construction to be integral to all new development in B&NES and that a sustainable construction checklist (SCC) is submitted with application evidencing that the prescribed standards have been met.

For minor new build development a 19% reduction in CO2 emissions is required by sustainable construction. In this case the submitted evidence shows that > 19% CO2 emissions reduction has been achieved from energy efficiency and/or renewables. Therefore the proposed development is compliant with policy CP2 in this instance.

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

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g. water butts). A water butt has been shown as achievable on drawing 255/PE02a. The policy requirement is met.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g. border planting, window boxes, vertical planting, raised beds etc.). The proposal will benefit from a walled garden where there will be ample opportunity for cultivation. The policy requirement is met.

VERY SPECIAL CIRCUMSTANCES:

As discussed above, the proposal is inappropriate development in the Green Belt and in accordance with paragraph 143 of the NPPF should only be approved if it can be demonstrated that very special circumstances exist. Paragraph 144 goes on to state that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 144 indicates that substantial weight should be given to any harm to the Green Belt.

The following harms have been identified:

- Harm by reason of inappropriate development
- Harm to the openness of the Green Belt
- Insufficient information to demonstrate that there will be no adverse impact to important trees

The proposals are for a Self-Build retirement home, for the owners of Wellow House. Within the submission the agent suggests that the very special circumstances are such that the proposal will assist in meeting demand on the Council's Self-Build register, and there is a statutory duty for the Council to provide Self-Build plots. Whilst there is a duty, self-build housing will only be supported where it is in line with other policies in the development plan, there are considered to be other suitable alternative locations across the entire district that will achieve meeting the demand appropriately. There is limited gain

from providing one additional house in a location that has not been allocated for growth in the council's spatial strategy.

A further materials consideration has been identified by the council in that the construction of the proposed development would generate a number of construction jobs and the investment in the site would provide a small boost to the local economy. However, these impacts would be temporary, short lived and relatively small scale in the wider context.

The applicant has made reference in their submission to various recent developments in Wellow within the vicinity of this site, namely the pavilion building at Wellow Recreation Ground and the erection of a new dwelling adjacent to Bubblers Dytch. Whilst each case is assessed on its own merits neither of these approved developments are comparable; the Bubblers Dytch site was a genuine infill development according with the aforementioned definitions and the pavilion building was an appropriate facility for outdoor sport and recreation. Unlike the scheme under consideration here, both of these recent developments accord with green belt policy and therefore are not inappropriate development. No weight can be attributed to either of these developments when considering the current scheme.

Whilst it is recognised that there are attributes of this scheme that weigh in its favour, these benefits do not, individually or cumulatively, amount to very special circumstances which would clearly outweigh the multiple and significant harms identified. The proposal is therefore contrary to policy CP8 and Green Belt policy within the NPPF.

CONCLUSION:

It is therefore considered that the proposal is contrary to the relevant planning policies as outlined above, in particular Green Belt Policy, and the proposal is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposal represents inappropriate development in the Green Belt which is by definition harmful to the Green Belt, additionally the proposal fails to preserve the openness of the Green Belt. The proposal is therefore contrary to the development plan including policy CP8 of the adopted Core Strategy and policy GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF.

2 The proposed development will have an adverse impact on trees of value due to the loss of trees, pruning requirements, and future pressure to undertake works to the trees. Additionally it has not been demonstrated that there will not be harm to trees as a result of the siting of the dwelling. Therefore the proposal is considered contrary to the development plan including policy NE6 of the Placemaking Plan and the relevant paragraphs of the NPPF.

PLANS LIST:

This decision relates to the following plans:

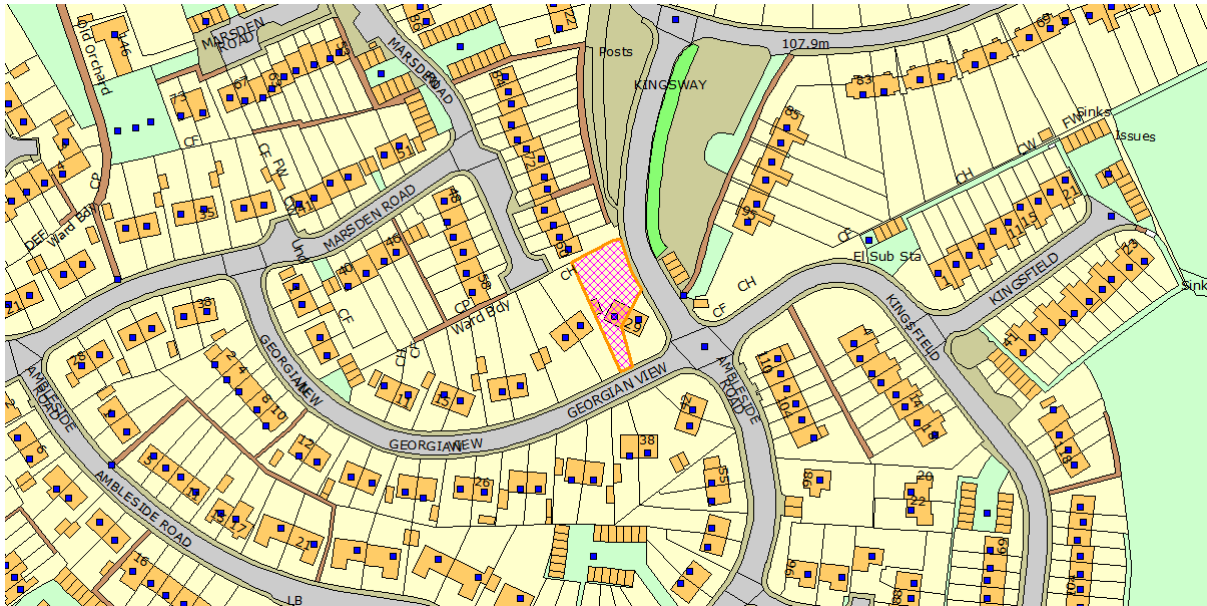
18 Feb 2019 255/Slp Site Location Plan
18 Feb 2019 084-004 A Site Plan
18 Feb 2019 255/Bp Block Plan
18 Feb 2019 084-003 B Landscape Plan
18 Feb 2019 084-007 A Tree Retention and Removal
18 Feb 2019 084-014 A Sections Through Garden and New Drive
18 Feb 2019 084-401 Estate Railing and Matching Gate Detail
18 Feb 2019 255/Ps01 Site Section Looking West
11 Mar 2019 255 Pe01a Proposed South and West Elevations
11 Mar 2019 255 Pe02a Proposed North and East Elevations
11 Mar 2019 255 Pp01a Proposed Ground and First Floor Plans

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.

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

Item No: 03
Application No: 19/00492/FUL
Site Location: 27 Georgian View Southdown Bath Bath And North East Somerset BA2 2LZ



Ward: Odd Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Steve Hedges Councillor Nigel Roberts
Application Type: Full Application
Proposal: Change of use from 4 bed dwelling (use class C3) to 6 bed HMO (use class C4) with works to convert garden store to living space
Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Mr Adam Bailey
Expiry Date: 29th April 2019
Case Officer: Anna Jotcham
To view the case click on the link [here](#).

REPORT

REASON FOR APPLICATION BEING REFERRED TO COMMITTEE:

The application has been called to committee at the request of Cllr Paul Crossley and Cllr Steve Hedges. Reasons given relate to impact on parking and an increasing number of HMO properties in this area. Agreement with other third party objection comments is also cited as a reason.

As per the councils scheme of delegation the application was referred to the Chair of the Committee. The Chair stated in her recommendation:

"I have studied the application, comments from statutory and third party consultees and Cllrs DMC request, it is clearly controversial and although the application has been assessed against relevant planning policies I recommend the application be determined by the DMC so the issues raised can be debated fully."

THE SITE:

27 Georgian View is a two storey (with under-croft) semi-detached house located in a residential street in the Southdown area of Bath. The property falls within the Bath World Heritage Site designation but is outside the Bath Conservation Area.

THE PROPOSAL:

Planning permission is sought for the change of use of the property from a 4 bedroom dwelling to a 6 bedroom House in Multiple Occupation (HMO).

PLANNING HISTORY:

08/01559/FUL - INVALID AND WITHDRAWN - 12 May 2008 - Erection of two storey side extension with garage and out house following demolition of existing garage

08/01838/FUL - REFUSED - 29 July 2008 - Erection of two storey side extension with garage and outhouse following demolition of existing old prefabricated garage

08/04300/FUL - PERMIT - 13 January 2009 - Erection of a three-storey side extension and repositioning of garage (revised application).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CLLR PAUL CROSSLEY - There is limited on street parking available and the proposal is likely to increase this pressure. There is already a large number of HMO housing in the community around this street. Request that application is determined by Committee if Officer is minded to permit.

CLLR STEVE HEDGES - Request that application is determined by Committee if Officer is minded to permit. This is due to reasons put forward by the local residents. Student accommodation in and around the city is now wide spread and we can ill afford for good family homes to be lost.

HIGHWAYS - No objection.

BUILDING CONTROL - No comments.

OTHER REPRESENTATIONS / THIRD PARTY COMMENTS - Objection comments received from 8 consultees which can be summarised as follows:

- Highway safety, traffic congestion and parking concerns.
- There are several HMO's already on this road (some not registered).
- Properties occupied by students are neglected with rubbish and recycling bins left out and gardens left unattended.

- Impact on residential amenity (increased noise, recycling bins overflowing and general neglect).
- Impact on property values.
- There is a hedge on the adjacent property and this will need to be unaffected by the development.
- This type of application goes against the principal of the importance of family and well-being.
- A further Highways Officer / Councillor's site visit is requested.

One letter of support from the current owner of no. 27 Georgian View rebutting points made in one of the consultation comments.

Officer note: 10 signed objection letters were forwarded to the Planning Department from Cllr Davies. However, these could not be put on the system because they were not sent by the people direct and we do not have their consent.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

RELEVANT CORE 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:

- Policy DW1: District wide spatial strategy
- Policy B1: Bath spatial strategy
- Policy B4: The World Heritage Site and its setting
- Policy CP6: Environmental quality
- Policy CP10: Housing mix

RELEVANT PLACEMAKING PLAN POLICIES:

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

- Policy D1: General urban design principles

Policy D2: Local character and distinctiveness
Policy D3: Urban fabric
Policy D5: Building design
Policy D6: Amenity
Policy HE1: Historic environment
Policy H2: Houses in Multiple Occupation
Policy ST1: Promoting sustainable travel
Policy ST7: Transport requirements for managing development

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance (March 2014) can be awarded significant weight. The following sections of the NPPF are of particular relevance:

Section 9: Promoting Sustainable Transport
Section 12: Achieving well-designed places
Section 16: Conserving and enhancing the historic environment

Due consideration has also been given to the provisions of the National Planning Practice Guidance (NPPG).

SUPPLEMENTARY PLANNING DOCUMENTS:

The following supplementary planning documents are also relevant in the determination of this application:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013)
The Bath City-wide Character Appraisal (August 2005)
The Houses in Multiple Occupation in Bath Supplementary Planning Document (November 2017)

OFFICER ASSESSMENT

PRINCIPLE OF CHANGE OF USE:

The determination of whether the change of use of a dwelling in C3 use to a HMO in C4 use will have an unacceptable impact on the surrounding area is primarily assessed via the tests outlined in The Houses in Multiple Occupation in Bath Supplementary Planning Document, as amended and adopted in November 2017.

Criterion 1 aims to prevent negative impacts to immediate neighbours caused by this particular change of use. Applications for this proposed change of use will not be permitted where it would result in any C3 residential property being 'sandwiched' between two HMOs. This criterion also aims to ensure balance at street level.

Criterion 2 aims to restrict HMOs in areas of a high concentration of existing HMOs, to prevent harmful impacts resulting from an imbalance of HMOs within residential areas. The Stage 1 Test of Criterion 2 examines whether the application property is within or less than 50 metres from a Census Output Area in which HMO properties represent more than 10% of households. If outside of this test area, the test and criterion is passed. If the property is within the Stage 1 Test area, or within a 50 metre buffer of this area, the Stage

2 Test is conducted, whereby applications for this proposed change of use will not be permitted where HMO properties represent more than 10% of households within a 100 metre radius of the application property. These tests are explained further within the SPD.

The property (no. 27) forms part of a semi-detached pair with no. 29 Georgian View. The pair sit at a 45 degree angle to another pair of semi-detached properties and no. 25 is the immediate neighbour of the application site. According to Council GIS records, none of these properties or no. 23 are recognised as operating as HMOs. On this basis, the proposed development will not result in a sandwiching effect. The proposal therefore complies with Criterion 1.

The property is outside of and approximately 54 metres away from the edge of the Stage 1 Test area. The proposal also therefore complies with Criterion 2.

For the purpose of thoroughness, the Stage 2 Test was carried out. Based on Council data, 3 out of 78 residential properties within a 100 metre radius of the site are recognised HMOs, equating to 4%, which is below the 10% threshold. It should be noted that the consultation process highlighted the presence of six properties potentially operating as HMOs not identified on the Council's mapping system. Four of these properties are located on Georgian View (nos. 17, 18, 40 and 42) and fall within a 100 metre radius of the application site. Only one of them (no. 42) benefits from planning permission for a HMO (ref: 18/02786/FUL). Other potential HMO's identified are located in Marsden Road and Ambleside Road, more than 100 metres from the application site. Accounting for additional HMO's within the 100 metre radius, this would calculate at 9%. Overall, based on the tests within the SPD, it must be concluded that this is not an area of high concentration of HMOs for the purposes of this assessment.

Policy CP10 supports housing mix in line with national policy, where a mix of housing types and households is encouraged in the interest of community cohesion. This is supported by HMO policy H2 and the SPD, which aim to direct new HMO development to areas of lower concentration.

Overall, the proposal is considered to be acceptable in principle, in accordance with policies DW1, B1 and CP10 of the Core Strategy and policy H2 of the Placemaking Plan, subject to the matters addressed below.

IMPACT ON CHARACTER OF THE AREA:

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

The proposed conversion consists largely of internal alterations to the layout of the property, with the main external alteration being the replacement of the under-croft door with a window. Further details to ensure the proposed infill materials and replacement fenestration are sympathetic to the host building can be requested through the planning

application process. It is not considered that the proposed change to the front elevation of the building will harm the character and appearance of the property and its surroundings.

The proposed development is located within the Bath World Heritage Site, where policy B4 of the Core Strategy states that consideration must be given to impacts on the heritage asset and its setting. The development will not adversely impact the setting of the surrounding area, nor will it result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity.

The proposal is therefore in accordance with policies CP6 and B4 of the Core Strategy, policies D1, D2, D3, D5 and HE1 of the Placemaking Plan and sections 12 and 16 of the NPPF.

HIGHWAYS AND PARKING:

The change of use, and associated increase in the number of bedrooms from four to six, is likely to increase the occupancy of the house marginally by independent individuals (i.e. not a family) and this has raised concerns over increased parking demand in the vicinity of the application site, particularly in an area where on-street parking is unrestricted.

However, the site's sustainable location is acknowledged with good access to a range of services, facilities and public transport links, therefore reducing reliance on the car. It is also noted that the applicant proposes to retain the existing six off-street car parking spaces which comprises two columns of tandem parking on the front driveway. It is noted that consultation comments have raised concerns about the usability of tandem parking arrangements however this does not represent an uncommon situation and the proposal actually offers more than the standard level of car parking for a residential property of this size (3 spaces) (there are no adopted parking standards on HMOs).

Furthermore, there is evidence from surveys carried out by the Department for Communities and Local Government which states that rented accommodation can have up to 0.5 fewer cars than owner occupied households of a similar size and type. In this instance, car ownership would be similar to, or even less than, the previous domestic use of the property. Given this, it is not considered that there would be a significant impact on the local highway.

Without adopted parking standards on HMOs, it is difficult to demonstrate that the addition of two-bedrooms will result in an unacceptable increased demand for parking, or a demonstrable harmful impact on local highway conditions. Paragraph 109 of the revised NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Based on the above, it is considered that there is no objection on highway safety or parking grounds to the proposed change of use.

RESIDENTIAL AMENITY:

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers relative to their use and that significant harm is avoided to private amenity in terms of privacy, light and outlook/overlooking.

The SPD recognises that the cumulative impact of HMOs on neighbouring properties could significantly impact upon the residential amenity of the property as well as character of the area.

C3 dwellinghouses are occupied by single households which typically have co-ordinated routines, lifestyles, visitors and comings and times and patterns of movement. Conversely, HMOs are occupied by unrelated individuals, each possibly acting as a separate household, with their own friends, lifestyles, and patterns and times of movements. The comings and goings of the occupiers of a HMO are likely to be less regimented and occur at earlier and later times in the day than a C3 family home, and may well consist of groups engaging in evening or night time recreational activity. Such a change of use can therefore be expected to increase comings and goings, noise and other disturbance compared to a C3 use. Individually, HMOs are not generally considered to result in demonstrable harm to residential amenity as it is only a concentration of HMOs that creates significant effect.

The 6 bedroom HMO will not result in a significant or unmanageable increase in rubbish and recycling storage and collection over and above its existing capacity as a semi-detached family house.

Overall, the proposed development is in accordance with policy D6 of the Placemaking Plan.

OTHER MATTERS:

The impact of development on property values and the selling of property in the future is noted but can not over ride the planning considerations that apply as set out above.

CONCLUSION:

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

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the Site Location Plan and Existing and Proposed Floor Plans received on 5 February 2019.

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 or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Community Infrastructure Levy

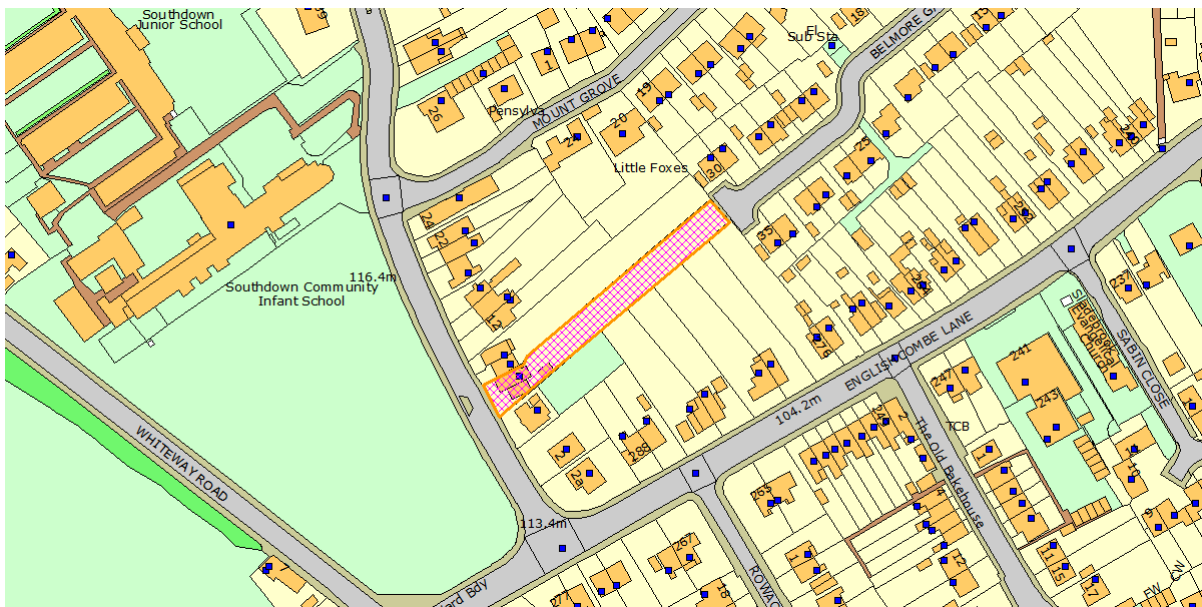
You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL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

HMO Licensing

Please note that you may also require a HMO Licence for your property to operate as an HMO. Planning and HMO licensing are two separate requirements and it is essential that an HMO licence is obtained, if applicable, after receiving planning permission. Although Planning Permission may be granted without an HMO licence, you may legally not be able to use the property as an HMO. If you have any queries, please contact Housing Services by email at hmo_licensing@bathnes.gov.uk or telephone 01225 396269.

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

Item No: 04
Application No: 18/04922/OUT
Site Location: 6 Mount Road Southdown Bath Bath And North East Somerset BA2 1LD



Ward: Southdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor P N Crossley Councillor D M Romero
Application Type: Outline Application
Proposal: Outline application for the erection of 1 no dwelling in rear garden (Access, layout and scale to be determined and all other matters reserved).
Constraints: Agric Land Class 3b,4,5, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Mr Kevin Liang
Expiry Date: 5th April 2019
Case Officer: Anna Jotcham
 To view the case click on the link [here](#).

REPORT

REASON FOR APPLICATION BEING REFERRED TO COMMITTEE:

The application has been called to committee at the request of Cllr Dine Romero. Reasons given relate to the impact on neighbouring properties (overlooking, privacy and general enjoyment of homes/gardens), impact on trees and the proposed new access road from Belmore Gardens.

As per the councils scheme of delegation the application was referred to the Chair of the Committee. The Chair stated in her recommendation:

"I have studied the outline application noting statutory and third party consultees comments as well as the Ward Cllr DMC request. The controversial application has been assessed against relevant planning policies as the report explains, however there remains a concern regarding the trees and positioning of the dwelling therefore I recommend the application be determined by the DMC".

THE SITE:

The application relates to an area of land that forms part of the rear garden of no. 6 Mount Road. The site is located within the built-up area of Bath and is protected by the Bath World Heritage Site designation.

THE PROPOSAL:

This is an outline application for the erection of a detached two storey dwelling. The application seeks approval for access, layout and scale, with all other matters reserved.

PLANNING HISTORY:

6644/3 - PERMITTED - 15 July 1987 - Erection of a detached bungalow and garages with access on to Belmore Gardens.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CLLR DINE ROMERO - Request that the application be taken to Committee if the officer recommendation is to permit. Reasons given relate to the impact on neighbouring properties (overlooking, privacy and general enjoyment of homes/gardens), impact on trees and the proposed new access road from Belmore Gardens.

HIGHWAYS - No objection, subject to conditions and an advisory note.

ARBORICULTURE - Objection / scope for revision. The proposal is likely to result in pressure on adjacent tree owners for pruning and felling. Suggestion to move the dwelling towards the new access off Belmore Gardens to improve the separation between the proposed dwelling and trees.

ECOLOGY - No objection, subject to conditions.

CONTAMINATED LAND - No objection, subject to a condition and advisory note.

OTHER REPRESENTATIONS / THIRD PARTY COMMENTS - Objection comments received from 22 consultees which can be summarised as follows:

- Objection to new access road off Belmore Gardens.
- Inadequate consultation process (the residents of Belmore Gardens were not formally notified of the planning application).
- Highway safety, traffic congestion and parking concerns.
- Land adjacent to the Belmore Gardens hammerhead is a ransom strip and is not owned by the applicants.
- Potential increase in pedestrian traffic if an access route along the side of the proposed house to Mount Road is approved.
- The proposal is out of character with the surrounding built environment (e.g. inappropriate siting, layout, height and massing).
- Impact on residential amenity of neighbouring residents (e.g. impact on views, noise, loss of light, overlooking).
- Proposal will set a precedent for more housing and is potentially being designed to allow this.
- The proposal is overdevelopment (the house appears cramped and future maintenance will require access onto neighbouring land).
- Limited information is available on the siting, type and size of the building.
- The previous application referred to in the submitted Design and Access Statement is not comparable as it was for a bungalow, not a four bed detached house.
- Concern that the proposed house will become a future HMO.
- The proposal does not provide an adequate number of cycle parking spaces.
- Proposal will result in loss of green space.
- Proposal will have a negative impact on existing wildlife.
- Potential loss of street lighting if the existing street light at the end of Belmore Gardens is lost or relocated as a result of the development.
- Impact on Ash tree which is outside the site boundary (in the garden of no. 282 Englishcombe Lane).

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

RELEVANT CORE 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:

Policy DW1: District wide spatial strategy
Policy B1: Bath spatial strategy
Policy B4: The World Heritage Site and its setting
Policy SD1: Presumption in favour of sustainable development
Policy CP2: Sustainable construction
Policy CP6: Environmental quality
Policy CP10: Housing mix

RELEVANT PLACEMAKING PLAN POLICIES:

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

Policy SCR5: Water efficiency
Policy SU1: Sustainable drainage
Policy D1: General urban design principles
Policy D2: Local character and distinctiveness
Policy D3: Urban fabric
Policy D4: Streets and spaces
Policy D5: Building design
Policy D6: Amenity
Policy D.7: Infill and backland development
Policy D8: Lighting
Policy D.10: Public realm
Policy NE1: Development and green infrastructure
Policy NE2: Conserving and enhancing the landscape and landscape character
Policy NE2A: Landscape setting of settlements
Policy NE3: Sites, species and habitats
Policy NE4: Ecosystem services
Policy NE5: Ecological networks
Policy NE6: Trees and woodland conservation
Policy PCS1: Pollution and nuisance
Policy PCS2: Noise and vibration
Policy PSC5: Contamination
Policy PCS7A: Foul sewage infrastructure
Policy H7: Housing accessibility
Policy LCR3A: Primary school capacity
Policy LCR7B: Broadband - superfast infrastructure
Policy LCR9: Increasing the provision of local food growing
Policy ST1: Promoting sustainable transport
Policy ST7: Transport requirements for managing development

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance (March 2014) can be awarded significant weight. The following sections of the NPPF are of particular relevance:

Section 5: Delivering a sufficient supply of homes
Section 9: Promoting sustainable transport
Section 12: Achieving well-designed places

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT:

The application site falls within the built-up area of Bath where the principle of residential development, including backland development, is acceptable, subject to other material considerations.

IMPACT ON CHARACTER OF THE AREA:

No. 6 Mount Road is an end of terrace house near to the junction of Englishcombe Lane. The house benefits from a long rear garden (over 80 metres), generally enclosed with hedging and fences that backs onto Belmore Gardens to the east. The northern side of the garden runs parallel with the garden of adjacent no. 8 Mount Road. The southern side of the application site sits perpendicular to the rear gardens of nos. 276 - 284 Englishcombe Lane. Planning permission for a new detached house at the rear of no. 276 Englishcombe Lane was granted in November 2017 (ref: 17/02798/OUT). This consent included a new access onto Belmore Gardens.

The proposal is at outline stage however submitted plans indicate that it will consist of a two storey, four-bedroomed dwelling with its primary frontage facing Belmore Gardens. The proposed dwelling will span most of the width of the application site but will retain a small pedestrian access to the proposed dwelling's rear garden on the southern side. Three car parking spaces will be provided at the front of the property.

Policy D7 of the Placemaking Plan supports backland development providing it is in keeping with the character of the area, of an appropriate design (in terms of height, scale, mass and form), preserves the character and appearance, safety or amenity of the frontage of development and is not harmful to residential amenity.

The proposed dwelling will be located at the end a cul-de-sac (Belmore Gardens). It accords with the size and massing of the detached house granted planning permission at the rear of no. 276 Englishcombe Lane in November 2017.

Although the pattern of development is currently linear along Belmore Gardens the proposed dwelling would present itself at the head of the cul-de-sac which is generally considered an appropriate pattern of residential development. As such, it is not considered that the proposed dwelling would appear out of character with the surrounding area.

Due to the raised ground level, the proposed dwelling will be visible from points along Englishcombe Lane. However, glimpses of residential properties through gaps in housing are not uncommon and the proposed dwelling is not overly large as to appear incongruous.

As this is an outline application, details of materials and the final appearance of the building will be determined at the reserved matters stage.

HIGHWAYS AND PARKING:

The site is to the rear of no. 6 Mount Road but all access to the proposed dwelling would be taken from Belmore Gardens. The access arrangements for the existing property (no. 6 Mount Road) will not change.

Whilst the application is outline only, it does show that adequate car parking (3 spaces) could be provided on the proposed front driveway. The Highways Officer has no significant concerns with vehicles reversing back onto the carriageway at this location. Footways are provided along both sides of Belmore Gardens and this would provide adequate access for pedestrians to the site.

Based on the above, it is considered that there is no objection on highway safety or parking grounds. The Highways Officer has recommended that a bound and compacted vehicle access is constructed and that areas allocated for parking and turning are kept clear of obstruction and only used for parking. This can be controlled via conditions. It is possible that some minor works will be required to form a new vehicular access and the applicant can be made aware of this via an advisory note.

TREES:

Initial consultation comments received from the Council's Arboriculturalist highlighted a lack of consideration of off-site trees, in particular an Ash tree overhanging the site from the rear garden of no. 282 Englishcombe Lane.

An arboricultural report has been provided which includes practical measures to reduce the potential of damage to the neighbouring Ash tree during construction activities. This indicates how the canopy spread of the tree dominates the garden. The report recommends regular tree condition surveys which the tree owner, not the current applicant, will be duty bound to undertake. As such, the proposal is likely to result in pressure on the adjacent tree owners for pruning and felling.

In light of the above, the Arboriculturalist has suggested moving the dwelling towards the access to improve the separation between the proposed dwelling and trees. However, this is likely to result in the loss of car parking spaces at the front of the property. Therefore, on balance, it is not considered appropriate to amend the siting of the dwelling in this instance.

Whilst the threat to the Ash tree is acknowledged it is not considered that the impact would be significant enough to justify a refusal in this instance.

ECOLOGY:

The proposal impacts on garden vegetation and poses a risk to wildlife within the site including protected species. However these risks and potential impacts are not insurmountable and the concerns are not sufficient to justify a protected species survey prior to a planning consent. Subject to a condition for a Wildlife Protection and Enhancement Scheme the application is considered to be ecologically acceptable.

RESIDENTIAL AMENITY:

Concerns have been raised by neighbouring properties in relation to the potential overbearing impact of the proposal, as well as overlooking.

The proposed dwelling will be located at the head of the cul-de-sac and sufficiently set back (approximately 11 metres) from the frontage of Belmore Gardens to avoid any overlooking into properties along this road. Similarly, the proposed dwelling will be situated approximately 60 metres from the rear elevations of properties along Mount Road and 35 metres from the rear elevations of properties along Englishcombe Lane.

The situation on higher ground means that the proposed dwelling will be visible from the rear gardens of surrounding properties. However, the extensive length of neighbouring gardens means that the impact is not considered to be significant. Furthermore, although appearance is to be determined at the reserved matters stage, indicative drawings suggest that the first floor windows on the southern and northern elevations are bathroom or stairway windows. The use of obscure glazing on these levels could therefore be controlled via condition at the reserved matters stage. This would avoid the potential for direct overlooking and indivisibility between the properties.

Based on the above, whilst a level of overlooking or at least the sense of overlooking is anticipated, the proposal is within a residential area, and the overlooking that will result is not considered to be significant enough to warrant a refusal.

OTHER MATTERS:

Several objection comments relating to the issue of the site access have been submitted, stating that a strip of land at the hammerhead of Belmore Gardens is owned by a third party. There is no evidence of this according to land registry, and no further evidence regarding this has been submitted. According to the information currently available, the applicant has the appropriate ownership for access to the site to be possible. Any dispute over land ownership will need to be resolved by the developer of the land.

Concerns that the property could be used as a House in Multiple Occupation have been raised. This would require the submission of a planning application, and be assessed on its own merits.

There are a number of policies in the Placemaking Plan which stipulate requirements for new residential development which must now be applied. Policy requirements for water efficiency can be secured by planning condition. The proposed dwelling also has access to adequate outside garden space for local food production.

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

The applicant should be aware that policy CP2 of the Core Strategy requires sustainable design and construction to be an integral part of new development. This will need to be addressed at the reserved matters stage.

CONCLUSION:

In view of the above, it is considered that the proposed development will not be harmful to the character and appearance of the local area. There is no significant harmful impact on residential amenity, highways, parking, ecology and trees. The proposal is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Outline Time Limit (Compliance)

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

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

2 Reserved Matters Time Limit (Compliance)

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

3 Reserved Matters (Pre-commencement)

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

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

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

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

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

5 Flood Risk and Drainage - Drainage details (Pre-commencement)

Prior to the commencement of the development, details of the proposed means of surface water drainage, in accordance with SUDS principles, shall be submitted to and approved in writing by the Local Planning Authority.

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

6 Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

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

7 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.

8 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least 2 bicycles has been provided in accordance with in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

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

9 Arboriculture - Compliance with Arb Method Statement (Pre-occupation)

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement dated February 2019 produced by Greenman Environmental Management. 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 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.

10 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme produced by a suitably experienced ecologist have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Method statement for pre-construction and construction phases to provide full details of all necessary wildlife protection and mitigation measures, including pre-commencement checks, for the avoidance of harm to bats, reptiles, nesting birds, hedgehog and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works;

(ii) Detailed proposals for wildlife mitigation and provision of "biodiversity gain" including wildlife-friendly planting and provision of bat and bird boxes, with proposed specifications and proposed numbers and positions to be shown on plans as applicable; specifications for fencing to include provision of gaps in boundary fences to allow continued movement of wildlife;

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 CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

11 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwelling 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.

12 Water Efficiency (Compliance)

The approved dwelling 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.

13 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.

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:

This decision relates to the site location plan (ref: TQRQM18019145052737) and proposed plans (ref: 1718-1) received 2 November 2018 and the Arboricultural Impact Assessment by Greenman Environmental Management, dated February 2019.

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

Condition Categories

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

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

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

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

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

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

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

Community Infrastructure Levy

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

ADVISORY:

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

ADVISORY:

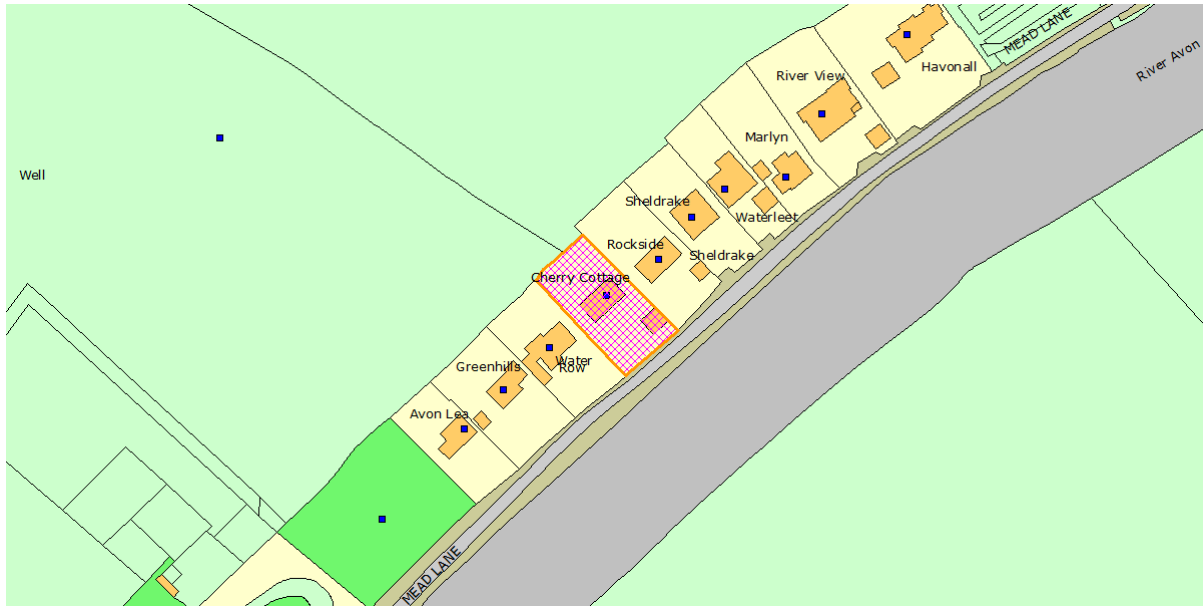
The applicant is advised that whilst they are able to abate the nuisance of overhanging branches or roots growing across the boundary, equally they also have a duty of care. The removal of roots or pruning of branches may lead the adjacent Ash tree to become unstable or shorten the life of the tree which in turn may lead to liability in negligence. Arboricultural supervision and monitoring, are, therefore, in both the applicants' and tree owners' interests.

ADVISORY:

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

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

Item No: 05
Application No: 19/00803/FUL
Site Location: Cherry Cottage Mead Lane Saltford Bristol Bath And North East Somerset



Ward: Saltford **Parish:** Saltford **LB Grade:** N/A
Ward Members: Councillor F Haerberling Councillor Emma Dixon
Application Type: Full Application
Proposal: Erection of front gables, front balcony, and external alterations (resubmission of 18/05702/FUL).
Constraints: Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, British Waterways Major and EIA, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 Regionally Important Geologic, Policy NE3 SNCI, Policy NE5 Ecological Networks, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant: Mr Seymour
Expiry Date: 26th April 2019
Case Officer: Rae Mepham
To view the case click on the link [here](#).

REPORT
Reason for application going to committee

Application referred to the Chair due to request from Cllr Dixon and support comment from Saltford Parish Council contrary to the officer recommendation. The Chair determined the application should be heard by the Development Management Committee for the following reason:

I have read the application details carefully noting support from SPC & the Ward Cllr DMC request.

The Officer has assessed the application in line with relevant planning policies & can see the proposals would fit in with the area however the question of percentage increase is an issue within the Green Belt.

This particular application is a 22% increase but previous approved applications has lead to the overall total being exceeded I therefore recommend this application be determined by the DMC so the issue of whether the improvements to the dwelling would outweigh the harm caused to the openness of the Green Belt can be debated.

Site description and proposal:

Cherry Cottage is a detached property located within the Saltford Housing Development Boundary and the Bristol/Bath Green Belt. This application is for the erection of front gables, front balcony and external alterations.

The application constraints note that the site is within Flood Zones 2 and 3, the Flood Risk Consultation Area and Regionally Important Geological Site, however these areas are at the edges of the site boundary and do not impact on the development itself.

Relevant History

96/02512/FUL - REF - 25 October 1996 - Two storey side extension with garage underneath and partial alteration to roof height.

96/02835/FUL - PER - 20 February 1997 - Side extension as amended by plans received 22nd January 1997

04/00232/FUL - PERMIT - 9 March 2004 - Single-storey side extension (including conversion of loft) and garage extension

04/03127/FUL - PERMIT - 10 December 2004 - Side and first floor extension to existing bungalow to create a dwelling house.

06/01450/FUL - RF - 28 July 2006 - Replacement of existing garage by single storey detached double garage, amending details under 04/00232/FUL.

06/03533/FUL - PERMIT - 30 November 2006 - Erection of detached double garage (resubmission)(Retrospective)

18/05702/FUL - WD - 22 February 2019 - Erection of front gables, front balcony, and external alterations.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses

Saltford Parish Council - Support:

Saltford Parish Council considers that this planning application meets the requirements of paragraph 145 (g) of NPPF (2018) as it would not have a negative impact or cause substantial harm to the openness of the Green Belt at this location compared to the existing dwelling but would provide a dwelling more in keeping with the appearance of neighbouring properties that have been updated or extended since their original construction. Cherry Cottage would remain set further back from the lane after the modest enlargement outwards at the front (south) elevation than its immediate neighbour to the east, "Rockside". If the case officer is minded to refuse this planning application Saltford

Parish Council requests that this resubmission be referred to the Development Management Committee for determination.

Canal and River Trust - No comment

Flooding and drainage - No comment.

Cllr comments:

Cllr Dixon - Support:

I would like to make a request that the application be referred to the Development Management Committee. The Parish Council are fully supportive of the application and I believe the proposed works will be an improvement to the property, having a positive effect on neighbourhood.

Third party representations

None received.

POLICIES/LEGISLATION

The Council's Development Plan comprises:

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

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:

CP8 - Green Belt

DW1 - District Wide Spatial Strategy

Placemaking Plan:

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

D1 - General urban design principles

D2 - Local character and distinctiveness

D6 - Amenity

GB1 - Visual amenities of the Green Belt

GB3 - Extensions and alterations buildings in the Green Belt

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

OFFICER ASSESSMENT

Principle of development

The property is located within the Green Belt and as such Section 13 of the NPPF applies. Development within the Green Belt is generally considered harmful, with some exceptions. One of these exceptions is for an extension to a building, providing it does not result in disproportionate extensions to the original building.

The original building should be taken as being the building as it was first constructed, or as it was in 1946, whichever is first.

The Council has also produced an SPD for extensions to buildings within the Green Belt, it is to be noted that the SPD is in part no longer NPPF compliant, however the part that sets out guidance relating to size is useful in establishing what might be acceptable. This sets out that an extension of around a third, or 33% of the original buildings volume, will generally be considered acceptable. Previous extensions to a building are taken into account when calculating a third, and the cumulative impact must be considered.

The property has been extended significantly since its original construction, and has gone from being around 323m³ to 682m³, an increase of around 111%. The proposal would result in a 22% increase in itself, resulting in an overall volume of 754m³, which would be an increase of 133% from the original dwelling. This cannot be considered proportionate to the original building, and as such the proposal is contrary to both local and national policy due to harm caused to the openness of the Green Belt. The proposal is therefore unacceptable in principle.

Character and appearance

Mead Lane has a mix of styles with existing properties being subject to various modifications through the years. Recently a trend for properties to utilise substantial glazing and balconies in order to capitalise on the views across the river to the fields beyond. The property is in need of modernisation and the proposals are considered to be appropriate in terms of character and appearance.

Residential amenity

The proposed balcony is set between the proposed front gables and would only provide views to the front of the property over the public road and river. The front gables are set away from the boundary of a sufficient distance to prevent significant harm to residential amenity due to an overbearing impact.

Conclusion

The improvement to the dwelling in terms of character and appearance is given some weight when considering the proposal as a whole. However the proposal is for a disproportionate extension relative to the original building which in green belt terms is

innappropriate development and is harmful by definition. The test set out within the NPPF for inappropriate development is whether any special circumstances outweigh the harm caused to the openness of the Green Belt. It is not considered that the improvements to the appearance of the dwelling constitute very special circumstances, and thus they do not outweigh the harm caused. The application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development would result in a disproportionate addition over and above the size of the original dwelling. The proposal represents inappropriate development within the Green Belt, which is, by definition, harmful. No very special circumstances have been submitted which would outweigh the presumption against inappropriate development in the Green Belt. The proposal is contrary to policy CP8 of the Bath and North East Somerset Core Strategy and policies GB1 and GB3 of the Placemaking Plan.

PLANS LIST:

This decision relates to:

- | | | |
|-------------|---------------------|--|
| 26 Feb 2019 | 1155_V1.0-A101 (A1) | SITE LOCATION PLAN & EXISTING FLOOR PLANS AND ELEVATIONS |
| 26 Feb 2019 | 1155_V1.0-A102 (A1) | BLOCK PLAN & PROPOSED FLOOR PLANS AND ELEVATIONS |

Item No: 06
Application No: 18/05561/FUL
Site Location: 31 High Bannerdown Batheaston Bath Bath And North East Somerset BA1 7JZ



Ward: Bathavon North **Parish:** Batheaston **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward

Application Type: Full Application
Proposal: Alterations and extension to bungalow.
Constraints: Colerne Airfield Buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Clementine and Stephanie Gent
Expiry Date: 14th February 2019
Case Officer: Dominic Battrick
To view the case click on the link [here](#).

REPORT
REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application was referred to the Committee Chair in accordance with the Council's Scheme of Delegation. Cllr. Geoff Ward, ward councillor for Bathavon North, 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 and Batheaston Parish Council in objection to the application, contrary to officer recommendation. The Chair has considered the

application and decided that the application will be determined by the Development Management Committee.

DESCRIPTION OF SITE AND APPLICATION:

31 High Bannerdown is residential property consisting of a bungalow and detached garage within a residential estate in the village of Batheaston. The site is within the Housing Development Boundary for Batheaston, with the rear boundary of the curtilage of the property adjoining the boundary of this designation. The rear boundary adjoins the Bristol and Bath Green Belt, the Cotswolds Area of Outstanding Natural Beauty and a public right of way.

Planning permission is sought for the infill of the entrance courtyard between the bungalow and the garage of the property, with a first floor extension above the centre of the bungalow, converting the dwelling to a two storey house.

RELEVANT PLANNING HISTORY:

No recent/relevant planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS AND REPRESENTATIONS:

Batheaston Parish Council - OBJECTION:

Batheaston Parish Council maintains its objection to the application, having considered the revised scheme. The Parish Council's comments (6th March 2019) are summarised as follows:

- o The development is out of character with the High Bannerdown area.
- o The proposals set a precedent for a bungalow to be converted to a two storey house. Bungalows are an important part of the housing stock, providing for the elderly and disabled, and there are not many bungalows in Batheaston.

OTHER REPRESENTATIONS / THIRD PARTIES:

Third party representations were received from residents of 21 properties at High Bannerdown. 1 neighbour supports the application; neighbours at the remaining 20 properties object to the application, as revised.

The comments made in objection are summarised as follows:

- o The development will set a precedent within the estate for bungalows becoming two storey dwellings. This form of development has previously been refused within the street. This would encourage developers to propose similar development elsewhere within the estate.
- o Bungalows are in demand and important within the housing stock, particularly for the benefit of the elderly. More single storey dwellings are needed.
- o The development is large and disproportionate for the plot and street scene, with a loss of green space contributing to the character of the area.
- o The development is out of keeping with the Cotswold character and design of properties in the street, despite removal of extension above the garage.
- o Extensive number of large windows are out of keeping.

- o The estate was built on a hillside and the mixture of single and two storey dwellings was designed to reflect the topography.
- o Previous applications to extend the roof height of single storey dwellings at 20 and 29 were refused due to harm to character and appearance.
- o The previous extension at no. 25 is a gable extension with a slightly raised roof to provide a loft conversion and is not a full two storey extension.
- o The proposed roof pitch is too low and the roof form is out of proportion with existing building.
- o The proposed materials are out of keeping.
- o Loss of privacy to properties adjacent to the site, opposite the road and lower down the hillside, resulting from the two storey height and extensive fenestration.
- o The rear garden of no. 33 is currently not overlooked.
- o The size and design of the extension will dominate neighbouring properties to the detriment of amenity, including the rear gable, which is larger than the previous extension over the garage.
- o Details on external materials and lighting should be agreed if the application is approved.
- o A further planning application could be submitted at a later date applying for an extension above the garage.
- o Single storey dwellings in the estate have been extended without the need to add a two storey element.
- o A replacement chimney for the previously proposed flue has not been proposed.
- o Boundary trees which were previously providing screening have been removed without consultation. Concern is raised over potential further loss of trees and vegetation.
- o Loss of views to woodland beyond to the north.
- o There should be no construction work outside usual working hours.

The comments made in support are summarised as follows:

- o The property is in need of modernising.
- o Location of development should not impede on neighbours.
- o Several large dwellings already located on this side of High Bannerdown.
- o Development will allow families to move to the area.

Cllr Ward's concerns with the application (as amended) are as follows:

- o Loss of amenity to neighbouring properties.
- o Overdevelopment.
- o Out of character with the layout and design of the estate.
- o Development of the bungalow to a two storey house will set a precedent within the street.

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:

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

D3: Urban Fabric

D5: Building Design

D6: Amenity

ST7: Transport requirements for managing development

NPPF:

The adopted National Planning Policy Framework (NPPF) was revised in July 2018 and is a material consideration due significant weight. The following sections of the NPPF are of particular relevance:

Section 12: Achieving well-designed places

Due consideration has also been given to the provisions of the National Planning Practice Guidance (NPPG).

OFFICER ASSESSMENT

PLANNING ISSUES:

The main issues to consider are:

- The principle of development
- Character and appearance
- Residential amenity
- Parking and highway safety

OFFICER'S ASSESSMENT:

The principle of development:

31 High Bannerdown is a detached bungalow with a detached garage within a 1950s housing estate consisting of a mixture of bungalows and two storey houses. The site and wider estate is within the Housing Development Boundary for Batheaston.

Representations received state that the estate was designed to provide a housing mix of single and two storey dwellings, providing suitable homes for the elderly and disabled that bungalows make an important contribution to the housing stock. It is acknowledged that this housing mix is essential for new residential development, particularly for larger development schemes. However, the conversion of a single bungalow to a two storey house will have a modest impact on overall housing stock. More importantly, there are no adopted policies requiring the explicit retention of bungalows as single storey dwellings.

It is acknowledged that the development will set a precedent within the estate for a bungalow to be converted to a two storey dwelling. However, as above, there are no planning policies restricting this in principle and any future proposals elsewhere within the estate must similarly be assessed on their own merit in relation to design and any other material considerations relevant to the proposal.

Householder development in this location (outside the Green Belt) is acceptable in principle, subject to matters of design, which are considered separately below.

Character and appearance:

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

High Bannerdown is a 1950s estate consisting of a mixture of bungalows and two storey houses. The properties towards the top of the hill adjacent to the woodland to the north and east are predominantly two storey; the properties downhill consisting of single storey bungalows. The properties to the northeast of 31 High Bannerdown - including the adjacent 33 High Bannerdown - are two storey houses. It is considered that the host dwelling could be converted to a two storey house without appearing incongruous within the street scene, integrating with the existing row of houses. The topography of the area would not render the site inappropriate for a two storey dwelling given this context.

Attention has been drawn to 25 Bannerdown Road, which has previously undergone extensions and alterations to provide a first floor above the garage of the bungalow. However, the development involved the raising of the garage roof to match the main bungalow height, and a front gable to increase the volume of the roof, providing a loft conversion. The development at 25 High Bannerdown does not set a design precedent for the raising of a bungalow roof to provide a full height two storey house.

Various alterations were requested following public consultation and consideration of the initially submitted scheme. These include: replacing the external materials that are out of

keeping with the street scene, such as timber clad walls and a single ply membrane roof, with a tiled roof and rendered walls; the removal of an extension above the garage, reducing the two storey width and bulk from the front of the property; increasing the pitch of the roof; and removing the proposed flue on the front elevation.

The external materials and gabled roofs are considered to be the prevailing character within the street, in addition to the lawn gardens and landscaped boundaries. The alterations to the scheme address the characteristics of the development that were out of keeping with the character of the street.

Regarding fenestration, it is recognised that there will be a notable increase in the coverage of windows at ground and first floor level within the dwelling. However, several properties within the street have undergone similarly substantial alterations to front elevation windows, including full height windows and balconies, and the styling of fenestration is considered to be sufficiently varied that the proposals will not be harmful to character.

The concerns that the development will be overdevelopment of the plot and will result in a loss of green space are unfounded. The development infills the existing enclosed and paved courtyard between the bungalow and garage, otherwise extending upwards. It is partly the motivation of retaining the existing garden and spacing between dwellings that the applicant has sought a two storey extension instead of extending outwards at single storey level.

Overall, while the development will notably alter the appearance and increase the height and bulk of the existing dwelling, transforming the dwelling from a modest bungalow to a two storey house, the resulting dwelling will not appear out of place in the street scene given the context of adjacent houses uphill to the northeast. The proposals will not harm the character and appearance of a dwelling that would benefit from modernisation.

The external materials proposed under the revised scheme are acceptable in principle, but a condition is recommended to secure details on their specification to ensure they are sympathetic to the host building and the surrounding street scene.

The proposals are considered to be in accordance with the policy CP6 of the Core Strategy, policies D1, D2, D3 and D5 of the Placemaking Plan and section 12 of the NPPF.

Residential amenity:

Policy D6 sets out to ensure developments provide an appropriate level of amenity for occupiers of the development and surrounding properties in terms of privacy, outlook and natural light, and that significant harm is avoided to private amenity by reason of loss of light, increase noise, smell, overlooking, traffic or other disturbance.

The extension above the garage, initially proposed, was removed from the scheme to address the overbearing impact on the adjacent 29 High Bannerdown. 29 High Bannerdown is downhill of the site and has a fully glazed conservatory adjacent to the garage of the application site. The conservatory provides the only light source to the

kitchen of 29 High Bannerdown, and the applicant was advised that an extension above the garage would not be supported.

In lieu of this, the first floor design has been reconfigured to provide a deeper extension within the centre of the property with a rear projecting gable. Whilst it is recognised that this rear first floor addition will be materially larger than the extension over the garage, its impact will be significantly reduced. The extension is located centrally within the site, at a reasonable distance away from the adjacent side boundaries (approximately 6 metres from the boundary of 33 High Bannerdown and 7.5 metres from the boundary of 29 High Bannerdown), and will not result significant overbearing impacts or loss of light to the adjacent gardens, rear elevations or side windows facing the site.

The moving of the rear elevation wall further back will also further reduce overlooking, particularly towards 29 High Bannerdown, due to the oblique angles of windows towards adjacent gardens. The rear elevation windows will not result in intrusive overlooking overall due to the viewing angles they will provide.

Regarding the overlooking of front elevation windows to number 20 directly opposite, it is recognised that this elevation is not currently overlooked by any windows. However, the two storey elevation will be sited approximately 26 metres away from the opposing front gable projection, and at a greater distance from the rest of the opposing front elevation of 20 High Bannerdown. Given that this is a front elevation, with an intervening highway, the level of privacy afforded to the windows on this elevation is already reduced. The overlooking and its impacts on privacy and overall amenity will be no greater than the impacts resulting from the existing two storey houses on properties opposite.

No side elevation windows are proposed above ground floor level. The variation in ground levels between properties is not so great that overlooking at ground floor level cannot be mitigated by boundary treatment, if necessary. Ground floor side elevation windows may also be installed through permitted development rights. Had the applicant explored alternatives for a single storey extension to the rear, it is likely that side elevation windows would be inevitable.

Overall, the proposed development is in accordance with policy D6 of the Placemaking Plan.

Highways Safety and Parking:

Policy ST7 requires that development avoids an increase in demand for on-street parking in the vicinity of the site which would detract from highway safety and/or residential amenity.

The proposed development will maintain the existing parking and access provision, which is considered adequate for the proposed development. The development will not compromise highway safety, in accordance with policy ST7 of the Placemaking Plan.

Other Matters:

Both the applicant and neighbours have referred to previous applications for two storey extensions approved or refused within High Bannerdown. Upon review of the street's

planning history, approved development appear to mostly relate to existing two storey dwellings, while two storey extensions to bungalows have been refused. However, the applications will have been assessed on their own merits, based on the design impacts of the proposals and the circumstances of the site and extant policy at the time. As stated above, the planning history within the street does not dictate that a two storey extension to a bungalow cannot be acceptable.

The potential for future planning applications for extensions does not carry significant weight and a proposal for such would be assessed on its own merits if an application arose. Similarly, any proposals to provide a flue or chimney would also have been considered on their own design merits.

The loss of private views to the woodland beyond the site carries very little weight in the assessment of this application and could not be refused on these grounds.

CONCLUSION:

Overall, whilst it is recognised that there is local objection to the principle of converting the bungalow to a two storey house, there are no planning policy grounds to restrict this. The proposals must be assessed on their design merits, and it is concluded that a two storey house in this location would not be out of keeping within the street scene. The design of the proposals, as revised, is considered acceptable overall, giving regard to its impacts on the character and appearance of the site and its surroundings, and residential amenity.

It is recommended that the application is permitted.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

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

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

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

3 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans:

Survey Ground Floor Plan - 720 S 02, Survey Roof Plan - 720 S 03, Survey Elevations - 720 S 04, all received 20/12/2018; Location and Site Plan - 720 P 01B, Ground Floor Plan - 720 P 02A, First Floor Plan and Section AA - 720 P 03A, Roof Plan - 720 P 04A, Elevations - 720 P 05B, Elevations - 720 P 06A, all received 22/02/2019.

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 or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the

regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Protected Species

Bats are protected species under EU and national law. If bats are found during the construction phase, works must cease the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker must be contacted for advice before proceeding.

Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 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/revised proposals was taken and consent was granted.

Item No: 07
Application No: 18/04535/FUL
Site Location: 49 - 50 Meadow Park Bathford Bath Bath And North East Somerset BA1 7PY



Ward: Bathavon North **Parish:** Bathford **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward
Application Type: Full Application
Proposal: Installation of timber decking and paved areas at rear of house with new decking and paving, including isolated raising of perimeter fences (retrospective).

Constraints:	Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome, Tree Preservation Order,
Applicant:	Mr Mujib Khan
Expiry Date:	26th April 2019
Case Officer:	Martin Almond
To view the case click on the link here .	

REPORT

The application is being considered at Development Management Committee due to the officer recommendation being contrary to the response received from Cllr Millar and Bathford Parish Council.

Retrospective planning permission is sought for the installation of new timber decking and paved areas at the rear of the property including the raising of certain sections of boundary fencing at 49-50 Meadow Park, Bathford.

The property is a large link detached two storey property set within a residential area. The gardens of all the properties step steeply down a slope to a wooded area to the rear of the gardens, the wooded open space is accessed by a path alongside the boundary of the property. The property is not located within the World Heritage Site or conservation area.

No relevant planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Cllr Millar - Application is retrospective, development will overlook green space to rear, represents over-development, harms residential amenity.

Cllr Ward - I visited this site and was most surprised by the scale of the timber structure that has been created at the rear of this property. It appears to cover the whole of the rear garden area and certainly can not be described as replacing what previously existed by way of decking and steps. It now is a dominating elevated structure which badly affects to enjoyment of adjacent property gardens and its new elevated height causes overlooking of adjacent properties. It adversely impacts and affects the natural landscape and character of the rear gardens. The creation of considerable storage space with enclosed undercrofts create considerable storage and risk of fire compounded by the nature of the timber structure. Land permeability and drainage will be impacted given the need to create weather proofing to storage areas. All in all the work should not have been started on this scale before the application was determined.

Bathford PC - Development will have unacceptable intrusive impact upon neighbouring properties, timber construction could be a fire risk.

7 objections and two comments received summarised as follows:

- Application is retrospective
- Trees and vegetation have been damaged
- Decking will result in overlooking and loss of privacy
- Proposed infill and fence by footpath will be overbearing
- No drainage details are shown
- Possible ground stability issues
- Proposal is not in keeping with existing character and appearance.
- Insufficient details provided for garden room.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

Core Strategy:

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

CP6: Environmental quality

Placemaking Plan:

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

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D5: Building design

D6: Amenity

ST7: Transport requirements for managing development

National Policy:

The National Planning Policy Framework and National Planning Practice Guidance.

OFFICER ASSESSMENT

Work to the rear garden of 49-50 Meadow Park has been substantially completed to replace an old timber deck which has resulted in an increase in height of the finished

decking and the enlargement of a lower patio area with elevated timber deck. Access to the various levels is afforded by either timber or stone steps. Retaining walls have been re-constructed and enhanced. Lighting has been installed into the decking surface.

CHARACTER AND APPEARANCE

The works to the rear garden are not considered to unacceptably harm the residential character of the property or the area. The use of the rear garden will remain as domestic outside space and the current work has replaced an old timber deck. Whilst the improved access to the space and the increase in size of the space may lead to an increased use of the external space such use would not be out of character with the residential use of the property. The works are not visible from public vantage points.

AMENITY

The submitted application proposes to raise the height of the boundary fence between 48 Meadow Park and 49-50 Meadow Park at certain points in an attempt to mitigate the potential impact on levels of residential amenity caused by providing the raised, enlarged and new surfaces.

Revised plans have been received which propose to use three wooden planters to prevent access to the last 1.5m of the raised decking platform on the lower terrace and show that the additional fencing will be of a close-boarded type and not trellis. The sections of raised fencing will provide a two metre high fence along the boundary between the properties.

The rear gardens of 49-50 and 48 Meadow Park are both terraced down the slope away from the properties. The dwelling at 48 Meadow Park is set slightly above 49-50 Meadow Park and has a different arrangement of terraces. The boundary treatment between the two properties is currently a high close boarded timber fence which steps down the slope.

Due to the layout and topographical conditions of the surrounding area, the rear of the properties along this section of Meadow Park have a close relationship with one another and there is an existing level of overlooking of the private amenity spaces and of the rear of the properties from both the properties and gardens. This close relationship between the two gardens has to some extent been controlled by the boundary fence.

The new decking adjacent to the rear of the dwelling at 49-50 Meadow Park has been raised and extends slightly further than the previous surface and therefore there is an increased potential for overlooking. The submission shows that the existing fence in this location will be raised which is considered adequate to prevent direct overlooking into the garden of 48 Meadow Park and is considered to provide sufficient protection of existing levels of residential amenity.

The presence of occupants of 49-50 Meadow Park on the lower decking due to its enlargement may be more obvious to residents of the adjoining property and the reformed terraced areas may be used more frequently however this does not mean that significant harm will be caused. The useable area of the lower decking that can be accessed by residents of 49-50 Meadow Park has been reduced and this, coupled with the modest

increase in fence height is considered to decrease intervisibility between the properties that may currently be experienced due to these changes not yet being instigated.

It is not considered that an increase in fence height would have an unacceptable impact upon the residential amenity of 48 Meadow Park and due to the short sections required will not appear overbearing. Taking into account the existing situation between properties and the works proposed to the fence and planters, the works undertaken in the rear garden are not considered to cause significant harm to the residential amenity of the adjoining property.

The area below the raised decking area is proposed to be used for storage by the occupants of 49-50 Meadow Park. Currently this area is shown as having open sides, whilst there is potential for this area to be enclosed and used as enclosed storage it is not considered that this would have any detrimental impact.

A number of surface level light have been installed within the decking. The installation of lighting within a domestic garden would normally be permitted development however since the as-built structure is unauthorised consideration should be given to any impacts that the lighting will have.

The rear of the property already has external lighting installed to the rear elevation. Any additional increase in light levels to the rear of the properties is considered to be limited due to the type and position of the inset lighting.

The raising of the fence on the boundary with the footpath whilst higher than previously in place is not considered to be overbearing and does not unacceptably harm the character of the area.

Areas of the rear garden remain permeable (such as the terraced areas for planting) and sufficient space exists within the garden to control surface water.

The application is recommended for approval subject to a conditions.

RECOMMENDATION

PERMIT

CONDITIONS

1 Boundary Fencing (Bespoke)

Within 3 months of the date of the decision the additional boundary fencing and planters shown on drawing MPB49 101A and MPB49 102A dated as received 20th March 2019 shall be installed and thereafter permanently retained.

Reason: In the interests of residential amenity.

2 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to drawings MPB1000 dated as received 10th October 2018, MPB49/100 Rev B dated as received 28th November 2018 and drawings MPB49/101A and MPB49 102A dated as received 20th March 2019.

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 or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Community Infrastructure Levy

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

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

Item No: 08
Application No: 18/05670/FUL
Site Location: Richmond House Weston Park Upper Weston Bath Bath And North East Somerset



Ward: Weston **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Colin Barrett Councillor Matthew Davies
Application Type: Full Application
Proposal: Erection of a rear kitchen & garden room extension.
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, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Mr Matthew Davies
Expiry Date: 26th April 2019
Case Officer: Adrian Neilson
To view the case click on the link [here](#).

REPORT

The Grade II protected building is located in the Bath Conservation Area and wider World Heritage Site and in the area of Bath known as Weston. It is one of a characteristic pair of Regency villas dating from the early C19 employing the increasingly popular semi-detached formula, but showing the clear influence of urban terrace design. It is typically constructed in local limestone ashlar with a double-depth plan and three storeys including an attic storey.

The proposals are for internal and external alterations to include erection of a rear kitchen & garden room extension.

Reason for consideration by Development Management Committee: the applicant is Cllr Matthew Davies and therefore cannot be considered under delegated powers.

Planning History

DC - 00/00408/LBA - CON - 3 August 2000 - External alterations to replacement of sash windows to front

elevations of Weston Park House and Richmond House.

DC - 98/00048/FUL - PERMIT - 26 March 1998 - Erection of railings and gates to frontage of Weston Park

House and Richmond House.

DC - 98/00049/LBA - CON - 19 March 1998 - Erection of railings and gates to frontage of Weston Park

House and Richmond House.

DC - 12/05187/FUL - PERMIT - 15 January 2013 - Provision of new vehicle access from Weston Park.

DC - 12/05188/LBA - CON - 15 January 2013 - Provision of new vehicle access from Weston Park.

DC - 15/03636/FUL - PERMIT - 22 October 2015 - Erection of 1no four bed detached dwelling and creation

of new access following demolition of 2no existing garages.

DC - 16/02046/FUL - PERMIT - 30 June 2016 - Erection of 1no cottage and 2no town houses following

demolition of existing dwelling and 2no garages.

DC - 16/04612/TCA - NOOBJ - 20 October 2016 - 1x Lawsons Cypress (T1) - fell.

DC - 18/00587/TCA - NOOBJ - 15 March 2018 - 1x Apple T1 - fell.

DC - 18/00596/TCA - APPRET - Apple-Fell.

DC - 18/04130/NMA - APP - 13 November 2018 - Non-material amendment to application 16/02046/FUL

(Erection of 1no cottage and 2no town houses following demolition of existing dwelling and 2no garages).

DC - 18/05671/LBA - PCO - Erection of a rear kitchen & garden room extension.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

One neighbour objection received relating to the use of the proposed colour of the zinc cladding.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)

- Policy GDS.1/V3: Paulton Printing Factory (site)
- Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- Neighbourhood Plans

RELEVANT CORE 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:

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

RELEVANT PLACEMAKING PLAN

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

D1: General urban design principles
 D2: Local character and distinctiveness
 D.3: Urban fabric
 D.5: Building design
 D.6: Amenity
 HE1: Historic environment

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

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

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

OFFICER ASSESSMENT

The site is located within the Bath Conservation Area and, whilst the area was originally characterised by either detached or paired, predominantly early C19 villas set within generous garden plots, Richmond House is one of a pair of villas whose garden plot has been reduced and adjoining sites have recently been redeveloped. The setting and the composition in which Richmond House sits has therefore been altered by these changes.

The existing ashlar built side extension appears to post-date the principal house originating from the early to mid C20 having replaced a C19 glass house. The quality of its

construction does not match that of the principal house. Furthermore, it has been significantly altered internally and externally reducing its significance and architectural interest. The modern external alterations include the construction of a half storey lead-clad roof extension.

The plans show that the majority of the extension proposed is positioned to the side of the existing property and is comprised of two parts: a glazed single storey extension and a first floor roof extension to provide an en-suite bathroom and dressing room for the master bedroom.

The design approach has deliberately adopted a modern style to differentiate it from the historic house and make it legible as a modern intervention as distinct from the existing modern lead-clad roof extension that is overtly traditional in style. It is acknowledged that this approach is robust and bold, as is the use of a bronze or brown coloured zinc cladding that has caused concern from a neighbour. The use of this alternative roof covering and glazing clearly separate the extension from the character of the historic building, whilst at the same time the bronze or brown coloured zinc is close in the colour scale to the honey coloured limestone that the principal house and the historic extension are constructed from. It therefore integrates visually, relating to the principle building without seeking to follow a traditional interpretation. The glazing will reflect the surrounding garden context and will assist in the integration of the extension. The greatest visual impact is to the rear elevation. The impact to the front and primary elevation will be more limited with and only a smaller proportion of the roof extension visible. The neighbour objection to the use of the brown coloured zinc cladding is acknowledged and has been duly considered in the assessment of the proposals.

The proposal will not cause a reduction in levels of daylight or sunlight to neighbouring properties and will not result in an increase in levels of overlooking to other properties

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting.

There is also a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would not have an unacceptable impact on the listed building or its setting and would preserve the significance of the designated heritage asset.

The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

3 Zinc and Glazing Samples (Bespoke Trigger)

No installation of the zinc cladding or glazing shall commence until samples have 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.

PLANS LIST:

1847 AP(0)10, 1847 AP(0)20, 1847 AP(0)40, 1847 AS(0)10, 1847 AS(0)20, 1847 AS(0)01
date stamped 21 December 2018.

Community Infrastructure Levy

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

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

Condition Categories

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

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

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

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

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

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

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

Item No: 09
Application No: 18/05671/LBA
Site Location: Richmond House Weston Park Upper Weston Bath Bath And North East Somerset



Ward: Weston

Parish: N/A

LB Grade: II

Ward Members:	Councillor Colin Barrett Councillor Matthew Davies
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	External and internal alterations to include erection of a rear kitchen & garden room extension.
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, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant:	Mr Matthew Davies
Expiry Date:	26th April 2019
Case Officer:	Adrian Neilson
To view the case click on the link here .	

REPORT

The Grade II protected building is located in the Bath Conservation Area and wider World Heritage Site and in the area of Bath known as Weston. It is one of a characteristic pair of Regency villas dating from the early C19 employing the increasingly popular semi-detached formula, but showing the clear influence of urban terrace design. It is typically constructed in local limestone ashlar with a double-depth plan and three storeys including an attic storey.

The proposals are for internal and external alterations to include erection of a rear kitchen & garden room extension.

Reason for consideration by Development Management Committee: the applicant is Cllr Matthew Davies and therefore cannot be considered under delegated powers.

Planning History

DC - 00/00408/LBA - CON - 3 August 2000 - External alterations to replacement of sash windows to front elevations of Weston Park House and Richmond House.

DC - 98/00048/FUL - PERMIT - 26 March 1998 - Erection of railings and gates to frontage of Weston Park House and Richmond House.

DC - 98/00049/LBA - CON - 19 March 1998 - Erection of railings and gates to frontage of Weston Park House and Richmond House.

DC - 12/05187/FUL - PERMIT - 15 January 2013 - Provision of new vehicle access from Weston Park.

DC - 12/05188/LBA - CON - 15 January 2013 - Provision of new vehicle access from Weston Park.

DC - 15/03636/FUL - PERMIT - 22 October 2015 - Erection of 1no four bed detached dwelling and creation of new access following demolition of 2no existing garages.

DC - 16/02046/FUL - PERMIT - 30 June 2016 - Erection of 1no cottage and 2no town houses following demolition of existing dwelling and 2no garages.

DC - 16/04612/TCA - NOOBJ - 20 October 2016 - 1x Lawsons Cypress (T1) - fell.

DC - 18/00587/TCA - NOOBJ - 15 March 2018 - 1x Apple T1 - fell.

DC - 18/00596/TCA - APPRET - Apple-Fell.

DC - 18/04130/NMA - APP - 13 November 2018 - Non-material amendment to application 16/02046/FUL

(Erection of 1no cottage and 2no town houses following demolition of existing dwelling and 2no garages).

DC - 18/05670/FUL - PCO - Erection of a rear kitchen & garden room extension.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

One objection received relating to the use of bronze/brown coloured zinc.

POLICIES/LEGISLATION

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

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

The Revised National Planning Policy Framework (NPPF) 2019 is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

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

The statutory Development Plan for B&NES comprises:

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

Core Strategy:

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

- CP6 - Environmental quality
- B4 - The World Heritage Site

Placemaking Plan:

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

HE1 Historic Environment

Historic Environment Good Practice Advice in Planning Notes issued by Historic England:

- Making Changes to Heritage Assets
- Managing Significance in Decision-taking in the Historic Environment
- The Setting of Heritage Assets

OFFICER ASSESSMENT

The site is located within the Bath Conservation Area and, whilst the area was originally characterised by either detached or paired, predominantly early C19 villas set within generous garden plots, Richmond House is one of a pair of villas whose garden plot has been reduced and adjoining sites have recently been redeveloped. The setting and the composition in which Richmond House sits has therefore been altered by these changes.

The existing ashlar built side extension appears to post-date the principal house originating from the early to mid C20 having replaced a C19 glass house. The quality of its construction does not match that of the principal house. Furthermore, it has been significantly altered internally and externally reducing its significance and architectural interest. The modern external alterations include the construction of a half storey lead-clad roof extension.

The principal house has also suffered from some modern interventions to the side elevation including an external modern flue that spans the entire height of the building and the stone it is constructed in is failing. To the rear is a canted oriel bay window that was latterly clad in uPVC panels.

The proposals are to create more living space to the ground and first floors. On the ground floor the proposal is to construct a structural glass kitchen/garden room extension as a continuation to the existing historic extension. The roof extension will double the amount of existing space to serve the bedrooms and is proposed to be clad in a bronze coloured zinc roof covering.

The design approach has deliberately adopted a modern style to differentiate it from the historic house and make it legible as a modern intervention as distinct from the existing modern lead-clad roof extension that is overtly traditional in style. It is acknowledged that this approach is robust and bold, as is the use of a bronze or brown coloured zinc cladding that has caused concern from a neighbour. The use of this alternative roof covering and glazing clearly separate the extension from the character of the historic building, whilst at the same time the bronze or brown coloured zinc is close in the colour scale to the honey coloured limestone that the principal house and the historic extension are constructed from. It therefore integrates visually, relating to the principle building without seeking to follow a traditional interpretation. The glazing will reflect the surrounding garden context and will assist in the integration of the extension. The greatest visual impact is to the rear elevation. The impact to the front and primary elevation will be more limited with and only a smaller proportion of the roof extension visible. The neighbour objection to the use

of the brown coloured zinc cladding is acknowledged and has been duly considered in the assessment of the proposals.

The internal alterations will involve the blocking of an existing door opening and the creation of a new door opening and reusing the historic door. Whilst this will result in the loss of some historic fabric this will have a minor impact on the significance of this part of the building.

The proposed opening created by the enlargement of an existing small window will likewise result in the loss of historic fabric this will have a minor impact on the significance of this part of the building.

The applicants were encouraged to identify heritage gains as part of the proposals and it is noted that some form part of the proposals. Whilst these are more limited in scope than had been hoped for they do include the removal of the detracting C20 stone-built flue to the side elevation and the repair and enhancement of the canted oriel bay to the rear that includes the replacement of the modern uPVC cladding with timber. This will improve the appearance and presentation of the listed building.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. There is also a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered, on balance, that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance including the Council's specialist guidance: The Cleaning of Bath Stone (2010), policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF. The proposals would be an acceptable alteration to the listed building that preserve its architectural interest and character and will preserve and enhance the setting and appearance of the conservation area.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

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

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

2 Plans List (Compliance)

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

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

3 Timber Cladding Joinery Details (Bespoke Trigger)

No installation of the external timber cladding of the rear canted oriel bay shall commence until full details comprising 1:5 elevations and 1:1 or 1:2 horizontal and vertical sections and proposed paint colour have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

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

4 Reuse of Door Architrave (Compliance)

The existing architrave of the door opening that is proposed for infilling shall be reused for the proposed new door opening on the first floor shown on drawing: 1847 AP(0) 10.

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

5 Installation of Skirting (Compliance)

The installation of new skirting as a result of the blocking of the internal door shall exactly replicate the detail of existing adjacent historic skirting including height, depth and mouldings.

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

PLANS LIST:

1847 AP(0)10, 1847 AP(0)20, 1847 AP(0)40, 1847 AS(0)10, 1847 AS(0)20, 1847 AS(0)01
date stamped 21 December 2018.

Community Infrastructure Levy

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

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

Condition Categories

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

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

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

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

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

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

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

Bath & North East Somerset Council

MEETING:	Development Management Committee
MEETING DATE:	24 th April 2019
TITLE:	Bath and North East Somerset Council (Land to West of Weston All Saints Primary School, Osbournes Hill, Upper Weston, Bath No. 318) Tree Preservation Order 2018
WARD:	Bathavon North
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <ol style="list-style-type: none"> 1. Map from Bath and North East Somerset Council (Land to West of Weston All Saints Primary School, Osbournes Hill, Upper Weston, Bath No. 318) Tree Preservation Order 2018. 2. Objection letter from the land owner 3. Objection email from Lansdown Grange Farm 4. Support letter from Charlcombe Parish Council 5. Support letter from Friends Of The Orchard 6. Support letter from Bath Preservation Trust 7. Summary of support comments received from residents. 8. Map from Wansdyke District Council (Charlcombe No.3) Tree Preservation Order 1988 	

1.0 SUMMARY

- 1.1 The Tree Preservation Order entitled Bath and North East Somerset Council (Land to West of Weston All Saints Primary School, Osbournes Hill, Upper Weston, Bath No. 318) Tree Preservation Order 2018 (“the TPO”). was made following requests from local residents following the sale of the land and subsequent commencement of tree felling.
- 1.2 The woodland is considered to provide an important visual amenity and contributes towards the character of the locality and green infrastructure. The TPO was provisionally made on the 6th November 2018.
- 1.3 The TPO has been brought to the Development Management Committee because two objections have been received from the land owner and the owner of Lansdown Grange Farm following the making of the TPO.
- 1.4 The making of the TPO has been supported by Charlcombe Parish Council, The Friends of The Orchard, Bath Preservation Trust and representations from in excess of 100 residents.

2.0 RECOMMENDATION

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

3.0 FINANCIAL IMPLICATIONS

3.1 Financial: Under the law as it stands the owner of the trees cannot claim compensation from the Council for making them the subject of a tree preservation order. However if a tree is covered by a tree preservation order and the Council refuses an application to fell the tree, the owner may be able to claim compensation if he or she suffers a loss or damage as a consequence of that refusal.

3.2 Staffing: None.

3.3 Equalities: In deciding to make the TPO the provisions of the Human Rights Act 1998 have been taken into account. It is considered that Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property) of the convention rights apply in this matter. Confirmation of the TPO is however, considered to be a proportionate interference in the wider public interest.

3.4 Economic: None.

3.5 Environment: The woodland which is the subject of this report makes an important contribution towards the visual amenity and green infrastructure in the local area. The site is located within the setting of the World Heritage Site and adjacent to the Green Belt and Area of Outstanding Natural Beauty. There are known records of bat activity on and adjacent to the site.

3.6 Council Wide Impacts: Officers from Development Management will need to take account of the Tree Preservation Order when considering any application for development or alterations on the site which might affect it.

4.0 THE REPORT

4.1 Background

4.2 A number of emails had been received reporting that tree felling had commenced following the sale of the site and that the sales particulars indicated that it was a possible development opportunity suggesting that more felling was expected. A Tree Preservation Order was requested.

4.3 The entire site was assessed as a result of the requests and it was concluded that the trees contributed towards the visual amenity of the area and green infrastructure as a whole. It was therefore considered expedient to make a Tree Preservation Order. The woodland TPO category was determined to be the most appropriate because the combined contribution was greater than the merits of the individual trees making up the woodland. The woodland category also protects trees and saplings which are planted or grow naturally after the TPO is made. This assessment complies with paragraph 28 of the Planning Practice Guidance titled Tree Preservation Orders and trees in conservation areas.

4.4 The Cotswolds Area of Outstanding Natural Beauty and the Green Belt boundaries border the northern and part of the western boundary of the site. The site lies within the designated landscape setting of the settlement of Bath and the boundary of the World Heritage Site borders the eastern boundary.

4.5 Responses to the Tree Preservation Order

4.6 The Council is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

4.7 Two objections have been received to the making of the Order. One letter has been received by the owner of the land and an email has been received from the resident of Lansdown Grange Farm. The decision on whether the TPO should be confirmed or not must therefore be made by Councillors. Committee Members are advised to read the letter and email which are attached to this report.

4.8 Charlcombe Parish Council submitted comments in support of the Order. The comments of the Parish Council are attached.

4.9 The Friends Of The Orchard and Bath Preservation Trust have submitted representations in support of the Tree Preservation Order. Both representations are attached at the end of this report.

4.10 The Council also received over 100 individual representations from residents in support of the Order. A summary of the comments are included within the Table of Representations attached to this report.

4.11 A summary of the objections to the TPO listed within section 3 of the objection letter from the land owner are:

- i. An existing TPO already protects trees in the site and adequately protects the landscape character and green infrastructure.
- ii. The removal of undergrowth would enhance the visual amenity because the stream would become visible from Osbournes Lane.
- iii. The TPO prevents effective or sensitive woodland management such as thinning operations to the detriment of the trees including those protected by the existing TPO.
- iv. The landowner has aspirations to build housing on the site but would be amenable to a legal agreement to secure a woodland management plan.
- v. Any development proposal would incorporate planting and bat and nest boxes which the landowner considers would improve habitat diversity.
- vi. A sewer exists on the site and an easement would be necessary for maintenance purposes. The trees could damage the sewer and cause access difficulties.
- vii. The TPO will render the site unusable, including the most recent use for stabling horses.

- 4.12 The objections outlined in section 4.11 have been considered by the officer and the following comments are made:
- i. The existing TPO was made in 1987 and related to eleven individual trees within the site. A copy of the map from the TPO is attached to this report. The owner will be aware that the condition of these trees is variable and has resulted in an application for works which included the felling of two of the Horse Chestnuts. The existing TPO is not considered to be sufficient to reflect the current appearance of the site or the contribution which the natural regeneration which has subsequently developed provides.
 - ii. Insufficient information has been provided regarding the intentions of the landowner to demonstrate that works would be an enhancement to the visual amenity of the site as a whole.
 - iii. A TPO does not prevent proactive and planned woodland management. Paragraph 071 of Government guidance on application states: *Where appropriate, authorities should encourage single applications for regularly repeated operations and phased works or programmes of work on trees under good management. In these cases the authority should satisfy itself that the proposed works are appropriate for this type of consent and that the relevant evidence supports this. The authority must ensure that applications clearly specify the proposed works and their timing or frequency. A programme of works could describe the classes of works which will need to be carried out as routine maintenance during the specified period. A programme including tree felling should be more specific and should, where appropriate, cater for replacement tree planting.*
 - iv. A legal agreement with the Council is not required to develop a woodland management plan. No planning application has been received on which to comment in respect of the suitability of the site for development.
 - v. An ecological assessment of the site would inform what enhancements might benefit wildlife.
 - vi. No information has been provided regarding the position of the sewer on which to comment, however, the Council's consent is not required in certain circumstances for work carried out by, or at the request of statutory undertakers as listed under regulation 14 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
 - vii. The land owner has referred to aspirations to build on the site. The Council offers a pre-application advice service which gives an Officers opinion on whether or not a particular scheme is likely to receive permission or to indicate that this land use is appropriate for the site in the first instance. The opinion is based on planning issues and other topics including ecology, drainage and flood risk, as well as trees. Pre application advice is not published on the web site, however it will be released if requested under the Freedom of Information Act.

- 4.13 The objections to the Tree Preservation Order from the owner of the adjacent property, Lansdown Grange Farm, are:
- i. The TPO appears to be the result of complaints following the erection of fencing.
 - ii. The trees have developed on a former paddock as a result of non-management of the land.
 - iii. The making of the TPO, restricting the use of the land by the owner, appears unfair.
 - iv. The removal of a few trees and shrubs should not have a significant impact on the wildlife.
- 4.14 The objections outlined in sections 4.13 have been considered by the officer and the following comments are made:
- i. The TPO was the result of requests following the commencement of tree felling. Complaints relating to the erection of fencing would not trigger a TPO assessment.
 - ii. The TPO assessment is based on the present condition of the land, not past condition or use. Trees generating from natural regeneration over time are no less important than trees which have been planted.
 - iii. The making of the TPO does not necessarily restrict land use. The land owner has referred to aspirations to build houses but with no supporting documentation to indicate that this is a suitable use for the land.
 - iv. The TPO would ensure that any form of tree removal is sensitively undertaken and would prevent wholesale clearance.

4.15 Relevant History

4.16 17/05304/TPO – works to 1 x Horse Chestnut – CONSENT

4.17 18/05660/TPO - works to 20 trees including the felling of 5 trees – SPLIT DECISION

5.0 LEGAL AND POLICY FRAMEWORK

Tree Preservation Order

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

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

- 5.2 The law on TPOs is in the Town and Country Planning Act 1990 and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012 which came into effect on 6th April 2012 .
- 5.3 A local planning authority may make a tree preservation order if it appears
 “Expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”
- 5.4 The Council’s Arboricultural Officers have a written method for assessing the ‘Amenity’ of trees and woodlands. This is in keeping with Government guidance, and takes account of the visual impact of trees and their contribution to the landscape, their general overall health and condition, their longevity and their possible or likely impact on services and property.
- 5.5 This assessment concluded, having taken account of, visual amenity, tree health considerations and impact considerations, that it would be expedient in the interest of amenity to make provision for the preservation of the woodland. The new TPO was made on 6th November 2018 and took effect immediately and continues in force for a period of six months (6th May 2019).

Planning Policy

- 5.6 Bath and North East Somerset Placemaking Plan 2015

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

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

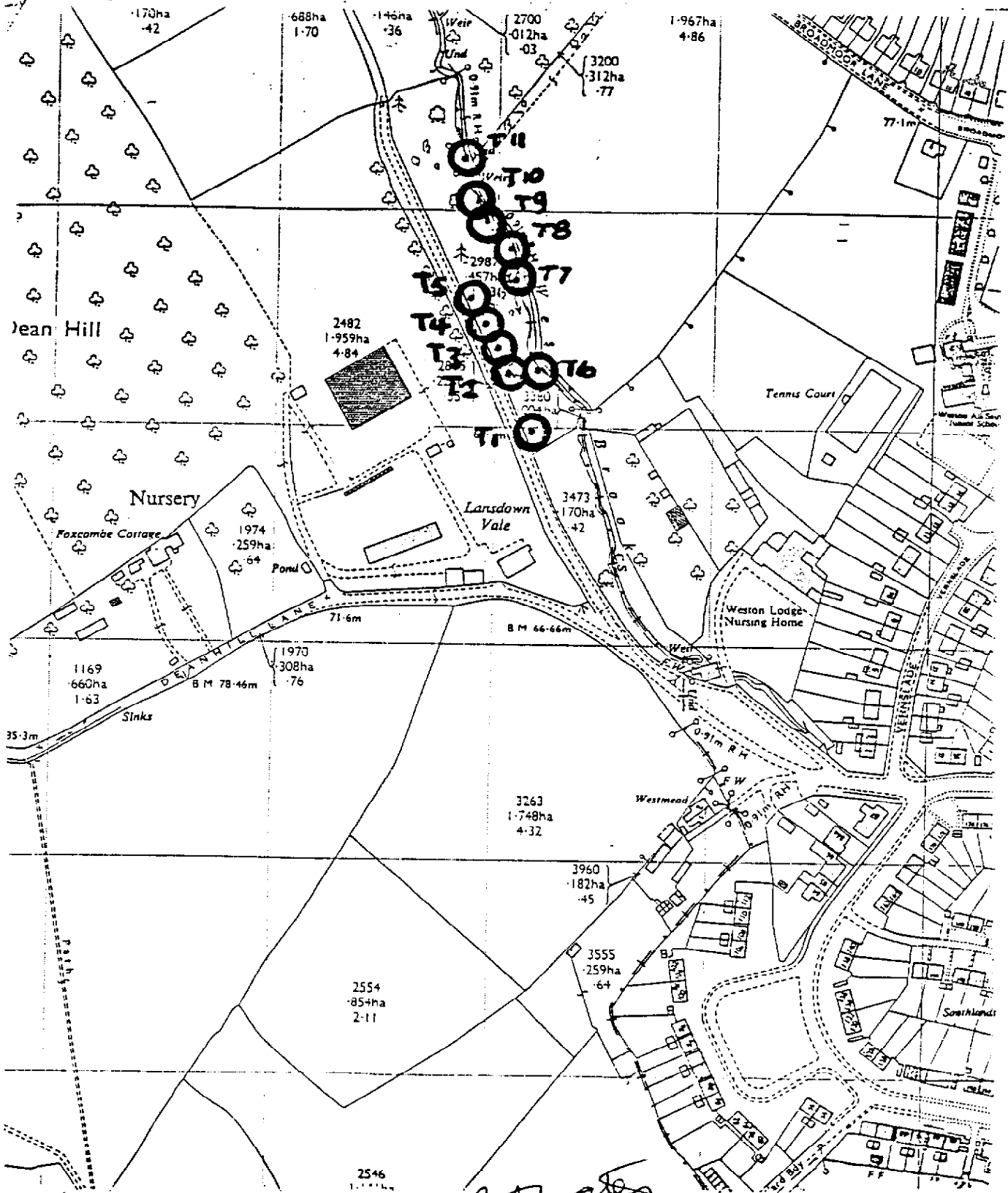
273. ‘Much of the tree cover in the urban areas is in a critical condition and there is little or no replacement planting for over-mature trees in decline. Infill development has often reduced the space available for planting large tree species. In addition, new tree planting takes many years to mature.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

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

6.0 CONCLUSION

- 6.1 The woodland contributes towards the local visual amenity and landscape character of the area.
- 6.2 Confirmation of the TPO would help to support the retention of the woodland and would ensure that their contribution is duly considered when determining any future planning applications.
- 6.3 An application supported by sound arboricultural reasons for pruning or felling as the need arose in the future can be made under the TPO. The Council will then be able to condition the quality of the workmanship or replacement planting as appropriate.
- 6.4 In keeping with the Council's commitment to conserve and enhance the environment, it is recommended that the Committee confirm the TPO without modification.

Contact person	Jane Brewer 01225 477505
-----------------------	--------------------------



8219.

Scale: 1:2500	Date: DECEMBER 1987	Drawn By: <i>[Signature]</i>
Grid Ref: ST 72306685	SECTION: DEVELOPMENT PLANNING SERVICES	
TITLE: WANSDYKE DISTRICT COUNCIL (CHARLCOME N° 3) TREE PRESERVATION ORDER 1987		WANSDYKE DISTRICT COUNCIL PLANNING DEPARTMENT TOWN HALL KEYNSHAM BRISTOL BS18 1EF
		Plan Ref No. PL 11/2/0506/3

BY RECORDED DELIVERY AND EMAIL

To: Bath & North East Somerset Council
Development Management
Planning Services
Lewis House
Bath
BA1 1JG

Attention: Mark Reynolds, Group Manager (Development Management)

Email: development_management@bathnes.gov.uk

Date: 12 December 2018

Dear Mr Reynolds

Town & Country Planning (Tree Preservation) (England) Regulations 2012 – Notice of Making Tree Preservation Order (Land to the West of Weston All Saints Primary School, Osbournes Hill, Upper Weston, Bath No. 318) (the "Property") dated 6 November 2018 (the "Temporary TPO")

1. Introduction

1.1 I refer to:

- (a) the Temporary TPO, a copy of which is attached at Schedule 1 to this letter; and
- (b) the tree preservation order having immediate effect issued by Wandsdyke District Council (Charlcombe No.3) dated 10 March 1988, a copy of which is attached at Schedule 2 to this letter (the "**Existing TPO**").

1.2 I am writing to respond to the Temporary TPO and register my objection to the order being permanently adopted.

2. Background to erection of fencing around the Property

2.1 As you will be aware, there have been some complaints from the local community as a result of the erection of some fencing around the Property. The fencing was erected as a result of a request by Paul Jones, the caretaker of Weston All Saints Primary School ("**WASPS**"). Paul Jones requested that I make the Property secure in order to prevent people using the Property to access WASPS. This has previously happened on a number of occasions, leading to the school being vandalised. The fencing was erected as a reasonable means of protecting a council asset, as well as for the reasons stated below.

2.2 The Property has also been widely known to be used for drug abuse, fly tipping, criminal damage and generally anti-social behaviour. In order to protect the Property from such anti-social behaviours, I felt compelled to erect the fencing around the Property.

2.3 Thirdly, the Property is not subject to any public right of way. People using the Property are doing so in breach of trespass laws. I therefore felt it would be prudent to erect the fencing around the Property to prevent any access in breach of those laws.

2.4 I have taken reasonable measures to prevent the Property being subject to trespass. I have also sought to ensure that unlawful entry is avoided and the potential risk of harm occurring to trespassers is minimised by preventing access to the Property.

2.5 Since the fencing was erected around the Property, there have been further acts of vandalism and fly tipping on the Property. I have attached some photographs at Schedule 3 to this letter to illustrate this. My objective with the Property (as stated in Section 3 below) is to engage with the local authority to secure a well structured and appropriate woodland management plan. This will improve the visual amenity of the Property in a responsible manner. It will not damage the Property or the trees located upon it. If there is to be any development proposal made in respect of the Property, I am intending to do this in a way which would be beneficial to the local community, sensitive to the existing wildlife and trees located on the Property, and in accordance with all existing environmental protections over the Property.

3. **Reasons for objecting to the Temporary TPO**

I believe that there are a number of reasons why the Temporary TPO should not be confirmed. I have set these out below, and would be happy to discuss these further with you at your earliest convenience.

3.1 **The Existing TPO adequately protects the Property and the trees which are located on it**

3.1.1 The Existing TPO has been in place for a number of years now, and has allowed the trees protected under the Existing TPO to become a key and lasting feature of the Property.

3.1.2 The Existing TPO will ensure a green corridor for any wildlife. The landscape character and green infrastructure of the Property cannot be materially adversely affected as a result of the Existing TPO.

3.1.3 Additionally, any work on clearing the undergrowth at the Property will enhance its visual amenity, as the stream will be visible from Osbournes Lane, the main access road to the Property.

3.2 **Confirmation of the Temporary TPO would be detrimental to the trees protected under the Existing TPO**

3.2.1 The health and wellbeing of woodlands relies on effective management in order for the woodlands themselves to thrive. The woodland is a secondary woodland, which has developed due to land abandonment and neglect. In the absence of a well structured management plan and my intervention as the landowner, any woodland could struggle to achieve a healthy mixed age structure. A large number of the trees covered by the Temporary TPO are self-seeding saplings. These could be detrimental to the health of the larger, more established trees on the Property, which are covered by the Existing TPO.

3.2.2 Whilst the temporary TPO ensures that no unauthorised works will take place, it fails however to secure sensitive management of the woodland. Sensitive management would allow selective and native plants to survive and thrive. Without a sensible and informed management plan, which would include selective thinning, the woodland would suffer and the visual amenity of the Property would be impeded as a result.

3.2.3 Whilst I have aspirations to develop part of the site, potentially to allow for local housing, I would be happy to work with the local authority to safeguard much of the existing woodland. A sensitive and informed development proposal would enable a bilateral and enforceable legal agreement to be entered into in respect of a woodland management plan. Such a facility would be lost to the Council should the Temporary TPO be made permanent.

- 3.2.4 Whilst inevitably some of the existing self-seeded vegetation would be removed as part of any development proposal, further planting of appropriate native species as part of a well-constructed landscape scheme and the inclusion of bat boxes and nest boxes for birds could and would be included to allow for an improved diversity of habitats.
- 3.2.5 Removing and thinning out of some vegetation would allow the trees on the Property to thrive, as opposed to competing with each other for light which can result in trees becoming tall and spindly. A well-structured management plan included with any development proposal will allow light to the woodland floor and ensure the remaining trees are given more space to develop and flourish.
- 3.2.6 I have arranged to submit an application to carry out remedial works and maintenance of the established trees protected under the Existing TPO. I anticipate that this will be submitted by 14 December 2018. These works are to ensure the health and safety of children at WASPS school and any pedestrians walking along Osbournes Lane.

3.3 Confirmation of the Temporary TPO will be detrimental to both man made and green infrastructure located on the Property

- 3.3.1 There is a sewer located on the Property, which takes waste from Broadmoor Lane, Leighton Road and Napier Road. This sewer runs through the length of the Property and access will be required to it for any maintenance and repairs.
- 3.3.2 Confirmation of the Temporary TPO would be detrimental to this crucial piece of infrastructure on the Property in two principal ways:
- (a) any trees which grow in close proximity to the sewer could cause significant damage, which could result in a substantial cost and disruption to the local community; and
 - (b) access to the sewer is required throughout the Property. Confirmation of the Temporary TPO would make such access increasingly difficult over time.
- 3.3.3 There is also a stream which runs down the entire northern boundary of the Property. Access to this stream is essential should there ever be a blockage which caused a flood. Confirmation of the Temporary TPO would make such access increasingly difficult over time.

3.4 Confirmation of the Temporary TPO will render the Property unusable

- 3.4.1 The proposal that the Temporary TPO covers the entire Property will render the Property unusable.
- 3.4.2 I do not have any firm plans for what I intend to do with the Property yet; however, any form of proactive conservation or responsible development of the Property will be prohibited if the Temporary TPO is confirmed. This will be economically and environmentally detrimental to the local community.
- 3.4.3 As you can see from the photographs attached Schedule 3 to this letter, the fly tipping and vandalism which currently occurs on the Property should not be allowed to continue. Confirmation of the Temporary TPO will discourage any meaningful attempts on my behalf to protect and enhance the Property.
- 3.4.4 The most recent use of our land was as stables for horses. Even this would be unviable if the Temporary TPO is adopted.

3.5 **The Temporary TPO is disproportionate in its scope for what it seeks to achieve**

3.5.1 The points set out in Sections 3.1 to 3.4 above establish that there is no need for the Temporary TPO to be confirmed for the following reasons:

- (a) The Existing TPO is an entirely suitable measure for ensuring that the trees located on the Property continue to:
 - (i) provide an important visual amenity;
 - (ii) contribute to the landscape character of the Property; and
 - (iii) contribute to the green infrastructure of the locality.
- (b) If the Temporary TPO is confirmed, it could have detrimental effects on the more established trees, which are already protected under the Existing TPO.
- (c) If the Temporary TPO is confirmed, it could have detrimental effects on important manmade and green infrastructure located on the Property.
- (d) If the Temporary TPO is confirmed, it will render the Property unusable in any meaningful respect. Any ability for a well managed woodland management plan required as part of a sympathetic development proposal will be lost to the Council. Without proper and suitable management the woodland could simply fail.

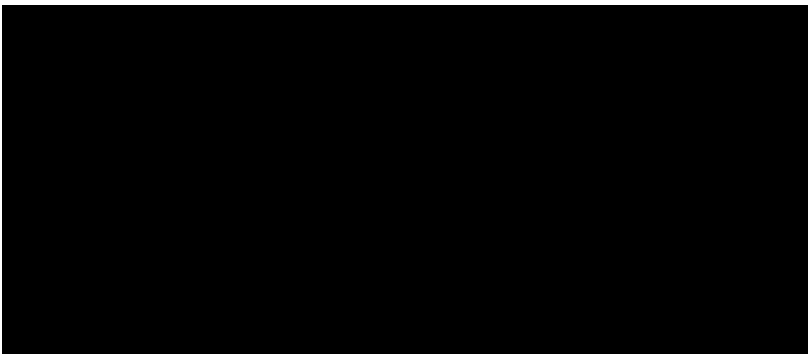
4. **Next Steps**

4.1 Thank you for taking the time to consider my objection. I am happy to meet with your team and discuss a management plan for the Property.

4.2 I am interested in working with the Development Management Team at Bath & North East Somerset Council to protect and enhance areas of the woodland located on the Property, and I would like to work with you to improve the visual amenity of the Property for everyone in the local community. We currently have no obligation to carry out any tree works, but we would be willing to enter into a legally binding agreement to ensure the good stewardship and landscaping of our land.

4.3 I look forward to hearing from you in due course.

Yours sincerely



SCHEDULE 1
THE TEMPORARY TPO

BATH AND NORTH EAST SOMERSET COUNCIL

**(Land to West of Weston All Saints Primary School, Osbournes Hill, Upper Weston,
Bath No. 318)**

TREE PRESERVATION ORDER 2018

TOWN AND COUNTRY PLANNING ACT 1990

Relating to a deciduous woodland within a strip of land along Osbournes Hill, Upper Weston,
Bath

in the District of Bath and North East Somerset

Town and Country Planning Act 1990

The Bath and North East Somerset Council (Land to West of Weston All Saints Primary School, Osbournes Hill, Upper Weston, Bath No. 318)

TREE PRESERVATION ORDER 2018

The Bath and North East Somerset Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

- 1.1 This Order may be cited as the Bath and North East Somerset Council (Land to West of Weston All Saints Primary School, Osbournes Hill, Upper Weston, Bath No. 318) Tree Preservation Order 2018.

Interpretation

- 2 (1) In this Order “the authority” means the Bath and North East Somerset Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 3 (1) Subject to article 4, this Order takes effect provisionally on the date on which it made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
- any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

2. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate

provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 6th November 2018

Signed on behalf of the BATH AND NORTH EAST SOMERSET COUNCIL

A handwritten signature in blue ink, appearing to read 'Mark Reynolds', written in a cursive style.

Mark Reynolds
Group Manager (Development Management)

Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
NONE		

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
NONE		

Groups of trees

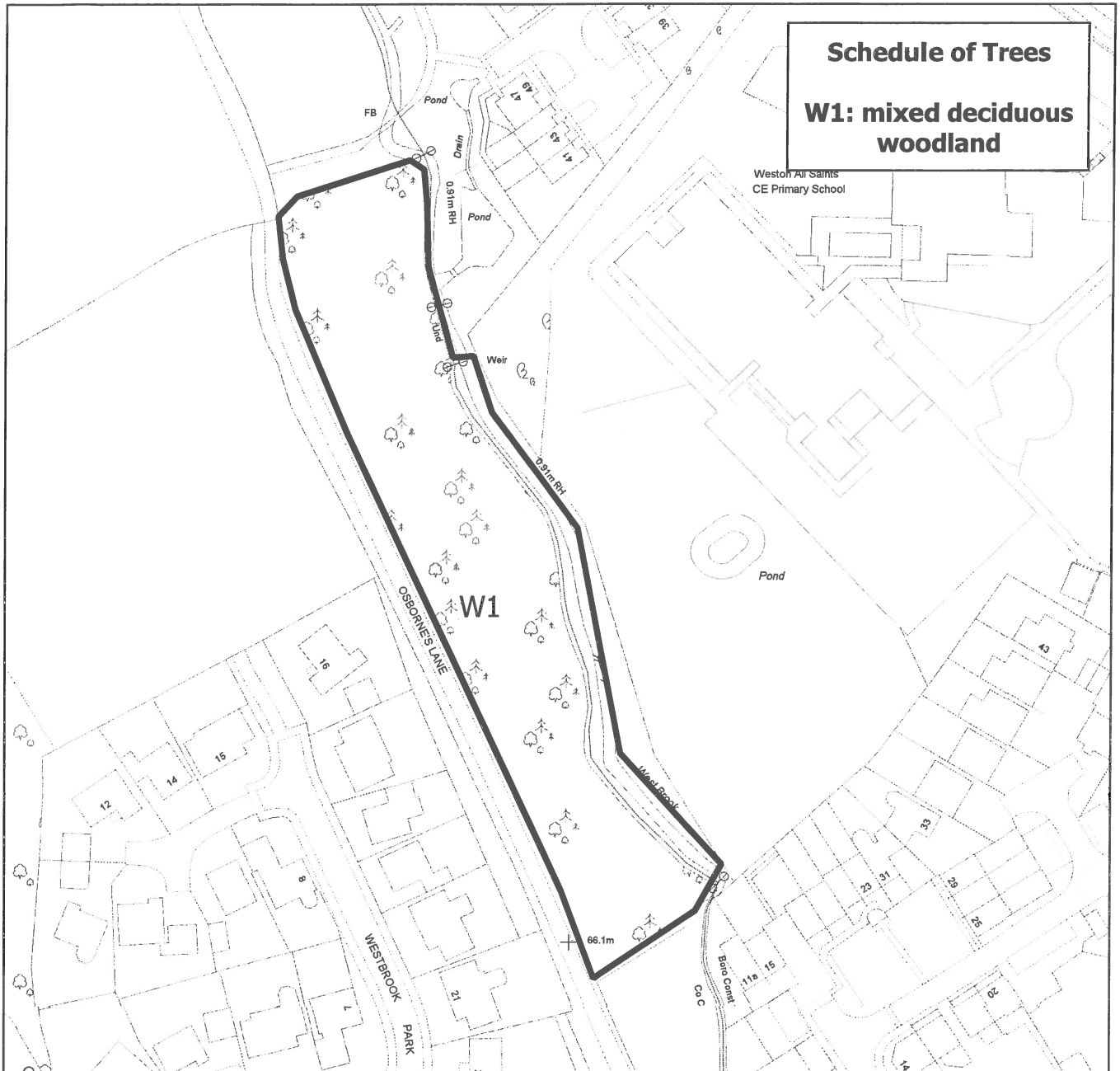
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
NONE		

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Deciduous woodland	Located within a strip of land along Osbournes Hill, Upper Weston, Bath Ordnance Survey ref; ST 722668



Title:
TOWN AND COUNTRY
PLANNING ACT 1990
BATH AND NORTH EAST
SOMERSET COUNCIL
(Land to West of Weston All Saints
Primary School, Osbornes Hill, Upper
Weston, Bath No. 318)
TREE PRESERVATION
ORDER 2018

Scale 1:1250
Date: November 2018
Plan No: 500/318;
18/00004/TPO
Grid Ref: ST 722668

Mark Reynolds, Group Manager
Development Management

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100023334

SCHEDULE 2
THE EXISTING TPO

WANSDYKE DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS 1971-1974

WANSDYKE DISTRICT COUNCIL (CHARLOMBE NO) 3 TREE PRESERVATION ORDER 1988

THE WANSDYKE DISTRICT COUNCIL (in this Order called "the Authority") in pursuance of the powers conferred in that behalf by Section 60 and 61 of the Town and Country Planning Act 1971 (as amended by 10 (1) of the Town and Country Amenities Act 1974 and Section 90 of the Local Government Planning and Land Act 1980) and, subject to the provisions of the Forestry Act 1967, hereby make the following Order:

1. In this Order -

"the Act" means the Town and Country Planning Act 1971; "owner" means the owner in fee simple either in possession or who has granted a lease of tenancy of which the unexpired portion is less than three years; lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more; and a mortgagee in possession, and "the Secretary of State" means the Secretary of State for the Environment.

2. Subject to the provisions of this Order and the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the Authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups or trees and woodlands is defined in the manner indicated in the said First Schedule on the map annexed hereto, which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the First Schedule.
3. An application for consent made to the Authority under Article 2 of this Order shall be in writing stating the reasons for making the application, and shall be reference if necessary, to a plan, specify the trees to which the application relates, and the operations for the carrying out of which consent is required.
4. (1) Where an application for consent is made to the Authority under this Order, the Authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof as the Authority may think fit, or may refuse consent).

Cont'd ...

NOTE: If it is desired to fell any of the trees included in this Order whether included as trees, groups of trees or woodlands, and the trees are trees for the felling of which a licence is required under the Forestry Act 1967, application should not be made to the Authority for consent under this Order but to the Conservator of Forests for a licence under that Act Section 15 (5)). Provided that where the application relates to any woodland specified

in the First Schedule to this Order the Authority shall grant consent so far as accords with the principles of good forestry, except where, in the opinion of the Authority it is necessary in the interests of amenity to maintain the special character of the woodland or the woodland character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

- (2) The Authority shall keep a register of all applications for consent under this Order containing information as to the nature of the application, the decision of the Authority thereon, any compensation awarded in consequence of such decision and any directions as to replanting of woodlands; and every such register shall be available for inspection by the public at all reasonable hours.
5. Where the Authority refuse consent under this Order or grant such consent subject to conditions they may when refusing or granting consent, certify in respect of any trees for which they are so refusing or granting consent that they are satisfied -
- (a) that the refusal or condition is in the interests of good forestry; or
 - (b) in the case of trees other than trees comprised of woodlands, that the trees have an outstanding or special amenity value.
6. (1) Where consent is granted under this Order to fell any part of a woodland other than consent for silvicultural thinning then unless -
- (a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act, or
 - (b) the Authority with the approval of the Secretary of State, dispense with replanting.

the Authority shall give to the owner of the land on which that part of the woodland is situated, a direction in writing specifying the manner in which and the time within he shall replant such land and where such a direction is given and the part is felled the owner shall, subject to the provisions of this Order and Section 175 of the Town and Country Planning Act 1971, replant the said land in accordance with the direction.

- (2) Any direction given under paragraph (1) of this Article may include requirements as to -
 - (a) species
 - (b) number of trees per acre (hectare)
 - (c) the erection and maintenance of fencing necessary for protection of the replanting
 - (d) the preparation of ground, drainage, removal of brushwood, lop and top; and
 - (e) protective measures against fire.

7. On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the Authority shall if such condition or direction relates to land in respect of which byelaws made by a water authority since 31 March 1974, by any other authority (whose functions are now exercised by a water authority) who at any time prior to 1 April 1974 exercised the functions in respect of which the byelaw was made, by a drainage board, or by the Greater London Council in exercise of any of its functions in relation to the maintenance, improvement or construction of watercourses or of drainage works restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such byelaws and that any such condition or direction has effect subject to the requirements of the water authority, the drainage board, or the Greater London Council under those byelaws and the condition or direction shall have effect accordingly.
8. The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act, adapted and modified for the purpose of this Order, shall apply in relation thereto.
9. Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) of consent under this Order or of any grant of any such consent subject to conditions, shall, if he makes a claim on the Authority within the time and in the manner prescribed by this Order, be entitled to recover from the Authority compensation in respect of such loss or damage.

Provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of this Order.

10. In assessing compensation payable under the last preceding Article, account shall be taken of:
 - (a) any compensation or contribution which has been paid whether to the claimant or any other person, in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 60 of the Act or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act 1943, or any compensation which has been paid or which could have been claimed under any provisions relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act 1932 and
 - (b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim.
11. (1) A claim for compensation under this Order shall be in writing and shall be made by serving it on the Authority, such service to be effected by addressing the claim to the Authority and leaving it at or sending it by post to the principal office of this Authority.

- (2) The time within which any such claim shall be made aforesaid shall be a period of twelve months from the date of the decision of the Authority, or of the Secretary of State, as the case may be, or where an appeal has been made to the Secretary of State against the decision of the Authority, from the date of the decision of the Secretary of State on the appeal.
12. Any question of disputed compensation shall be determined in accordance with the provisions of Section 179 of the Act.
13. i. The provision of Section 61 of the Town and Country Planning Act 1971, as amended by Section 90 of the Local Government Planning and Land Act, 1980 shall apply to this Order which shall take effect on this day, 10th March 1988.
- ii. (This Order shall apply to any tree specified in the First Schedule hereto, which is to be planted as mentioned therein as from the time when that tree is planted).

NOTE: Any person contravening the provisions of this Order by cutting down, uprooting or wilfully destroying a tree, or by wilfully damaging, topping or lopping a tree in such a manner as to be likely to destroy it is guilty of an offence and liable on summary conviction to a fine not exceeding £1000 or twice the sum which appears to the court to be the value of the tree, whichever is the greater, or on indictment to a fine. The penalty for any other contravention of this Order is a fine not exceeding level 4 on the standard scale of fines on summary conviction and, in the case of a continuing offence when the contravention is continued after conviction, a person is liable on summary conviction to an additional fine not exceeding £5 for every day on which the contravention is so continued.

If a tree other than one to which an Order applies as part of a woodland is removed, uprooted or destroyed in contravention of an Order or is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by Section 60 (6) of the Town and Country Planning Act 1971 relating to trees which are dying or dead or have become dangerous, it is the duty of the owner of the land, unless on his application the Local Planning Authority dispense with the requirement, to plant another tree of appropriate size and species at the same place as soon as he reasonably can. Except in emergency, not less than 5 days previous notice of the removal, etc., should be given to the Authority to enable the latter to decide whether or not to dispense with the requirement.

FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY (encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T1	Lime	
T2	Lime	
T3	Lime	

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T4	Lime	
T5	Lime	
T6	Alder	On land north of
T7	Horse Chestnut	Lansdown Vale House
T8	Horse Chestnut	and west of the West
T9	Horse Chestnut	Brook in the Parish
T10	Horse Chestnut	of Charlcombe
T11	Lime	Ordnance Survey
		Ref. ST7230-6685

TREES SPECIFIED BY REFERENCE TO AN AREA
(within a dotted black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

GROUPS OF TREES
(within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

WOODLANDS
(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

SECOND SCHEDULE

This Order shall not apply so as to require the consent of the Authority to:

- (1) the cutting down of any tree on land which is subject to a forestry dedication covenant where
 - (a) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land are fulfilled;
 - (b) the cutting down is in accordance with the plan of operations approved by the Forestry Commission under such deed.
- (2) the cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under the approved woodlands scheme or other grant scheme under Section 43 of the Forestry Act 1967 except a scheme which applies to a forestry dedication covenant;
- (3) the cutting down, uprooting, topping or lopping of a tree
 - (a) in pursuance of the power conferred on the Post Office by virtue of Section 5 of the Telegraph (Construction) Act 1908 and Section 21 of the Post Office Act 1969; or by or at the request of the Post Office where the land on which the tree is situated is operational land as defined by the Post Office Operational Land Regulations and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking
 - (b) or by or at the request of
 - (i) a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking; or
 - (ii) an electricity board within the meaning of the Electricity Act 1947, where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act 1919 and the Electric Lighting Act 1882 or interferes or would interfere with the maintenance or working of any such line; or
 - (iii) a water authority established under the Water Act 1973, a drainage board constituted or treated as having been constituted under the Land Drainage Act 1930, or the Greater London Council, where the tree interferes or would interfere with the exercise of any of the functions of such water authority, drainage board, or Council in relation to the maintenance, improvement or construction of watercourses or of drainage works; or

- (iv) the Secretary of State for Defence, the Secretary of State for Trade, the Civil Aviation Authority or the British Airports Authority where in the opinion of such Secretary of State or Authority the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe and efficient use of aviation or defence technical installations;
- (c) where immediately required for the purpose of carrying out development authorised by the planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part;
- (d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden.
-

NOTE:

Section 62 (1) of the Act requires, unless on the application of the owner the local authority dispense with the requirement, that any tree removed or destroyed under Section 60 (6) of the Act, shall be replaced by the owner by another tree of appropriate size and species at the same place as soon as he reasonably can.

THIRD SCHEDULE

Provisions of the following parts of Part III of the Town and Country Planning Act 1971 as adapted and modified to apply to this Order.

33 - (1) Without prejudice to the following provisions as to the revocation or modification or consents, any consent under the Order, including any direction as to replanting given by the Authority on the granting of such consent, shall (except in so far as the consent otherwise provides) ensure for the benefit of the land and of all persons for the time being interested therein.

35 - (1) The Secretary of State may give directions to the Authority requiring applications for consent under the Order to be referred to him instead of being dealt with by the Authority.

35 - (2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.

35 - (3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.

35 - (4) Where an application for consent under the Order is referred to the Secretary of State under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the Authority.

35 - (5) Before determining an application referred to him under this section the Secretary of State shall, if either the applicant or the Authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

35 - (6) The decision of the Secretary of State on any application referred to him under this section shall be final.

36 - (1) Where an application is made to the Authority for consent under the Order and that consent is refused by the Authority or is granted by them subject to conditions, or where any certificate or direction is given by the Authority, the applicant, if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Secretary of State.

36 - (2) A notice under this section shall be served in writing within twenty eight days from the receipt or notification of the decision, certificate or direction, as the case may be, or such longer period as the Secretary of State may allow.

36 - (3) Where an appeal is brought under this section from a decision certificate or direction of the Authority, the Secretary of State, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the Authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

36 - (4) Before determining an appeal under this section, the Secretary of State, shall, if either the appellant or the Authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

36 - (6) The decision of the Secretary of State on any appeal under this section shall be final.

37. Where an application for consent under the Order is made to the Authority, then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the Authority, the Authority either -

- (a) give notice to the applicant of their decision on the application; or
- (b) give notice to him that the application has been referred to the Secretary of State in accordance with directions given under Section 35 above;

the provisions of the last preceding section shall apply in relation to the applications as if the consent to which it relates had been refused by the Authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

45 - (1) If it appears to the Authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the Authority may by Order revoke or modify the consent to such extent as they consider expedient.

45 - (2) Subject to the provision of Section 46 and 61 of the Act an Order under this section shall not take effect unless it is confirmed by the Secretary of State; and the Secretary of State may confirm any such Order submitted to him either without modifications or subject to such modifications as he considered expedient.

45 - (3) Where an Authority submit an Order to the Secretary of State for his confirmation under this section, the Authority shall furnish the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the Order, and it within the period of twenty eight days from the service thereof any person on whom the notice is served so required, the Secretary of State, before confirming the Order shall afford to that person, and to the Authority, an opportunity of appearing before, and being heard by a person appointed by the Secretary of State for the purpose.

45 - (4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed:

Provided that the revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

45 - (5) Where a notice has been served in accordance with the provisions of Sub-Section (3) of this section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Secretary of State under Sub-Section (2) of this section.

46 - (1) The following provisions shall have effect where the Local Planning Authority have made an Order (hereinafter called "such Order") under Section 45 above revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Secretary of State for confirmation by him and the owner and the occupier of the land and all persons who in the Authority's opinion will be affected by such Order have notified the Authority in writing that they do not object to such Order.

46 - (2) The Authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose and (b) the period (not less than 14 days from the expiration of the period referred to in paragraph (a) above) at the expiration of which no such notice is given to the Secretary of State, such Order may take effect by virtue of this section and without being confirmed by the Secretary of State.

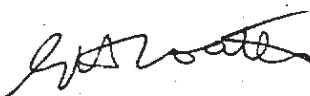
46 - (3) The Authority shall also serve notices to the same effect on persons mentioned in Sub-Section (1) above.

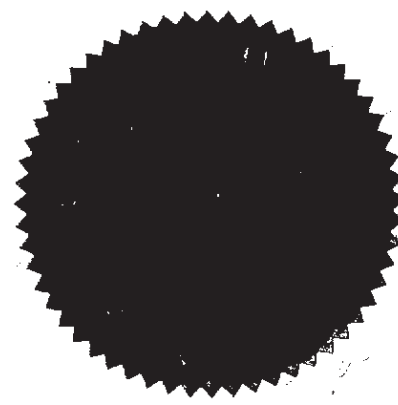
46 - (4) The Authority shall send a copy of any advertisement published under Sub-Section (2) above to the Secretary of State, not more than three days after the publication.

46 - (5) If within the period referred to in Sub-Section (2) (a) above no person claiming to be affected by such Order has given notice to the Secretary of State as aforesaid and the Secretary of State has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in Sub-Section (2) (b) of this section take effect by virtue of this section and without being confirmed by the Secretary of State as required by Section 45 of the Act.

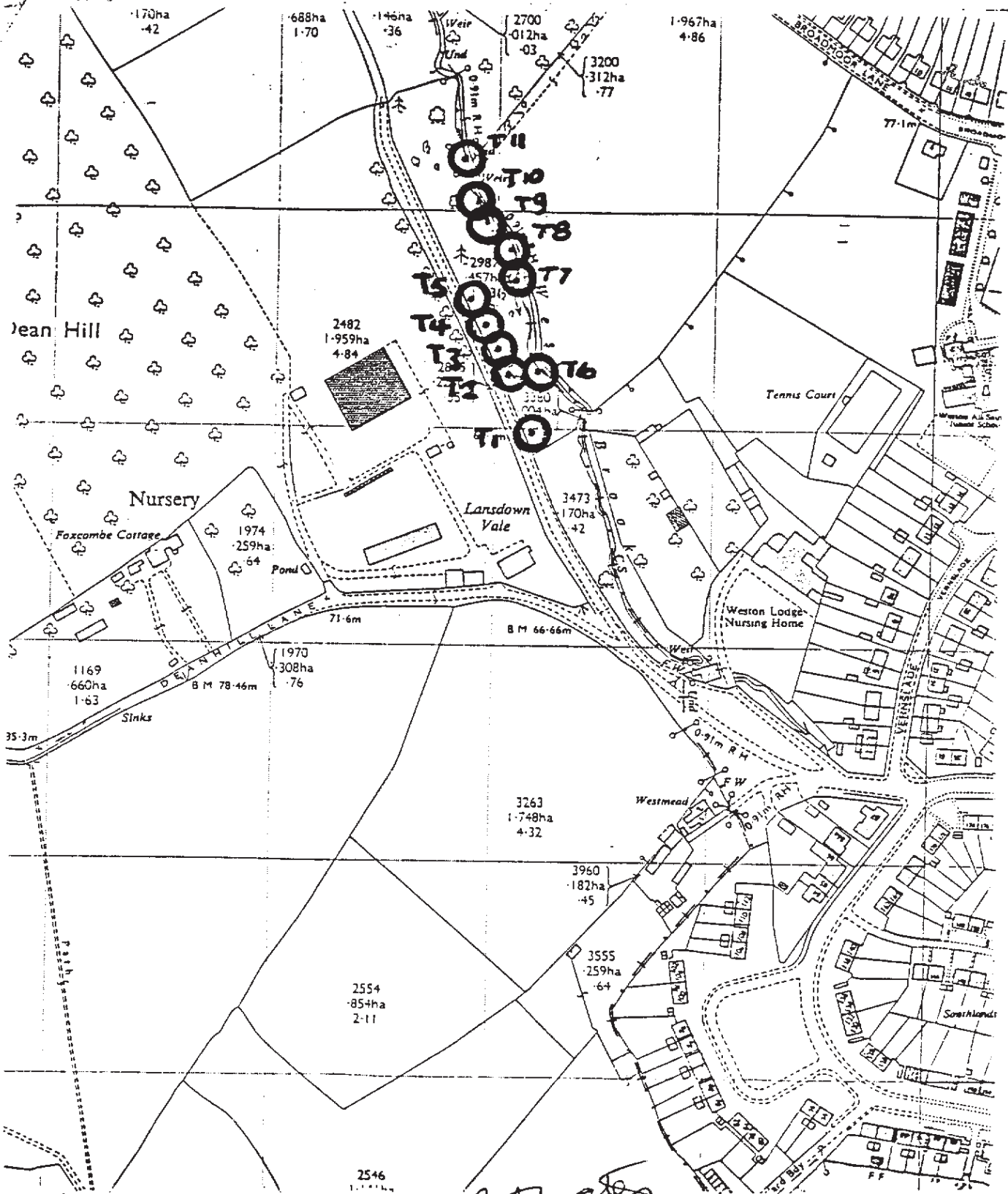
46 - (6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Part III, Part IV or Part V of the Act.

THE COMMON SEAL OF THE WANSDYKE DISTRICT)
COUNCIL was affixed hereto this 10th day)
of March. Nineteen)
hundred and eighty eight in the presence of:-)


G.M. COATES
Administration Manager



No. of Sealing Register
8219



Scale: 1:2500	Date: DECEMBER 1987	Drawn By: [Signature]
Grid Ref: ST 72306685	SECTION: DEVELOPMENT PLANNING SERVICES	
TITLE: WANSDYKE DISTRICT COUNCIL (CHARLCOME N 3) TREE PRESERVATION ORDER 1987		WANSDYKE DISTRICT COUNCIL PLANNING DEPARTMENT TOWN HALL KEYNSHAM BRISTOL BS18 1EF
		Plan Ref No. PL 11/2/0506/3

Under the power conferred upon it by the Town and Country Planning Act, 1971 as amended by the Local Government Planning and Land Act, 1980 the Wansdyke District Council hereby confirms the foregoing Order.

THE COMMON SEAL OF THE WANSDYKE DISTRICT)
COUNCIL was hereto affixed this)
hundred and eighty) in the presence of:-)

G.M. COATES
Administration Manager.

No. in Sealing Register

WANSDYKE DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING
ACT 1971-1974 (AS AMENDED)

TREE PRESERVATION ORDER

RELATING TO:- Trees situated on land north
of Lansdown Vale and west of the West Brook
in the Parish of Charlcombe

Made : 10th March 1988

Confirmed :

Coming into effect : 10th March 1988

P. MAY,
District General Manager,
The Hollies,
Midsomer Norton,
Bath, BA3 2DP.

Ref: PL12.506.4

IMPORTANT - THIS NOTICE AFFECTS YOUR PROPERTY

WANSDYKE DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1971 (AS AMENDED)

NOTICE OF MAKING OF A TREE PRESERVATION ORDER HAVING IMMEDIATE EFFECT

WANSDYKE DISTRICT COUNCIL (CHARLOMBE NO. 3) TREE PRESERVATION ORDER 1988

To: [REDACTED]

TAKE NOTICE that Wansdyke District Council made the above Tree Preservation Order on 10th March 1988 for the following reason:-

The trees make a particularly valuable contribution to the visual amenity of the area.

The Order contains a direction that the provisions of Section 61 of the Town and Country Planning Act 1971 (as amended) apply to the Order. The effect of the Direction is that the Order provisionally takes effect on 10th March 1988 and shall continue in force by virtue of this Section until:-

- (a) the expiration of six months beginning with the date on which the Order was made; or
- (b) the date on which the Order is confirmed.

A certified copy of the Order and the map contained in it may be inspected at the Council Offices, The Hollies, Midsomer Norton and at the Town Hall, Keynsham during normal working hours.

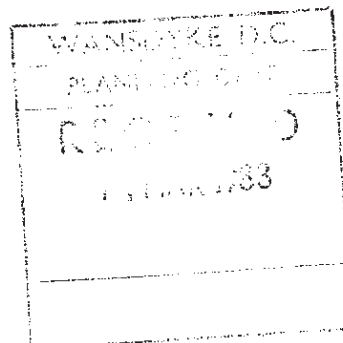
Any objection or representation with respect to the Order should be in writing in accordance with Regulation 7 of the Town and Country Planning Tree Preservation Order Regulations 1969, as amended (a copy of which Regulation is quoted overleaf) to the District General Manager stating the grounds thereof and specifying the particular trees, group of trees and woodlands in respect of which it is made. This must be done within 28 days of the date of the service of this notice.

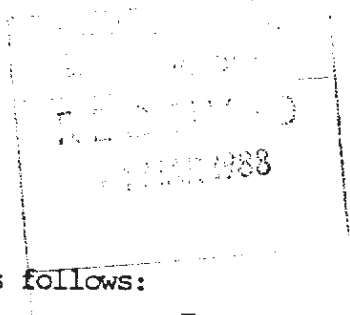
If no objections or representations are made or if any so made are withdrawn then at the expiration of 42 days from the date hereof the Order may be confirmed (but without modification) as an unopposed Order by the Council.

Dated this 10th day of March 1988

P. May

P.M. May,
District General Manager,
The Hollies,
Midsomer Norton,
Bath, BA3 2DP.





NOTES

(a) The Town and Country Planning Act 1971 provides as follows:

"Section 60 (6) - Without prejudice to any other exemptions for which provision may be made by a tree preservation order, no such order shall apply to the cutting down, uprooting, topping or lopping of trees which are dying or dead or have become dangerous or the cutting down, uprooting, topping or lopping of any trees in compliance with any obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention of abatement of a nuisance.

Section 102 (1) - If any person, in contravention of a tree preservation order, cuts down, uproots or wilfully destroys a tree, or wilfully damages, tops or lops a tree in such a manner as to be likely to destroy it, he shall be guilty of an offence and shall be liable:

(a) on summary conviction to a fine not exceeding £1000 or twice the sum which appears to the court to be the value of the tree, whichever is the greater; or

(b) on conviction on indictment, to a fine, and, in determining the amount of any fine to be imposed on a person convicted on indictment, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.

Section 102 (2) - If any person contravenes the provisions of a tree preservation order otherwise than as mentioned in sub-Section (1) of this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale of fines.

Section 102 (3) - If, in the case of a continuing offence under this section, the contravention is continued after the conviction, the offender shall be guilty of a further offence and liable on summary conviction to an additional fine not exceeding (£5) for each day on which the contravention is so continued".

(b) Regulation 7 of the Town and Country Planning (Tree Preservation Order) Regulations 1969, as amended, provides as follows:

"7 (1) Every objection or representation with respect to an order shall be made in writing to the Council and shall state the grounds thereof and specify respect of which it is made.

particular trees, groups of trees, or woodlands in

(2)

Any objection or representation shall be duly made if it complies with paragraph (1) of this Regulation and is received by the Council within 27 days from the date of the service of the notice of the making of the Order".

SCHEDULE 3

PHOTOGRAPHS OF DAMAGE TO FENCING ERECTED ON THE PROPERTY









Jane Brewer

From: Development Management
Sent: 13 December 2018 09:00
To: Jane Brewer
Subject: FW: TPO No.318. Ref: 18/00004/TPO

From: [REDACTED]
Sent: 12 December 2018 17:45
To: Development Management
Subject: TPO No.318. Ref: 18/00004/TPO

FAO Mark Reynolds.

I am writing to you as someone who was born and has lived at Lansdown Grange Farm all my life. The family having owned the farm since 1925. The farm lies at the end of Osborne's Lane and therefore I feel qualified to give a subjective opinion on the land in question, which is now owned by [REDACTED]

I strongly object to the council implementing the short term TPO on the land, which as I understand was done after complaints were submitted to the council after [REDACTED] erected a fence to prevent general access to his land, which you have to agree he is totally entitled to do.

The previous owners, used to have the field as a horse paddock with two stables on a concrete base just inside the gateway. After the horse's were sold the land was left, therefore it turned into a scrub land with self propagating saplings and brambles.

There is already an existing TPO on a number of trees in the paddock, so to place an order over the whole area seems grossly unfair on [REDACTED] as it will restrict what he is able to do with his land. The previous owners turned a blind eye to people accessing the ground in recent years, to exercise their dogs and children used to do what children do. That doesn't mean that everyone has a right to dictate what [REDACTED] wants to do with his land, after all he bought the land on the open market, so everyone had the same opportunity. If I had bought it I would have put barbed wire fence around the whole field, I guess as a farmer that would have been acceptable? [REDACTED] should be treated the same.

The question of wildlife in the area. The very nature that they're called wildlife means they are wild and have the ability to adapt, move and live wherever they want, cutting down a few trees and clearing some bushes will have barely any impact.

I ask the council to look at this and come to a sensible decision and not be influenced by the hysteria which seems to be surrounding [REDACTED] purchase, or indeed what his intentions are?

My cattle used to graze on fields around the farmyard that are now houses, I find it slightly ironic that many of the complaints will be from those residents.

Kind regards [REDACTED]

TREE PRESERVATION ORDER 2018

LAND TO WEST OF WESTON ALL SAINTS PRIMARY SCHOOL, OSBOURNES HILL, UPPER WESTON, BATH NO 318

CHARLCOMBE PARISH COUNCIL COMMENTS

Charlcombe Parish Council discussed the creation of a blanket Tree Preservation Order to protect trees sited on land to the west of Weston All Saints Primary School, Osbournes Hill, Upper Weston, at its meeting on 20 November 2018. Councillors unanimously agreed the following comments in support.

Charlcombe Parish Council welcomes the creation of this blanket Tree Preservation Order. The land in question lies within the Parish of Charlcombe and this well-established woodland represents a very important ecological habitat, a key local asset and a valuable element of the Green Infrastructure network. It provides a significant wildlife corridor supporting many animals and insects including owls and 9 species of bat. The woodland adjoins the formally-designated Local Green Space known as “The Orchard” on the opposite side of the Westbrook stream and has been accessed by the local community for at least 30 years for recreational purposes. The woodland is also prominent in the local landscape and makes a valuable contribution to its character and beauty.

Preserving the woodland under a blanket TPO will protect this important environment, to the benefit of both the wildlife for which it provides a habitat, and the local community. Charlcombe Parish Council very strongly supports the creation of this TPO.



Report in support of a Tree Preservation Order (TPO) at Land to West of Weston All Saints Primary School, Osborne's Lane, Upper Weston, Bath. No. 318. Ref: 18/00004/TPO.

Jim Phillips BSc (Hons) MA MCIEEM
On Behalf of Friends of The Orchard

Date: 14th December 2018

Our reference: FOTO/Woodland/2018

Contact for correspondence: Unit 2 The Old Estate Yard | North Stoke Lane | Upton Cheyney | Bristol | BS30 6ND

CONTENTS

	Page(s)
1.0 Qualifications and Experience	3
2.0 Description of the Site	4 - 6
3.0 Policy considerations	7 - 11

1 Qualifications and experience

- 1.1 This report has been written by Jim Phillips, I hold a BSc (Hons) degree in Environmental Biology from the University of Essex and a Masters in Management with merit from the University of the West of England. I have been a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM) since 2011.
- 1.2 I am the Managing Director of Ethos Environmental Planning Ltd (Ethos), a company I established in November 2013. Ethos is a multi-disciplinary environmental planning consultancy providing specialist advice to inform decision making for planning and development. Ethos' specialism includes Ecology, Open Space, Arboriculture and GIS. Under my management, Ethos employs 16 full time and seasonal ecologists and environmental professionals.
- 1.3 I have been commissioned by 'Friends of The Orchard' to prepare a report in support of a proposed Tree Preservation Order (TPO) at Land to West of Weston All Saints Primary School, Osborne's Lane, Upper Weston, Bath. No. 318.
- 1.4 As a local resident to the site for 8 years, I have visited the site well over 100 times, and have also undertaken ecology surveys in and around the site, which I make reference to in this report.
- 1.5 My report has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. I confirm that the opinions expressed are my true and professional bona fide opinions.
- 1.6 Within the report, I have first described the site considering trees, landscape, green infrastructure and ecology. I have then considered the value of the site in relation to adopted national and local policy.

2 Description of the site

Trees and Woodland

- 2.1 The site comprises a deciduous woodland located along the bank of the West Brook adjacent to Osborne's Lane in Bath. The woodland comprises several mature trees with a mixture of semi-mature trees within.
- 2.2 The mature trees within the woodland are of high value and themselves are subject to established TPOs. The semi mature trees, individually do not currently hold the same value as the mature trees. However, collectively they are an integral part of the woodland structure within which the mature trees are located, and as such are collectively of high value.
- 2.3 The woodland itself has been largely unmanaged for many years, and whilst in private ownership, has until recently been accessible and used by the local community.
- 2.4 The woodland would benefit from appropriate woodland management which would sustain its value in the long term.

Ecology

- 2.5 The woodland itself is used by a variety of foraging mammals and I have recorded fox, badger, roe deer and hedgehog. There is no evidence of badger setts within the woodland.
- 2.6 There is a varied assemblage of bird species, and whilst I have only recorded common species, the woodland is a valuable food and breeding resource for birds.
- 2.7 The West Brook runs along the immediate boundary of the woodland and whilst I have recorded no evidence of protected species such as otter (*Lutra lutra*) or water vole (*Arvicola amphibius*), the brook does have a moderate invertebrate and fish population and contributes significantly to the ecological value of the woodland.
- 2.7 I have recorded nine species of bat along Osbornes Lane and from within the woodland itself. These records have been gathered by a combination of activity surveys and static detector surveys from 2017 and 2018. The bats recorded were common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), Nathusius's pipistrelle (*Pipistrellus nathusii*), Brown long-eared bat (*Plecotus auritus*), Leisler's bat (*Nyctalus leisleri*), Serotine (*Eptesicus serotinus*), Noctule (*Nyctalus noctula*), *Myotis spp.* and Lesser horseshoe bat (*Rhinolophus hipposideros*) which is an annex II species¹.

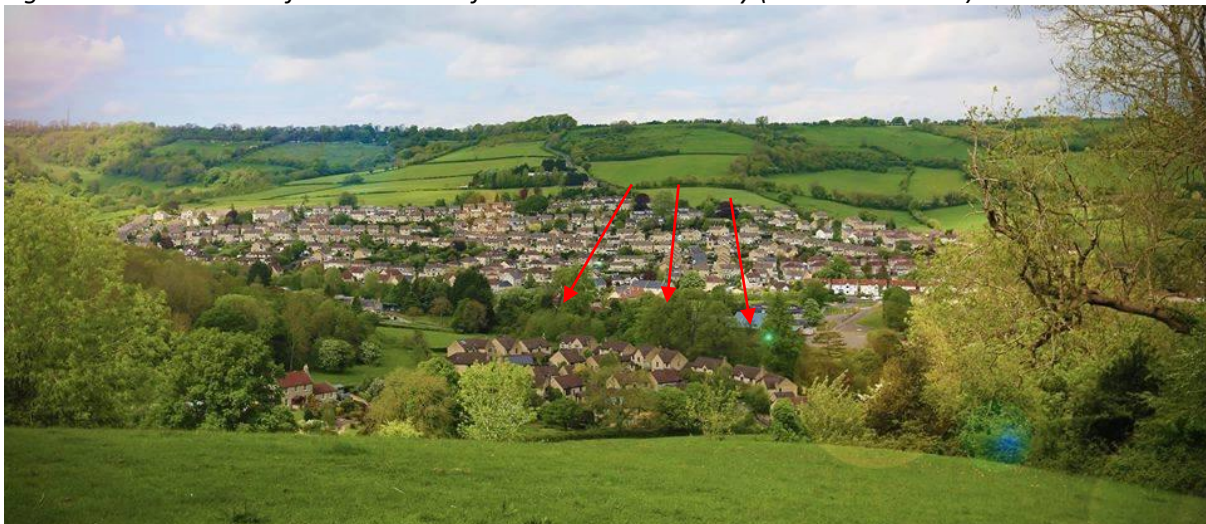
¹ Lesser horseshoe bats appear in Appendix II of the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats). This requires that they be strictly protected against deliberate killing, capture, damage/destruction of breeding and nesting sites, disturbance, trading (including parts and derivatives), etc.

- 2.8 I have assessed activity along Osbornes Lane and the woodland to be high, with the corridor providing an important commuting and foraging route for bats including lesser horseshoe bats. I have also observed Serotine bats emerging from the woodland on a number of occasions, in numbers that indicate a roost of this species within the woodland.
- 2.9 It is my assessment that the foraging, commuting and roosting resource that is provided by the woodland is of district value.
- 2.10 The woodland is an important element of an ecological corridor linking local greenspaces and infrastructure, providing movement for a variety of notable species.

Landscape

- 2.11 The woodland offers landscape value within its immediate surrounds, creating a ‘rural feel’ walking along Osborne’s Lane, linking to the rights of way linking to the Cotswold Way. The woodland can also be seen from key vantage points from the Cotswold Way (within the AONB) – see figure 1 below.
- 2.12 Whilst I have not undertaken a landscape and visual impact assessment of the woodland, it is my opinion that the loss of the woodland would likely have a high negative impact on landscape value. The woodland marks the perimeter of the World Heritage Site and contributes to its green setting. If this woodland were lost, there would be a loss of the demarcation between the City and outlying Charlcombe Parish.

Figure 1 Views of the woodland from the Cotswold Way (within the AONB)



Green Infrastructure

- 2.13 The woodland forms an important part of the green infrastructure network, providing a key link between the adjacent Orchard to the north, Weston Park to the south and the AONB to the immediate north and west of the woodland, as illustrated on figure 2.

Figure 2 Woodland as an ecological corridor and contribution to green infrastructure



2.14 In performing its function as GI, the woodland meets many of the benefits delivered by GI, in particular the following (as listed in the B&NES GI Strategy²):

- supporting healthy lifestyles and thriving communities;
- providing active access to the outdoors (now restricted due to the site being fenced);
- enhancing landscape character and built heritage;
- enhancing biodiversity;
- supporting healthy ecosystems;
- providing climate change solutions;
- enhancing sense of place.

² Valuing people, place and nature: a green infrastructure strategy for Bath & North East Somerset

3 Policy Considerations

- 3.1 Within this section, I have outlined key policies related to the woodland, which support the proposed TPO. I have quoted policies and followed this up with comments which are relative to the woodland TPO and the policy.

National Planning Policy Framework (NPPF)

- 3.2 Para 170. Of the NPPF states:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

- 3.3 There are a number of points above which relate to the importance of the woodland and the TPO:

- Point a) above notes the requirement for protecting and enhancing sites of biodiversity value. From the ecology assessment undertaken, it is considered that the woodland is of at least moderate ecological value as a habitat, and of high value for bats;
- Point b) above specifically lists trees and woodland in relation to “*the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services*”;
- Point d) requires “*establishing coherent ecological networks that are more resilient to current and future pressures*”. The assessment included within this report demonstrates the value of the woodland as part of an ecological network. As it is

in private ownership, it is thus considered that a TPO on the woodland would ensure its value is “*more resilient to current and future pressures*”. Without the TPO, there is little that affords protection to the woodland outside of the planning system.

Policy B1 Bath Spatial Strategy

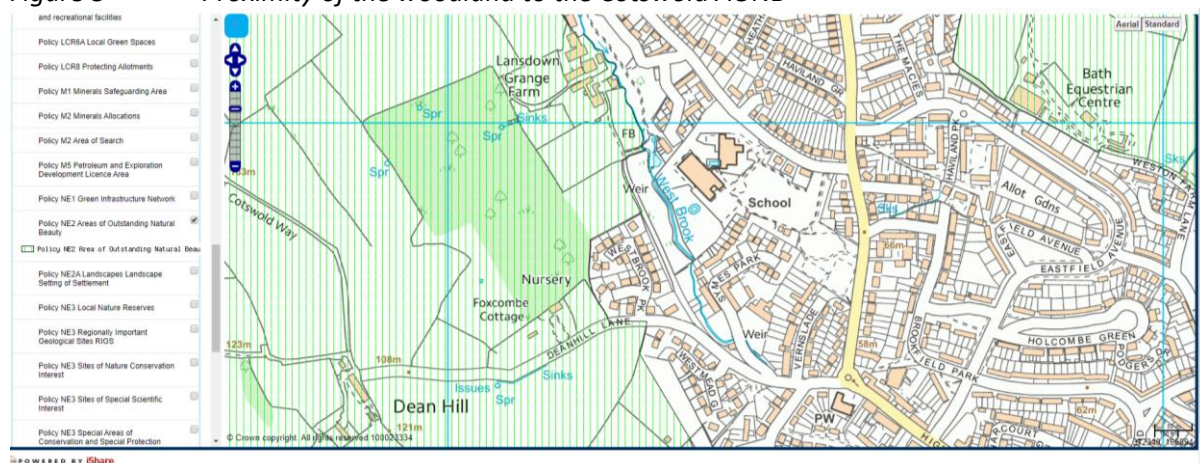
3.4 Natural and Built Environment

Sustain and enhance the significance of the city’s heritage assets, including:

- a) *The Outstanding Universal Value of the City of Bath World Heritage Site and its setting.*
- b) *Listed buildings, the Bath Conservation Area and their settings.*
- c) *Archaeology, scheduled ancient monuments, and historic parks and gardens.*
- d) *Non-designated heritage assets of local interest and value.*
- e) *Giving great weight to conserving landscape and scenic beauty in the Cotswolds Area of Outstanding Natural Beauty.*
- f) *The network of green spaces and wildlife corridors including the River Avon and Kennet and Avon Canal, Local Nature Reserves, formal and informal parks and recreational areas, trees and woodlands.*
- g) *The biodiversity resource including species and habitats of European importance.*

3.5 Point f) in the above policy lists the value of landscapes in the Cotswold AONB. The woodland immediately abuts the AONB (see figure 2), and forms an important visual buffer when viewed from the Cotswold Way (see section 2.11). It is therefore considered that the woodland contributes towards achieving the aims of Policy B1.

Figure 3 Proximity of the woodland to the Cotswold AONB



Policy CP6 Environmental quality

3.6 Within this policy, I have listed the relevant sections related to the woodland TPO.

3.7 Nature Conservation

The quality, extent and robustness of protected sites and valued habitats will be enhanced, and networks of valued habitat will be restored or created, by measures which:

- a) Improve the quality and/or increase the size of current sites and valued habitat.*
- b) Enhance connections between, or join up, sites and valued habitats.*
- c) Create new sites and valued habitats.*
- d) Reduce the pressures on wildlife by improving the wider environment.*

New Development will protect and enhance international, national and local sites and existing networks of valued habitats; facilitate migration and dispersal through the natural and built environment; and seek to reduce fragmentation of existing habitats. The Council will promote the management, conservation, enhancement or restoration of environmental assets. Sustainable opportunities for improved access to and enjoyment of these assets will be promoted where it does not compromise the integrity of the asset.

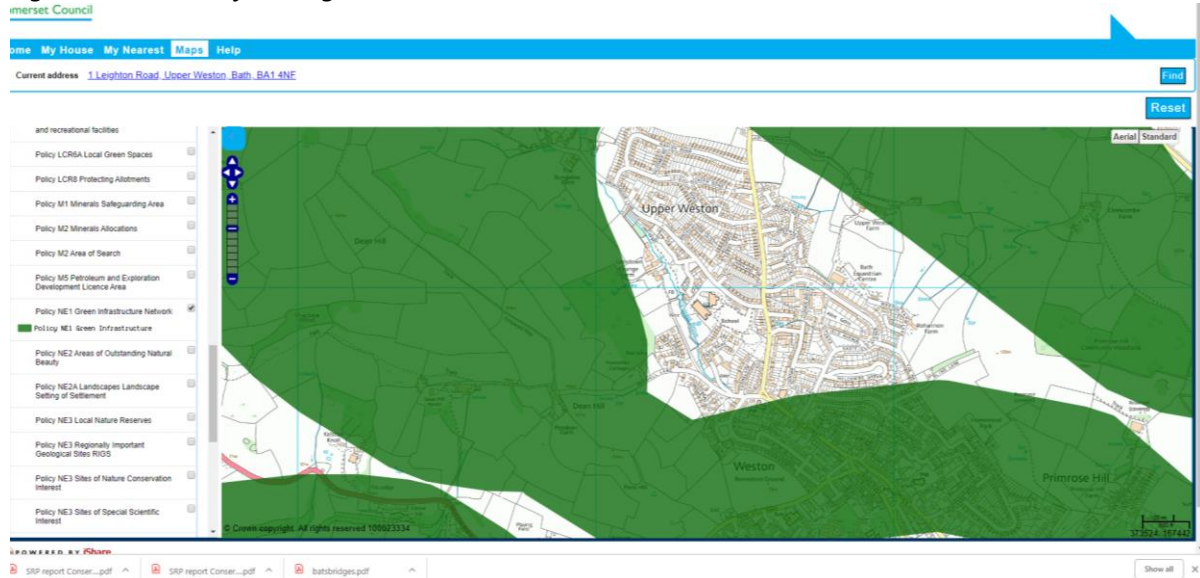
3.8 The above policy is strongly linked to the NPPF, thus the value of the TPO in relation this is largely assessed at para 3.2. However, it is worth noting in the above local policy the reference to the value of networks of habitats, and the need to reduce the fragmentation of existing habitats. It is thus considered that the woodland is important in this, and the proposed TPO will ensure Policy CP6 is giving due consideration.

Policy CP7 Green Infrastructure

3.9 *The integrity, multi-functionality, quality and connectivity of the strategic Green Infrastructure (GI) network will be maintained, protected and enhanced. Opportunities will be taken to connect with, improve and extend the network. Existing and new GI must be planned, delivered and managed as an integral part of creating sustainable communities.*

3.10 The policy above requires the maintenance, protection and enhancement of the GI network and seeks opportunities for connecting, improving and extending the network. Figure 4 below shows the current strategic GI network which is just under 100 metres west of the woodland. Figure 2 (section 2.13), shows how the woodland is important locally in terms of GI, and with such close proximity to the strategic network provides a significant opportunity for creating links and extending the network. If the woodland is not afforded protection through a TPO, its loss would be detrimental to the delivery of Policy CP7.

Figure 4 Location of strategic GI network



Policy NE5 Ecological Networks

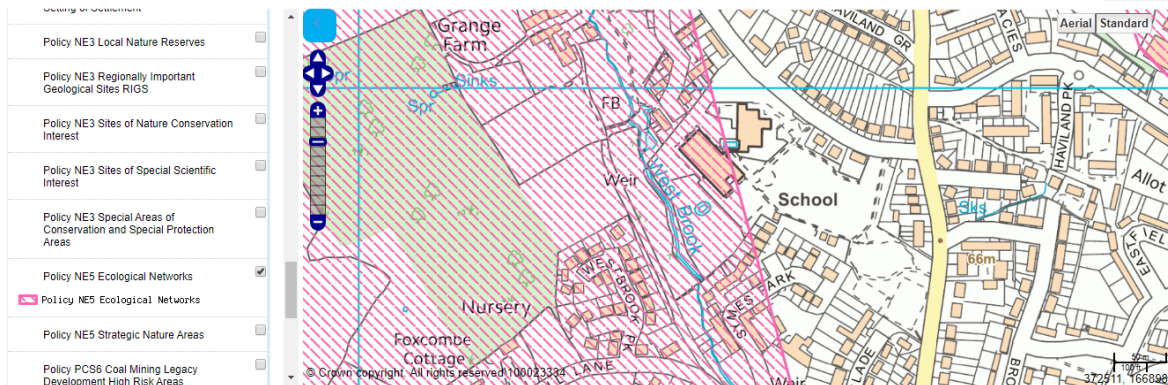
3.11 *Development proposals will be expected to demonstrate what contribution will be made to ecological networks as shown on the Policies Map through habitat creation, protection, enhancement, restoration and/or management.*

Key components of ecological networks:

- *Rivers*
- *Protected Wildlife Sites*
- *Priority Grassland Habitats*
- *Priority Woodland Habitats*
- *Priority Habitat Restoration areas*
- *Strategic Nature Areas*

3.12 The woodland is located within the identified Ecological Network (Policy NE5) as shown on figure 5. Woodland habitats are a key component of this network. The ecological surveys undertaken by myself support this designation, particularly in terms of its value as a corridors for notable species.

Figure 5 Location of the woodland within the Ecological Network



Policy NE2A Landscape setting of Settlement

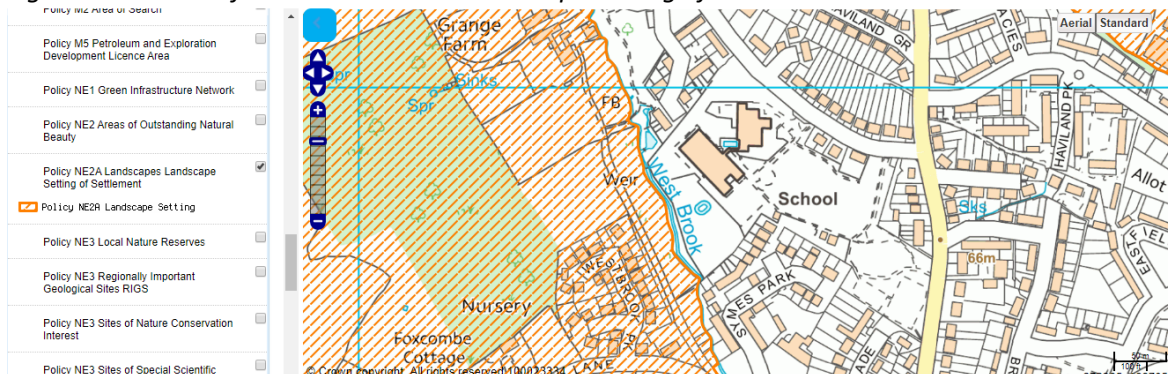
3.13 The woodland falls within the landscape setting of a settlement (Policy NE2A), as shown on figure 6.

3.14 *“Policy NE2A seeks to protect key landscapes and landform, landmarks and views / viewpoints which particularly contribute to the landscape setting of settlements within Bath and North East Somerset (B&NES). Landscape setting in the context of this policy is taken to include the surroundings of the settlement as well as undeveloped or well ‘treed’ areas which may be within the settlement and are important to the context of the developed areas”³.*

3.15 The main purpose of the policy lists ‘treed’ areas as being a key consideration in this policy, and woodland is listed as one of the key factors which contribute to the District’s distinct character.

3.16 It is thus considered that the loss of the woodland would be contrary to Policy NE2A, and without a TPO, the woodland would be at risk of loss without due consideration.

Figure 6 Location of the site within the landscape setting of the settlement



³ Landscape Setting of Settlements (Policy NE2A) Placemaking Plan Evidence Base December 2015

Tree Preservation Order - Westbrook Woodland

Bath Preservation Trust would like to offer comments on this provisional order which we understand will be heard by Development Management Committee in April.

We support the blanket Tree Preservation Order for the woodlands known as Westbrook adjacent to the West Brook, which is an historical brook that used to run through Weston village but is now culverted underground at Symes Park.

The reasons for our support are:

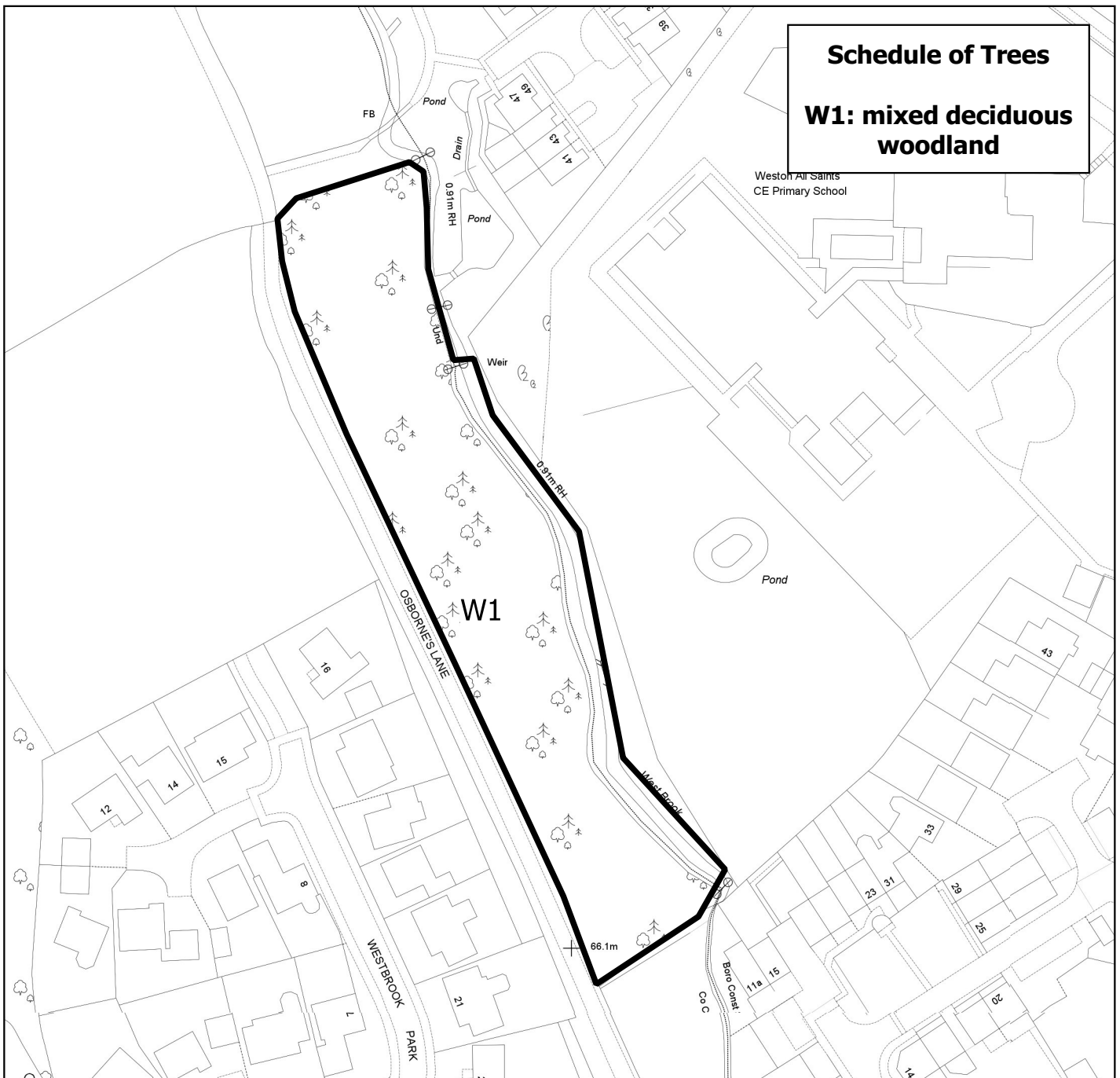
- The West Brook and its natural environment has been a key landscape feature of Weston for centuries and appears in maps dating from the 1700's. Indeed a nearby cottage on the corner of Deanhill Lane appears on maps as Westbrook Cottage, and remains of an old bridge can still be seen next to the house.
- The fact the brook is now culverted above the Weston village means that much of this historic communal feature is now lost and its contribution to the local spirit of place is also in danger of fading from memory. The preservation of the natural woodland that surrounds the brook logically offers protection of the site from built development and this is an important factor in our support of the order.
- This woodland is extremely well established and forms a valued part of the landscape setting of the World Heritage Site, which is recognised for its Outstanding Universal Value, and contributes to the setting of the nearby Green Belt and to the character and local distinctiveness of the Cotswolds AONB.
- The woodland has specific protection under Policy NE2A as it forms part of the landscape setting of the settlement (Weston village). Given its unspoilt, bucolic and verdant nature, the woodland makes an important contribution to the rural character of the settlement edge.
- The woodland makes a significant contribution to the visual amenity of the local area and softens/screens the appearance of suburban development, making it an important transitional feature connecting the village edge with the beauty of the surrounding landscape which sweeps up to Kelston Round Hill and the Cotswold Way.
- In panoramic views over the World Heritage Site from local vantage points both north and south the woodland is a positive natural feature which enhances the views.

Failure to protect this woodland would put this green space at risk of harm and loss, and this will threaten the landscape setting of the World Heritage Site in this location.

Summary of 104 residents comments provided in support of:

**Bath and North East Somerset Council
(Land to West of Weston All Saints Primary School, Osbournes Hill, Upper
Weston, Bath No. 318) Tree Preservation Order 2018.**

1. The appearance of the woodland and the wildlife it supports is valued.
2. The woodland provides a wildlife corridor between the urban area and Broadmoor orchard and beyond.
3. The woods are visible from the countryside such as Cotswold Way forming part of the green landscape setting of the Bath World Heritage Site.
4. The woodland is an essential part of Weston Village providing one of a few wild spaces left in the area.
5. The trees are clearly visible from the school, enriching the children's experience.
6. The site borders Weston All Saints Primary School nature reserve so any impairment to the quality of the site could impact on the schools' nature reserve.
7. The wood would be greatly missed if it was felled which would be detrimental to the appearance of the local area.
8. The wood is beside one of the last wild stretches of the West Brook in Weston enhancing the wildlife value of both.
9. The wood contributes towards the landscape setting of the World Heritage Site, the setting of the Green Belt and local distinctiveness of the Cotswold AONB.
10. The wood contributes towards the setting of Weston Village and the rural character of the settlement edge providing a transitional feature connecting the village to the surrounding landscape.
11. Failure to protect the woodland would place it at risk of harm and loss which would threaten the landscape setting of the World Heritage Site.
12. The woodland contributes towards a pleasant route for walkers to access Cotswold Way and for residents of Upper Weston to access local facilities.
13. The woodland contributes towards the 'green lungs' around Bath which are improving air quality.
14. Nine species of bat have been recorded in the vicinity using the woodland as a commuting and foraging route including Lesser Horseshow and Serotine.
15. The woodland contributes towards the green infrastructure and so delivers many of the functions included within the Bath and North East Somerset Councils' Green Infrastructure Strategy.
16. Without the TPO in place there is little that affords protection to the woodland outside of the planning system or planning policies.



Title:
TOWN AND COUNTRY
PLANNING ACT 1990
BATH AND NORTH EAST
SOMERSET COUNCIL
(Land to West of Weston All Saints
Primary School, Osbornes Hill, Upper
Weston, Bath No. 318)
TREE PRESERVATION
ORDER 2018

Scale 1:1250
Date: November 2018
Plan No: 500/318;
18/00004/TPO
Grid Ref: ST 722668

Mark Reynolds, Group Manager
Development Management

Bath & North East Somerset Council		
MEETING:	Development Management Committee	
MEETING DATE:	24 April 2019	AGENDA ITEM NUMBER
TITLE:	Quarterly Performance Report Jan - Mar 2019	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Analysis of Chair referral cases		

1 THE ISSUE

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

This report covers the period from 1 Jan – 31 Mar 2019.

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>

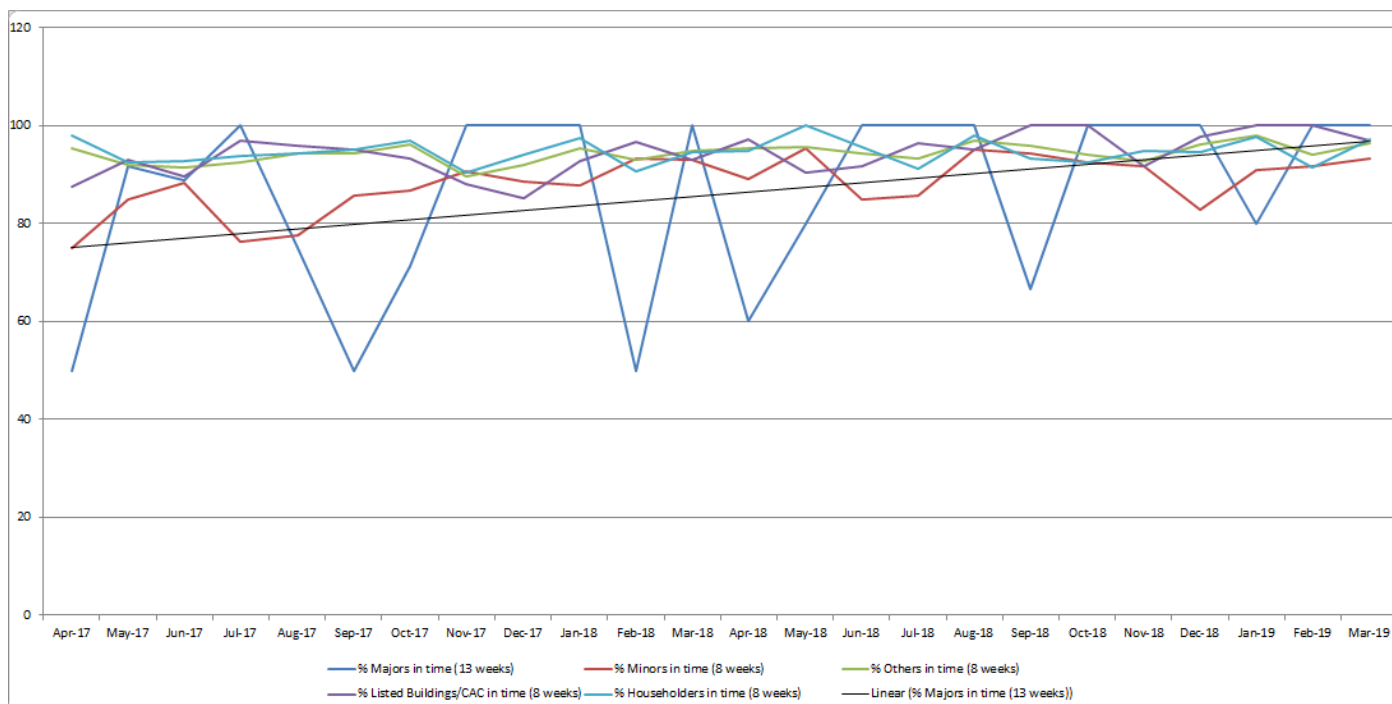
2 RECOMMENDATION

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				2018/19			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
% Majors in time	87%	73%	88%	80%	(10/13) 77%	(8/9) 89%	(10/10) 100%	(11/12) 92%
% Minors in time	83%	80%	89%	91%	(127/142) 89%	(127/138) 92%	(100/112) 89%	(91/99) 92%
% Others in time	93%	94%	93%	95%	(485/510) 95%	(433/453) 96%	(391/414) 94%	(361/374) 97%

Highlights:

- All three categories have been above target consistently every quarter for over 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				2018/19			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Received	719	719	672	716	684	673	610	621
Withdrawn	56	66	93	63	51	52	65	76
Delegated no. and %	603 (95%)	597 (96%)	577 (96%)	553 (96%)	647 (97%)	579 (97%)	530 (98%)	470 (97%)
Refused no. and %	52 (8%)	52 (8%)	68 (11%)	47 (8%)	54 (8%)	45 (8%)	48 (9%)	37 (8%)

Highlights:

- An 8% fall in planning application numbers compared to the previous 12 months – slightly more than the national trend (5% decrease year ending Dec 2018).

- The current delegation rate is a little above the last published England average of 94% (Year to Dec 2018).
- Percentage of refusals on planning applications remains very low compared to the last published England average of 12% (Year ending Dec 2018).

3 – Dwelling Numbers

Dwelling numbers	2017/18				2018/19			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Major residential (<i>10 or more dwellings</i>) decisions	12	4	10	0	7	6	3	6
Major residential decisions granted	9	4	7	0	6	6	1	4
Number of dwellings applied for on Major schemes	438	197	143	477	297	255	64	390
Number of dwelling units permitted on schemes	579	349	591	66	123	631	179	182

Highlights:

- There were 6 major residential planning decisions last quarter of which mostly were granted.

4 - Planning Appeals

	Apr – Jun 2018	Jul – Sep 2018	Oct – Dec 2018	Jan – Mar 2019
Appeals lodged	25	32	23	27
Appeals decided	21	22	22	28
Appeals allowed	7 (35%)	4 (18%)	9 (41%)	9 (32%)
Appeals dismissed	13 (65%)	18 (82%)	13 (59%)	19 (68%)

Highlights:

- Over the last 12 months performance on Appeals Allowed (31%) is satisfactory and still just within the national average of approx. 32%
- Appeal costs awarded against council in last quarter:
 - **£13,992.00** (Parcel 1212, Leigh Lane, St Catherine)

5 - Enforcement Investigations

	Apr – Jun 2018	Jul – Sep 2018	Oct – Dec 2018	Jan – Mar 2019
Investigations launched	145	109	132	181
Investigations in hand	228	198	197	213
Investigations closed	176	165	121	152
Enforcement Notices issued	5	1	4	1
Planning Contravention Notices served	2	1	1	0
Breach of Condition Notices served	0	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

	Apr – Jun 2018	Jul – Sep 2018	Oct – Dec 2018	Jan – Mar 2019
Other types of work	541	520	459	444

7 – Works to Trees

	Apr – Jun 2018	Jul – Sep 2018	Oct – Dec 2018	Jan – Mar 2019
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	13	22	27	25
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	92%	100%	96%	100%
Number of notifications for works to trees within a Conservation Area (CA)	143	176	236	166
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	90%	100%	99%	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 remains excellent.

8 – Corporate Customer Feedback

The latest quarterly report available of complaints and customer feedback is published on the website here:

<http://www.bathnes.gov.uk/services/your-council-and-democracy/complaints-and-customer-feedback/complaints-reports>

9 - Ombudsman Complaints

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

Ombudsman Complaints	Apr – Jun 18	Jul – Sep 18	Oct – Dec 18	Jan – Mar 19
Complaints upheld	0	0	0	1
Complaints Not upheld	0	0	1	1

Highlights:

- There has been one upheld complaint over the last year.

10 – Working With Our Customers

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 received (2018/19)	£4,223,916.76
CIL sums overview - Potential (April 2015 to date)	£10,809,585.70
CIL sums overview - Collected (April 2015 to date)	£11,094,948.14

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.**

	Apr – Jun 2018	Jul – Sep 2018	Oct – Dec 2018	Jan – Mar 2019
Chair referral delegated	19	19	13	10
Chair referral to DM Committee	12	16	10	4

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.**

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

Application no	ADDRESS	PROPOSAL	Decision Level	Decision Date	Status	Notes
19/00179/FUL	132 Old Fosse RoadOdd DownBathBath And North East SomersetBA2 2ST	Erection of a single storey rear extension.	COMMDC	14-Mar-19	PERMIT	Applicant has direct links with an employee within the Planning Service.
19/00495/FUL	5 Dene CloseKeynshamBristolBath And North East SomersetBS31 1RL	Erection of single storey rear, first floor side and front porch extensions. Installation of pitched roof over existing garage.	COMMDC	14-Mar-19	PERMIT	Applicant is a council employee who works within Planning Services.
18/05203/VAR	Richmond LodgeWeston LaneLower WestonBathBA1 4AB	Variation of condition 3 of application 16/02046/FUL granted on 30.06.2018	COMMDC	14-Feb-19	PERMIT	Application is being referred to the committee as the application has been submitted by Cllr Davies.
16/04870/FUL	Bidwell Metals LtdChapel RoadClandownRadstockBath And North East SomersetBA3 3BR	Erection of 28 dwellings, public open space, a community building and ancillary works following the demolition of 2 buildings (REVISED DESCRIPTION)	COMMDC	17-Jan-19	RF	Brought back to committee because the applicant has failed to enter into a S106 agreement or provide any information as to why these planning obligations would render the scheme unviable.
18/05387/AR	Onega CentreUpper Bristol RoadLower WestonBathBath And North East SomersetBA1 3AG	Installation of advertising hoardings around construction site.	CHAIR	09-Jan-19	CON	Chair referral delegated decision
18/03114/FUL	Parcel 4200Church RoadNorton MalrewardBristol	Erect a single storey timber stable block on a concrete base with additional hard standing and track from field gate. Change of use to mixed equestrian and agricultural use.	CHAIR	10-Jan-19	PERMIT	Chair referral delegated decision
18/05530/VAR	Land Parcel 7200Bath RoadKeynsham	Variation of conditions 2 and 11 of application 18/01307/RES (Reserved matters for consideration of layout, scale, appearance and landscaping for 250no. dwellings pursuant to permission 16/00850/OUT for residential and related development comprising appro	CHAIR	06-Feb-19	PERMIT	Chair referral delegated decision
18/04527/FUL	Avon Valley FarmPixash LaneKeynshamBristolBath And North East SomersetBS31 1TS	Erection of dwelling & removal of existing outbuildings.	CHAIR	07-Feb-19	PERMIT	Chair referral delegated decision
18/03790/FUL	Compton Green Farm The GreenCompton DandoBristolBS39 4LE	Use of existing building as a dwelling (C3)	CHAIR	07-Feb-19	PERMIT	Chair referral delegated decision
18/05220/FUL	15 NorthendBatheastonBathBath And North East SomersetBA1 7EE	Erection of extension to existing garage to create an annex following demolition of studio (Revised submission).	CHAIR	08-Feb-19	PERMIT	Chair referral delegated decision
18/04086/FUL	The BriaryBristol RoadChew StokeBristolBath And North East SomersetBS40 8UB	Erection of double garage with office space above following demolition of existing single garage.	CHAIR	12-Feb-19	PERMIT	Chair referral delegated decision
19/00117/FUL	The OrchardSutton Hill RoadBishop SuttonBristolBath And North East SomersetBS39 5UR	Erection of single storey rear extension.	CHAIR	06-Mar-19	PERMIT	Chair referral delegated decision
19/00090/FUL	44 Nunney CloseKeynshamBristolBath And North East SomersetBS31 1XG	Erection of first floor front extension over porch	CHAIR	07-Mar-19	PERMIT	Chair referral delegated decision
19/00245/FUL	181 Haycombe DriveSouthdownBathBath And North East SomersetBA2 1PP	Retrospective change of use from single dwelling (use class C3) to 6 bed house in multiple occupation (use class C4)	CHAIR	14-Mar-19	PERMIT	Chair referral delegated decision
18/04168/FUL	Long ByreBarn LaneChelwoodBristolBath And North East SomersetBS39 4NN	Erection of detached double garage	COMMDC	15-Feb-19	PERMIT	Chair referral to committee. I have read through the application & all related documents carefully noting statutory consultee comments which when assessed against relevant planning policies come to different conclusions, regarding Greenbelt the proposed position is unacceptable but to move it to overcome this issue it then is has an unacceptable impact on the listed building I therefore recommend the application be determined by the DMC.

18/02900/FUL	Land At Rear Of 106 High Street Dovers Lane Bathford Bath	Erection of two storey, 3 bed dwelling	COMMDC	11-Feb-19	PERMIT	Chair referral to committee. I have studied the application & related information including the history of the site therefore I am aware of the extant permission which as the report explains is a material consideration. The comments from third party consultees & Ward Cllrs regarding the possible overdevelopment of the site lead this proposal to being controversial therefore I recommend the application be determined by the DMC so the impact of the increase in size can be debated.
18/03359/FUL	6 Richmond Road Beacon Hill Bath Bath And North East Somerset BA1 5TU	Erection of replacement split level four bedroom dwelling and attached garage following demolition of existing two bedroom bungalow and garage.	COMMDC	17-Jan-19	PERMIT	Chair referral to committee. I have studied the application carefully noting comments from statutory, third party consultees & the Ward Cllr. Although the proposal has been reduced following pre-app advice controversy remains over the size & massing of the proposal & as the report explains it is a matter of balance as to how much harm it may cause to the residential amenity of neighbours. I therefore recommend the application be determined by the DMC allowing points raised to be debated in the public arena.
18/05513/FUL	47 Edward Street Lower Weston Bath	Erection of 1 no. dwellinghouse.	COMMDC	14-Mar-19	PERMIT	Chair referral to committee. I have studied the application including the history of the site noting statutory consultees comments, third party objection comments and DMC request from both Ward Cllrs. The site remains controversial and changes from the previously approved dwelling, despite amendments as the application has progressed, are felt to have a negative impact on the area by third party consultees. The application has been assessed against relevant planning policies as the report explains however I recommend this application be determined by the DMC as was the previously approved decision following a site visit.
18/03120/FUL	Selwood Farm Norman Road Saltford BS31 3BQ	House transformation comprising an extension, changes of materials with additional internal and external works.	COMMDC	14-Feb-19	PERMIT	Cllr Haerberling requested that should officers be minded to recommend approval, consideration be given to determination of the application by Development Management Committee.

Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	24th April 2019
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

APPEALS LODGED

App. Ref: 18/03558/VAR
Location: 75 Entry Hill Combe Down Bath Bath And North East Somerset BA2 5LT
Proposal: Variation of condition 3 (Plans list) of application 18/00996/FUL (Erection of side and rear single-storey extension, first-floor rear extension, conversion of loft and provision of re-adjusted roof and rear dormer window and erection of double garage with mezzanine following demolition of existing single garage).
Decision: REFUSE
Decision Date: 26 October 2018
Decision Level: Delegated
Appeal Lodged: 27 February 2019

App. Ref: 18/02321/ADCOU
Location: The Nursery Folly Lane Stowey Bristol BS39 4DW
Proposal: Prior approval request for change of use from Agricultural Barns to dwelling (C3) and associated operational development.
Decision: REFUSE
Decision Date: 19 July 2018
Decision Level: Delegated
Appeal Lodged: 28 February 2019

App. Ref: 18/02727/FUL
Location: Woodbine Cottage North Wick Chew Magna Bristol Bath And North

East Somerset

Proposal: Erection of detached garage with loft space and new access.
Decision: REFUSE
Decision Date: 3 October 2018
Decision Level: Chair Referral - Delegated
Appeal Lodged: 28 February 2019

App. Ref: 18/02507/FUL
Location: 97 Sheridan Road Whiteway Bath Bath And North East Somerset BA2 1RA
Proposal: Change of use from dwelling house (use class C3) to HMO (use class C4)
Decision: REFUSE
Decision Date: 30 August 2018
Decision Level: Planning Committee
Appeal Lodged: 7 March 2019

App. Ref: 18/01054/FUL
Location: 8 Teddington Close Southdown Bath Bath And North East Somerset BA2 1HT
Proposal: Change of use of 5-bed house to a 8-bed house of multiple occupation (HMO) (Use Class Sui Generis). (Retrospective)
Decision: REFUSE
Decision Date: 18 December 2018
Decision Level: Delegated
Appeal Lodged: 20 March 2019

App. Ref: 18/02730/FUL
Location: Homewood Park Hotel Homewood Hinton Charterhouse Bath Bath And North East Somerset
Proposal: Erection of a temporary marquee for 5 months each year for the next 3 years.
Decision: REFUSE
Decision Date: 30 October 2018
Decision Level: Delegated
Appeal Lodged: 25 March 2019

App. Ref: 18/03147/FUL

Location: 1 South View Clandown Radstock Bath And North East Somerset
BA3 3DW
Proposal: Conversion of existing garage into new detached dwelling
Decision: REFUSE
Decision Date: 24 October 2018
Decision Level: Delegated
Appeal Lodged: 26 March 2019

App. Ref: 18/02391/FUL
Location: Stoneridge Forefield Rise Lyncombe Bath Bath And North East
Somerset
Proposal: Erection of 1 No. dwelling and associated works (re-submission)
Decision: REFUSE
Decision Date: 23 October 2018
Decision Level: Delegated
Appeal Lodged: 27 March 2019

App. Ref: 18/01326/FUL
Location: 65 Lyncombe Hill Lyncombe Bath Bath And North East Somerset
BA2 4PH
Proposal: Internal and external alterations to include extension of existing rear
cloakroom tower and conversion of first floor bathroom, alterations to dormer windows,
external alterations to existing single storey sub-basement level extension and
restoration of kitchen to original location in the basement.
Decision: REFUSE
Decision Date: 15 May 2018
Decision Level: Delegated
Appeal Lodged: 28 March 2019

App. Ref: 18/01327/LBA
Location: 65 Lyncombe Hill Lyncombe Bath Bath And North East Somerset
BA2 4PH
Proposal: Internal and external alterations to include extension of existing rear
cloakroom tower and conversion of first floor bathroom, alterations to dormer windows,
external alterations to existing single storey sub-basement level extension and
restoration of kitchen to original location in the basement.
Decision: REFUSE
Decision Date: 15 May 2018
Decision Level: Delegated
Appeal Lodged: 28 March 2019

APPEALS DECIDED

App. Ref: 18/01002/FUL
Location: 15 The Mead Clutton Bristol Bath And North East Somerset BS39 5RQ
Proposal: Erection of detached dwelling and associated parking following relocation of parking area for 15 and 15a The Mead
Decision: REFUSE
Decision Date: 30 April 2018
Decision Level: Delegated
Appeal Lodged: 5 December 2018
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 27 February 2019

App. Ref: 18/02094/FUL
Location: 41 Wedgwood Road Whiteway Bath Bath And North East Somerset BA2 1NT
Proposal: Creation of an additional apartment to the rear of the existing shop (Resubmission).
Decision: REFUSE
Decision Date: 13 July 2018
Decision Level: Delegated
Appeal Lodged: 2 January 2019
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 28 February 2019

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
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 1 March 2019

App. Ref: 18/02696/FUL
Location: The Mead Stables Blackrock Lane Publow Bristol
Proposal: Erection of detached single storey dwelling and ancillary works.

Decision: REFUSE
Decision Date: 17 August 2018
Decision Level: Delegated
Appeal Lodged: 13 December 2018
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 5 March 2019

App. Ref: 18/02761/FUL
Location: 49 Hillcrest Pensford Bristol Bath And North East Somerset BS39 4AU
Proposal: Erection of a two storey dwelling.
Decision: REFUSE
Decision Date: 16 August 2018
Decision Level: Delegated
Appeal Lodged: 17 December 2018
Appeal Decision: Appeal Allowed
Appeal Decided Date: 5 March 2019

App. Ref: 17/04739/FUL
Location: 6 Madams Paddock Chew Magna Bristol Bath And North East Somerset BS40 8PN
Proposal: Demolition of the existing dwelling, associated garage and greenhouse and erection of a new dwelling and garage. The proposal also includes the associated landscape and drainage works.
Decision: REFUSE
Decision Date: 12 April 2018
Decision Level: Planning Committee
Appeal Lodged: 14 December 2018
Appeal Decision: Appeal Allowed
Appeal Decided Date: 13 March 2019

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
Appeal Decision: Appeal Allowed

Appeal Decided Date: 18 March 2019

App. Ref: 18/04236/TPO
Location: Unregistered Dwelling Calling Itself Priory Gardens Bathwick Hill
Bathwick Bath
Proposal: Multi-stem sycamore - Removal
Replant with native hawthorn in the same location
Decision: REFUSE
Decision Date: 15 November 2018
Decision Level: Non-Planning applications
Appeal Lodged: 4 December 2018
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 3 April 2019

Forthcoming Hearings and Inquiries

App. Ref: 18/01326/FUL and 18/01327/LBA
Location: 65 Lyncombe Hill, Lyncombe, Bath, BA2 4PH
Proposal: Internal and external alterations to include extension of existing rear cloakroom tower and conversion of first floor bathroom, alterations to dormer windows, external alterations to existing single storey sub-basement level extension and restoration of kitchen to original location in the basement.
Decision: Refuse
Decision Date: 15 May 2018
Decision Level: Delegated
Appeal Lodged: 28 March 2019

Hearing to be held on 12 June 2019 at the Guildhall, Bath