

Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **6th April 2016**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

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13	16/00504/FUL 1 April 2016	Mr T Warren Sawyers Mill , Hunstrete, Marksbury, Bristol, BS39 4NT Erection of barn with stabling and creation of 20m x 40m outdoor riding arena.	Farmboroug h	Alice Barnes	PERMIT
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**REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON
APPLICATIONS FOR DEVELOPMENT**

Item No: 01
Application No: 15/04706/EFUL
Site Location: Former Cadbury Factory Cross Street Keynsham



Ward: Keynsham North **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Brian Simmons Councillor Charles Gerrish
Application Type: Full Application with an EIA attached
Proposal: Partial demolition, change of use and extension of Building A and B to create a Care Village consisting of a 93-bed Care Home, 136 Extra Care apartments (Use Class C2) and communal facilities. Partial demolition, change of use and extension of Building C to B1 Office on part ground and upper floors (10,139m2 GIA), and Class D1 GP

Surgery/Medical Centre (833m2 GIA) and Class A1 Retail (150m2 GIA) on part ground floor. Associated surface car parking, the use of basements for car parking, cycle parking, landscaping and associated infrastructure. Proposals altering previous site wide planning approval 13/01780/EOUT as approved on 19th February 2014.

Constraints:	Agric Land Class 3b,4,5, British Waterways Major and EIA, Coal - Standing Advice Area, Forest of Avon, Listed Building, Provisional Tree Preservation Order, SSSI - Impact Risk Zones,
Applicant:	St. Monica Trust
Expiry Date:	8th March 2016
Case Officer:	Gwilym Jones

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

This application was reported to the Development Management Committee on 10th February 2016. At that meeting Members resolved to grant planning permission (subject to conditions and s.106 agreement) for development comprising:

"Partial demolition, change of use and extension of Building A and B to create a Care Village consisting of a 93-bed Care Home, 128 Extra Care apartments (Use Class C2) and communal facilities. Partial demolition, change of use and extension of Building C to B1 Office on part ground and upper floors (10,139m2 GIA), and Class D1 GP Surgery/Medical Centre (833m2 GIA) and Class A1 Retail (150m2 GIA) on part ground floor. Associated surface car parking, the use of basements for car parking, cycle parking, landscaping and associated infrastructure."

Following the resolution to grant permission for the submitted scheme the applicant has proposed amendments to the application comprising a full two storey roof extension to Building A to accommodate eight additional Extra Care flats on the site. In addition the applicant is proposing that eight Care Home beds are provided at local authority rates within the development.

As a material amendment to the application previously considered by the Committee the proposals are being reported again for determination.

DESCRIPTION OF SITE, PLANNING HISTORY AND APPLICATION

This application relates to the three remaining former Cadbury factory buildings plus adjacent land at Somerdale, north of Keynsham. Access to the application site is via the existing road from the junction of Station Road and Chandos Road and new internal site roads that will be laid out as part of the current development of the wider site.

13/01780/EOUT - planning permission was granted in February 2014 (subject to conditions and s.106 agreement) for the comprehensive development of the Somerdale site. The planning permission is for a mix of uses including up to 700 homes; up to 11,150m2 of B1 space; a local centre to include crèche and medical facility, and retail; cafe/restaurant; Care Home; new Fry Club and associated sports pitches; 1-form entry Primary School. In addition, there are a range of landscaping works and off-site highways works. Taylor Wimpey are the lead developers and have commenced Phase 1 of

development of the site. Reserved Matters for Phase 2 of the development comprising housing located around the former factory buildings were approved in December 2015 (15/01661/ERES). An application for Reserved Matters for the new Primary School (15/05521/ERES) has been submitted but has not yet been determined.

14/05811/EFUL - planning permission granted in April 2015 for the partial demolition, change of use and extension of former factory Building B to a 105 bed Care Home with 30 Extra Care flats (Class C2), and partial demolition, extension and use of Block C for employment use (B1) with basement and surface parking, access roads, landscaping and associated infrastructure. In addition, permission was granted for the erection of 30 dwellings on the site of a Care Home approved under 13/01780/EOUT.

The former factory buildings are large red brick buildings located at the centre of the Somerdale site. Building A is the original main factory building, four storeys in height with distinctive brick stair towers with 'lanterns' on its eastern elevation. The northern part of the building included a fifth storey which has recently been demolished. Buildings B and C are five storeys in height and wider than A. They are of a similar overall appearance albeit of a simpler design. The buildings are not listed however they are significant local landmarks and non-designated heritage assets. On completion of the wider development they will be the last remaining built record of Cadburys use of the site. There is a Grade II listed well between buildings B and C and within the open space to the west of the factory buildings (The Hams) there are significant archaeological remains of a Roman town (Trajectus).

The Hams is within Flood Zone 3 with the remainder of the site generally in Zone 1 or 2. The Avon river corridor which forms the outer boundary of the Somerdale site is designated a Site of Nature Conservation Importance (SNCI) and several trees on the site are the subject of a Tree Preservation Order including the two rows of mature horse chestnut trees lining the main site access road.

St Monica Trust (the current applicant) have purchased the three former factory buildings and propose to extend and convert the buildings for a mix of uses. The application (as amended) comprises:

Partial demolition, change of use and extensions to Building A and B to create a care village consisting of a 106 Extra Care flats (Building A), 93 bed Care Home and 30 Extra Care flats (Building B) including communal facilities in existing buildings and extensions.

Partial demolition, change of use and extensions to Building C to provide B1 office space on part of the ground floor and upper floors, and a GP Surgery/Medical Centre and A1 retail (pharmacy) on part of the ground floor. Associated basement and surface car parking, cycle parking, and associated infrastructure and landscaping.

The application is supported by a range of documents including a Design and Access Statement, Statement of Community Involvement, Environmental Statement Addendum, Transport Assessment, Employment and Economic Statement, Drainage Strategy, Waste Management Strategy and Car Parking Strategy.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

In December 2015 statutory and other consultees were consulted on development comprising a 90-bed Care Home and 151 Extra Care apartments (Use Class C2); 9,223m² (GIA) B1 Office; 930m² (GIA) D1 GP Surgery/Medical Centre; 547m² (GIA) A1 Retail.

In January 2016 the application was amended to a 93-bed Care Home, 128 Extra Care apartments (Use Class C2) and communal facilities; 10,139m² (GIA) B1 Office; 833m² (GIA) D1 GP Surgery/Medical Centre; 150m² (GIA) A1 Retail. Further consultation was undertaken on the amended proposals. This scheme was reported to the Development Management Committee in February 2016.

Since that committee meeting the applicant has made further amendments to the proposals comprising the provision of 8 additional Extra Care flats within Building A resulting in a total of 136 Extra Care flats on the site. The application remains unchanged in all other respects from that consulted on in January 2016 and the total number of bed spaces, flats and other floorspace in the development is below that originally consulted on in December 2015. Accordingly no further consultation has been undertaken on this latest amendment.

The comments below relate to the application as originally submitted.

Economic Development and Regeneration - Object. Although Keynsham enjoys a strategic location between Bristol and Bath its Green Belt location has meant that there have been few opportunities for new commercial development. This combined with the closure of the Cadbury factory and the associated impacts on local business have had a negative impact on the local economy. Monitoring undertaken as part of the 2013 Economic Strategy Review has shown that since 2008 workplace employment had reduced by over 11%, full-time employment had reduced by 20%, employment in the B&NES priority sectors had reduced by more than 5% compared with growth in all other parts of the area, the number of businesses in Keynsham had reduced by over 5%, the overall value of the Keynsham economy had fallen by 9%. Somerdale has a critical role to play in promoting positive economic growth for the local Keynsham economy and delivering the 7,200m² uplift in office floorspace and higher value-added jobs growth objectives set out in the Core Strategy. It also has the potential, more so than the town centre, to attract investment from the wider West of England sub-region given its transport links and location next to Keynsham station, the quality of its edge of centre location, the opportunity to provide dedicated car parking for office occupiers. To date in relation to office floorspace in the town we have seen a net increase of 4600m² at The Centre and are facing a likely loss of 7,700m² of office space through the change of use of the Riverside offices to residential. This equates to a net loss of 3100m², leaving an overall requirement for a further 10,300m² of office floorspace. The redevelopment of the Fire Station site in the town centre may offer some additional office but this is by no means certain. It is therefore vital that the Somerdale site addresses the current shortfall. The current application reduces the total to 7,500m² and compromises the ability to achieve the strategic ambitions for the town set out in policy KE1 and KE2. The balance of the new employment to be created on the Somerdale site also changes with a move away from the higher value added B jobs envisaged in the Core Strategy, to a greater number of retail and health sector jobs. The B1 employment element reduces from 84% to 67% and the care related employment increases to 23%. Targeted Recruitment & Training provisions have now been included in the adopted B&NES Planning Obligations

Supplementary Planning Document. The application proposal includes a significantly higher proportion of non-residential development and it is therefore appropriate to apply the SPD provisions to the non-residential floorspace. A financial contribution of £29,150 is identified. The developer will need to provide a method statement that will outline the delivery of the TR&T target outcomes and participate and contribute to a TR&T Management Board supported by the B&NES Learning Partnership. Existing s.106 relating to employment end uses, a trigger for the delivery of the office space to shell and core standard, prior to the occupation of Blocks A and B and a provision requiring a financial contribution towards the cost of providing replacement office accommodation at an agreed off-site location in the event of any reduction in the overall amount of office floorspace provided as a result of this or any future planning application should be retained.

Urban Design - Not acceptable in original submission format. The three existing factory buildings are highly visible landmarks across the Green Belt and from a number of public viewpoints including the railway and River Avon path. They also form the focal element within the factory landscape. They are locally important heritage assets. Their retention, restoration of the exterior and re-use of the three building is positive and there are no in-principle issues with the proposed demolition of out-buildings and link blocks, the addition of lower floor elements, alterations to floor levels or replacement of windows. It is suggested the palette of materials is subject to condition or approved after submission of materials as they will be key to maintaining the industrial character and matching and complimenting the existing structure. There is concern about the amount of additional accommodation proposed above the existing parapets. The LVIA identifies the roofline mass of the buildings (and in particular Block A) are punctuated by lift and stair towers and smaller elements of "penthouse" accommodation. These break down the skyline massing and create minor focal points. Whilst it is appreciated the proposed top floors will be recessed and of a zinc faced material, their massing envelopes these pinnacles. This loses the original architectural intent and character. Whilst some additional accommodation above existing parapet may well be achievable, I consider this would need to maintain the primacy of the existing mass and retain the "broken" roofline and focal role of the tower elements. Whilst a minor point, the perimeter footway that passes along the east side of Block A, is crossed by a very significant bank of parking, reducing its safety and removing any possibility of a kerb edge. This should be placed between the gardens and off-street parking bays. It is difficult to read how pedestrians from the development will link to the riverside and cross local roads to access the town. It is suggested defined crossing points should be identified at key junctions.

Highways - Given the principle of development on this site has been accepted the Highway Authority is only concerned with the potential impacts of traffic flow changes, the site parking provision, site layout and the continued adequacy of the Section 106 agreement. The application is supported by a Transport Statement and the trip rates used within the assessment have been previously agreed by the highway authority. This analysis demonstrates that there is unlikely to be a significant change in the total number of vehicle movements generated within each of the peak hours, and it is likely that there will be a slight reduction in the number of vehicles to and from the site. A "Car Parking Strategy" document has been submitted to consider the potential impact of the land use changes on the parking availability. The application is proposing that the parking for the B1 and Care Home element will be managed to ensure that spaces are shared between the different users. This approach is supported, however, due to the increasing

complexity of the land uses proposed it is now requested that further information should be provided. A parking accumulation calculation is needed to determine how the parking area could accommodate peak demands generated by each land use. It is requested that this information is prepared before any permission is granted, and the information should also demonstrate which parking areas will be available to visitors to each land use and staff members. The proposal promotes a significant parking under provision (as compared to the adopted standard) for the GP surgery, and it is requested that further details of the proposed staffing levels are provided so that the possible parking demands can be further evaluated. Given the limited impact of the proposed changes to the approved development, it is agreed that the highway and transport elements of the previously agreed Section 106 agreement would continue to be acceptable.

Scientific Officer Contaminated Land - Based on the sensitivity of this new application (residential care home, medical centre and landscaping etc for a specific phase/area of the site) and the former industrial/commercial use of the site and taking account of the information submitted with the application, I recommend that the model contaminated land conditions are applied.

Avon and Somerset Police Crime Prevention Design Advisor - No objection. The basement car parking should comply with the principles of Secured by Design and make recommendations on detailed layout and security provisions including lighting and CCTV.

Keynsham Town Council - support with a condition that the employment provision previously approved, as part of the existing outline planning application (submitted by Taylor Wimpey), should form part of any permission if this application should be granted.

Public Responses

6 responses have been received in support of a doctor's surgery as part of the proposed development, including two from an existing practice in Keynsham

Further Comments Received since application reported to February Development Management Committee

Archaeology - In regard to the wider factory area, test pit and bore holes survey results suggest that this part of the Somerdale site was heavily disturbed during construction of the various factory buildings and the railway goods yard to the north. The area is therefore thought to be of generally low archaeological potential. However, there is still the possibility that isolated pockets of intact archaeological deposits could survive between the former factory buildings. In the light of the identification of the location of the Grade II listed Roman well and the Committee's resolution to grant planning permission for the development recommend a watching brief and measures to protect and enhance the well.

Ecology - Two Ecological Briefing Notes have been submitted, comprising an update survey of the affected building for bats, and a survey of the use of the building by Peregrine Falcon. Whilst no roosting bats or nesting use by peregrine falcon was found at the time of survey (June 2015), there was bat activity in the area, and indications of the use of the building by birds including peregrine falcon and kestrel. There is a risk that the building could be chosen as a nesting site by these species in future, including this year. Update and /or Pre-commencement inspection of the building and surveys as appropriate

by a suitably experienced ecologist will therefore be required prior to works commencing, in each year that passes (if development were delayed).

POLICIES/LEGISLATION

The development plan comprises the Adopted Core Strategy and Saved policies from the Bath and North East Somerset Local Plan (2007).

Core Strategy policies of particular relevance to this application are:

- KE1 - Keynsham Spatial Strategy
- KE2 - Town Centre/Somerdale Strategic Policy
- CP2 - Sustainable Construction
- CP5 - Flood Risk Management
- CP6 - Environmental Quality
- CP9 - Affordable Housing
- CP10 - Housing Mix

Saved policies in the Bath and North East Somerset Local Plan (2007) of particular relevance to this application are:

- D.2 General design & public realm considerations
- D4 Townscape considerations
- CF.2 Provision of new or replacement community facilities
- CF.3 Contributions from new development to community facilities
- GDS1 K1 Somerdale
- NE.9 Sites of Nature Conservation Importance
- NE.10 Nationally important species and habitats
- NE.11 Locally important species & habitats
- BH.5 Locally Important Buildings
- BH.11 Scheduled Ancient Monuments
- BH.12 Important archaeological remains
- T.24 General development control and access policy
- T.26 On-site parking and servicing provision

The Placemaking Plan Pre-Submission Draft (December 2015) the document has yet to be the subject of Examination and accordingly whilst it is a material consideration in the determination of this application little weight can be given to it. Policies of relevance are:

- KE1 - Keynsham Spatial Strategy
- KE2a - Somerdale

Also of relevance is the adopted Planning Obligations Supplementary Planning Documents (April 2015).

National Planning Policy Framework (NPPF) March 2012 including accompanying Technical Guidance and National Planning Guidance.

ENVIRONMENTAL IMPACT ASSESSMENT

The proposed development is considered to constitute EIA development under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 when assessed cumulatively with development approved on the wider site and of which it forms an integral part. The current application is accompanied by an Environmental Statement Addendum ('ES Addendum') that identifies the environmental

effects of the original development as well as measures to mitigate those impacts where appropriate. It is considered that compared with the impacts assessed in the ES for the wider site no new or materially different significant effects on the environment will arise as a consequence of the current proposals.

The amendments to the application now proposed do not give rise to any new or materially different significant environmental effects from those assessed as part of the original application.

OFFICER ASSESSMENT

PLANNING CONSIDERATIONS

This application raises a number of issues that were reported at the Development Management Committee meeting in February 2016. These include the provision of B1 employment space on the site; the development of a 'care village' and use of Building A for C2 housing; the scale and design of the development including the impact on non-designated heritage assets; and the impact of the proposed development on other development on the site and on the wider area. Members considered the issues and resolved to grant planning permission for the proposed development subject to conditions and s.106 agreement.

Following the February Development Management Committee, the applicant has proposed that the roof extension to Building A is two storeys (rather than part one, part two storey) for the entire length of the building to accommodate an additional eight Extra Care flats. The applicant has also proposed that eight Care Home beds in the development are available to the Council at local authority funded rates.

No other changes are proposed to the development. The principal planning consideration therefore is impact of the proposed roof extension on the appearance of Building A.

SCALE AND DESIGN OF PROPOSED EXTENSIONS

The application proposes a number of alterations and extensions to the former factory buildings. These include part one/part two storey side extension on the west side of Building A, lift/staircase towers to Building A, a single storey link block with Building B and roof terraces, ground and single storey roof level extensions to Buildings B and C, provision of balconies to Building B, surface level and below ground parking, servicing areas and landscaping. The proposed roof extensions to Buildings B and C have previously been approved under planning permission 14/05811/EFUL and the other alterations to the buildings are as previously reported to the February 2016 Development Management Committee.

The former factory buildings are highly visible landmarks and form the focal element within the wider landscape. The roofline of the Building A is punctuated by lift and stair towers and these break down the skyline massing and create minor focal points to the building. The buildings are locally important non-designated heritage assets and their restoration and re-use is positive. There are no in-principle issues with the proposed demolition of out-buildings and link blocks, the addition of lower floor elements, or external alterations such as replacement windows. The design and materials for the extensions are generally sympathetic to and maintain the overall character of the buildings. The refurbishment of the former factory buildings is welcomed, will significantly improve the appearance of the buildings and retain their overall form and appearance.

The current application originally proposed a two storey roof extension the length of the building however in the light of concerns raised by Officers regarding the scale, design and impact of the extension on the appearance of the building the scheme was amended to part one, part two storey. This scheme was reported to and approved by the February 2016 Development Management Committee.

The planning permission granted in 2014 for the overall development of the Somerdale site (13/01780/EOUT) included the principle of a single storey roof extension to Building A. Illustrative plans and images submitted with that application show the single storey roof extension as a lightweight, predominately glazed structure set back from the building edge and clearly subservient to the main building. Building A is prominent in views from the east and is located at the end of the main tree-lined avenue into the site from Station Road. The building had the equivalent of a two storey roof extension at its northern end which has recently been demolished and the proposed two storey section on this part of the building is of a similar scale. The proposal to extend the two storey element over half the length of the building, with the southern half single storey, creates a break in the profile of the roof and is considered an acceptable design solution.

The current amendment seeks to 'reinstate' the two storey roof extension the entire length of Building A. It is also proposed to raise the stair towers on the eastern side of the building to project above the height of the two storey roof extension and replicate a distinctive feature of the original building. Whilst this approach to incorporate elements of the character of the original building is welcome it is considered that the overall expanse of the roof extension, with a limited set back from the parapet, means that the extension is a visually dominant element of the building and this detracts from its appearance. The NPPG (para. 135) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. As the original factory building on the site, Building A has particular importance in terms of the history of the site and whilst some intervention and extension is considered acceptable the scale and impact of the extension is considered to be detrimental to the appearance of this building. Accordingly the application as amended is considered unacceptable.

CARE VILLAGE

The application proposes a mix of Extra Care flats and Care Home bed spaces with support services such as café, swimming pool and gym for residents of the Care Village some of which could also be open to the general public.

As previously reported at the February 2016 Development Management Committee by virtue of details such as the range of facilities and communal space provided, allocation and eligibility criteria, and the level of care residents are contracted to pay for as part of the residence the proposed use falls within Use Class C2 'residential institution'. Such a use would not be subject to Core Strategy Policy CP9 (Affordable Housing) and therefore it is appropriate that the specific characteristics of the C2 use are specified in the s.106 agreement.

The proposed amendment to the scheme approved at the Development Management Committee in February 2016 is to provide an additional eight Extra Care flats. As part of

the scheme the applicant is proposing that eight Care Home beds would be available for the Council to nominate residents at the appropriate local authority banded rate. Preliminary discussions have been held with Health and Housing Strategy and Commissioning (Adult Social Care) who have raised a number of questions that need to be resolved before this aspect of the proposal could be supported.

IMPACT OF THE DEVELOPMENT ON THE SURROUNDING AREA

The proposed amendments increase the number of Extra Care flats in in the development from 98 to 106. No additional parking is proposed however it is considered that given the overall number of parking spaces available, including shared parking with the B1 space, the changes will not materially affect the impact of the development overall on the Somerdale site or wider road network.

As previously reported at the February 2016 Development Management Committee Transportation and Highways have advised that there is unlikely to be a significant change in the total number of vehicle movements generated within each of the peak hours. In addition, they have advised that whilst there will be changes to 'in' and 'out' flow levels, this should not have a significant impact on the operation of the signalised access junction that will serve the site. In terms of on-site parking Transportation and Highways advise that to ensure that spaces are shared between the different B1 and Care Home users, further information on the proposed parking management should be provided.

PROVISION OF B1 EMPLOYMENT SPACE

The Core Strategy policy KE2 identifies the Somerdale site for regeneration through a residential-led development to deliver a "new high quality, exemplar, mixed-use quarter ... providing significant employment floorspace, new homes, leisure and recreational uses." Policy KE1 sets out the overall strategy for Keynsham, which in respect of economic development is to plan for about 1,600 net additional jobs and make provision for an increase in office floorspace from 13,000m² to 20,200m² between 2011 and 2029. The Placemaking Plan is more specific in its guidance for the Somerdale site and Policy KE2a states the site will provide "at least 11,000sqm of B1 office use".

As previously reported at the February 2016 Development Management Committee the current application proposes 10,140m² (GIA) of B1 space. This is a reduction from the 11,150m² approved in (and reduction to 10,865m² approved in 2015) however the overall number of jobs that could be accommodated on the site (B1, doctors' surgery, Care Village, retail, school) would be of a similar order. In terms of the overall strategy for Keynsham it is considered that the current application delivers an acceptable number and range of jobs.

OTHER CONSIDERATIONS

The application site includes land previously used for industrial purposes. Previously the Council's Contaminated Land Officer has recommended that conditions are imposed to ensure that any land contamination, should it exist, is appropriately remediated. In addition, notwithstanding the extensive land disturbance that occurred when the factory buildings were first constructed the remains of the listed Roman well have been found between buildings B and C and there may also be areas of undisturbed land within the site where archaeological investigation and mitigation is required.

The application is supported by ecological surveys of the buildings and confirm that they are not used as bat roosts or foraging areas and peregrine falcons seen in the vicinity of the building do not nest within them. Subject to the ongoing monitoring of the site and provision of appropriate mitigation secured under the original planning permission this aspect of the proposals are considered to be acceptable.

CONCLUSION:

The application presented to the Development Management Committee in February 2016 was, on balance, considered to represent an acceptable form and scale of development and was recommended for approval. Members resolved to grant planning permission subject to conditions and a s.106 agreement.

Following the resolution to grant planning permission the applicant has proposed amendments to the scheme with proposals for a two storey extension to Building A. It is considered that the scale and impact of the extension detracts from the appearance of the building and the proposal that eight Care Home beds are available at local authority rates is not considered to outweigh the harm. Accordingly it is recommended that planning permission for the application as now amended is refused.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

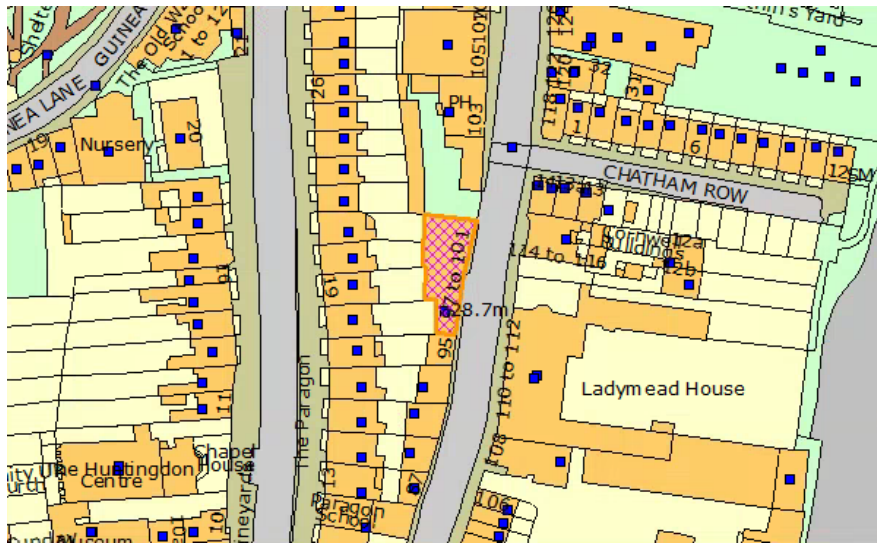
1 The proposed two storey roof extension to Building A by virtue of its scale and design is considered to be detrimental to the visual appearance of the undesignated heritage asset contrary to Policy D4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Core Strategy.

PLANS LIST:

1 Drawings PL 101A, 102, 103, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115A, 116A, 117B, 118A, 119A, 120A, 121A, 122B, 124B, 125B, 126A, 127A, 128B, 129A, 130A, 131A

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose 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.

Item No: 02
Application No: 15/05841/FUL
Site Location: 97 - 101 Walcot Street Bath BA1 5BW



Ward: Abbey **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Jonathan Carr Councillor Peter Turner
Application Type: Full Application
Proposal: Refurbishment of the existing warehouse and construction of new building for non-food retail, light workshop, training and office use following demolition of single storey canopy.
Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Local Shops, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Mr Peter Heywood
Expiry Date: 8th April 2016
Case Officer: Alice Barnes

REPORT

Reason for reporting application to committee

The application is being referred to the committee at the request of Councillor Carr.

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

Description of site and application

Walcot Street is located to the north of Bath city centre. Number 97-101 was previously used for the sale of furniture but is currently unused. The site is located within the Conservation area and World Heritage Site. Whilst the building itself is not listed there are listed buildings surrounding the site including the Paragon to the rear which is Grade I. The western side of Walcot Street is characterised by buildings of varying heights and

design. This property is adjacent to a two storey building to the south and the three storey public house to the north.

The application proposes to extend the building with the provision of a three storey side extension. The ground floor of the building would remain as retail selling furniture including an in house workshop. The upper floors would be used as office and training spaces falling within the B1 and D1 use classes. The building will be rendered with a slate roof. The design of the development has been revised so that the dormer windows have been removed from the second floor and the windows on the first floor have been reduced in size.

Relevant History

DC - 98/00377/FUL - RF - 26 June 1998 - Use to provide tyre fitting and repair unit

DC - 98/00380/AR - RF - 26 June 1998 - Display of externally illuminated fascia sign

DC - 98/01079/FUL - PERMIT - 1 June 1999 - Change of use from car repair garage (sui generis) to use for sale, restoration and repair of antique pine and garden furniture (sui generis)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: The site is located in a highly sustainable position, and it is noted that the building has an existing commercial use. No car parking is, or will be, provided and this is not considered to be an issue at this location. There are good links to public transport services within the city and on-street parking is controlled throughout the local area.

It is acknowledged that there will be some deliveries and that vehicles would have to stop on the street outside of the site, however, this is not considered to be any different from what could be associated with the current permitted use of the site.

It is noted that a secure cycle storage facility will be incorporated within the scheme, and this is welcomed.

Archaeology: Though relatively small scale, the proposed development lies within the Roman and medieval settlement of Walcot, where nationally important archaeological deposits are likely to survive. A condition should be attached requiring a programme of archaeology works.

Urban Design: The design statement provides evidence of the range of heights of buildings on this side of Walcot Street. However as previously raised it also demonstrates the distinctive character of roof forms in this section of the street; simple lean-to pitched roofs falling to eaves. There isn't a character of more formal dormer windows behind parapets, more commonly associated with more formal Georgian buildings. The introduction of the higher level and particular roof form also introduces an awkward flank elevation that does not preserve or enhance the conservation area.

Matters of overlooking of neighbouring upper level residential accommodation is also material to the proposed upper level.

For these reasons the scheme is a balanced between the benefits of the new investment, conservation and use and the considered harm to character and amenity caused by the upper level. This tension could be removed with the removal of the parapet and dormer windows.

Councillor Jonathon Carr: The property is council owned and following development it will be subject to a Community Asset Transfer to Genesis Trust under a 100-year lease with a peppercorn rent. The terms of the CAT and lease offered to Genesis require the redevelopment of the property with costs split between the council and Genesis. As such, the council has a stake in the outcome of this application. Due to this, and the sensitive nature of the CAT, the application requires public scrutiny by the Development Management Committee.

Representations:

Bath Preservation Trust: Support. The scheme will sensitively and appropriately repair and enhance Walcot Street. The proposed new building and link appear appropriately designed and sized to respond to the special urban pattern and grain of the streetscape, and the refurbishment of the warehouse building is welcomed. The trust is unsure over the visual finish of the high performance felt. Buff coloured render would be more appropriate rather than white.

22 representations have been received objecting to the application for the following reasons;

The building is too high. It is larger than the adjacent buildings.

The building is situated on a busy road.

It appears that a large industrial kitchen is being built which could be used for commercial operations.

Deliveries to the site could cause disruption.

The proposed use of the building will be detrimental to Walcot Street and local businesses.

The existing shops have built a reputation of individual shops selling upmarket goods. Another charity shop is not needed.

The building will be used as a rehabilitation centre for recovering alcoholics and drug users.

The submitted information is inconsistent.

At previous consultations residents were told that the site would be used for furniture restoration and sales. Why will it open until 10pm?

There should be no allowance for food production.

The products should be sold at market value so as not to conflict with other traders.

A lot of money has been spent on marketing to attract customers and their experience should be pleasant.

The pavement is narrow and lorries will cause congestion.

The support letters are not from residents of Walcot Street.

Food should not be prepared for outside consumption.

The opening hours should be reduced.

Deliveries to the site will cause a traffic hazard.

The building has been brought forward to maximise space it should be pulled back to maximise pavement space.

The façade of the new building should be set back to increase pavement width.
The building will be overbearing to neighbours and should be reduced in height.
There is a lack of detail on the fenestration.
How will the working show room operate? How are the public separated from the work areas?
The community has not been adequately consulted.
The decision to let the building to Genesis was made with no reference to the local community.
The application was put in without consultation with the community.
The support comments do not address the planning issues.
Not enough neighbour notifications were sent out and few people saw the site notice.
The development will overlook the nearby flats at Ladymead House.
The height of the building is inappropriate to the adjacent heritage buildings.
Furniture sales would result in members of the public parking outside. There is a narrow pavement with a bend in the road.
Walcot Street is a bus route.
The redevelopment of the Cattle market would result in an increase in traffic.
The height of the building would compromise the view to residents of the paragon.
The wall to the rear of the site is Grade I listed.
There is a patio for smokers overlooking Walcot Street.
Following the submission of revised drawings the building is still too high
The upper level will cover the Grade I listed wall.
The development should not be used for the preparation of food elsewhere.
The windows on the first and second floors will overlook nearby properties and will be used for training sessions for men with social problems.
There are on going dangers with regards to pedestrians and road safety.

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

This will improve the building and benefit Bath.
Walcot is Baths artisan quarter and is an ideal place for the proposed activity.
This is a much needed facility.
The projects been undertaken by genesis have been proven to serve the city over many years.
The property is well suited as a focus for many of these projects.
This is a good opportunity for Bath residents to support disadvantaged people in a suitable venue.
Genesis have been in temporary accommodation and it is time they had a permanent place.
It is a worthwhile use of a derelict building. It would be great to see fewer homeless people on the streets.
The development will allow Genesis to support venerable people who need assistance to get back to work.
It will bring a derelict building back into use.
There will not be a negative impact on the surrounding neighbourhood or the business trading there.
The proposed new building will relate well to its surrounding area.
The proposed use will be a valuable addition to the range of uses within Walcot Street.
It will improve the appearance of the building.
It will be good to see the run down building refurbished.

It is important to house the services in a central location accessible by bike or foot.
The proposed building will not cause disruption to adjoining premises.
Active use of the building will enhance Walcot 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 Council's Development Plan now comprises:

Core Strategy
Saved Policies in the B&NES Local Plan (2007)
Joint Waste Core Strategy

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

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

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

D.2: General design and public realm considerations
D.4: Townscape considerations
ET.2: Office development
Bh.2: Listed buildings and their settings
Bh.6: Development within or affecting Conservation Areas.
T.24: General development control and access policy
T.26: On-site parking and servicing provision
S.8: Retention of shops in district, local and village centres.
CF.2: Provision of new or replacement community facilities

Walcot Street Conservation Character Assessment and Principle for Development

National Policy
The National Planning Policy Framework adopted March 2012
National Planning Practice Guidance 2014

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.

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications.

D.2 - Local character and distinctiveness

D.3 - Urban Fabric

D.5 - Building design

D.6 - Amenity

ST.7 - Transport requirements for managing development

HE1 - Safeguarding heritage assets

LCR2 - New or replacement community facilities

OFFICER ASSESSMENT

The application proposes to extend the existing building with the provision of a three storey side extension. The ground floor of the building would remain as retail selling furniture including an in house workshop. The upper floors would be used as office and training spaces falling within the B1 and D1 use classes.

Principle

The existing building is currently unoccupied and was last used for the sale of furniture. The application site is located within the local shopping area of Walcot Street to the north of Bath city centre. The proposed development would retain the retail/workshop use at the ground floor. Current planning policy seeks to retain retail uses within local centres and the use of the ground floor for furniture retailing would retain the retail use. To use the upper floors for training and office space would site B1 and D1 uses within the city centre. The principle of the development is considered to be acceptable.

Design

The existing building will be refurbished with the provision of bi fold doors on the ground floor. To the south of the building the existing single storey flat roof will be removed. In this space a new three storey extension will be constructed.

The existing streetscene has a variation in building heights. The west side of Walcot Street is located adjacent to the rear of the Paragon which is set at a higher level to Walcot Street. The buildings on the west side of Walcot Street are partially bordered by the retaining wall to the rear of the Paragon and buildings of varied heights and designs. The existing building is set between a two storey property to the south with a mono pitched roof and the Bell pub to the north a three storey property with a pitched roof and gable end. No one architectural style dominates the existing west side of the street, the varied roof heights and styles gives this section of Walcot Street its character.

The mass of the proposed extension will result in a building which is approximately 0.5m higher than the existing building. The proposed extension will appear more as a new

building within the street rather than an extension to the existing building. Given the existing character of the street the mass of the extension cannot be said to be harmful to the character of the existing streetscene.

The provision of bi fold doors on the ground floor will allow for an active frontage within the streetscene. This will enhance the appearance of the existing building within the surrounding Conservation Area.

The urban design officer raised some concern with regards to the design of the extension. In response the applicant has submitted a revised design to remove the parapet and dormer windows. These changes are considered to improve the relationship of the building within the existing streetscene.

The proposed materials would include buff colour paint to the front elevations with a slate roof to the new extension. The windows, including the bifold doors will be timber framed. The proposed materials will be appropriate to the surrounding street and samples can be requested by condition.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that the proposed development will preserve the character of the surrounding Conservation Area.

Concern has been raised that the proposed building will block views of the retaining wall at the Paragon to the rear of the site. As stated above the proposed development is considered to preserve the character of the surrounding streetscene. The view of the retaining wall is already blocked by buildings within the west side of Walcot Street and the provision of the development is not considered to cause further harm to the setting of the nearby listed buildings. The building will be read as being part of Walcot Street rather than the Paragon which sits above Walcot Street.

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

Highways

The highways officer has raised no objection to the application. The site is located in a highly sustainable position close to local public transport links and local services. The building has an existing commercial use. Whilst no parking is provided this is considered to be acceptable within a city centre location.

On-street parking is controlled throughout the local area preventing an increase in on street parking.

It is acknowledged that there will be some deliveries and that vehicles would have to stop on the street outside of the site, however, this is not considered to be any different from what could be associated with the current permitted use of the site. Therefore whilst the concerns of local residents are noted this does not warrant refusal of the application.

Amenity

The proposed extension will protrude above the existing retaining wall to the Paragon by approximately 1.5m. The proposed extension will therefore be visible to the occupiers of the Paragon. As the extension would only protrude above the wall by approximately 1.5m the proposed development is not considered to result in harm to the occupiers of the Paragon.

Concern has been raised that the upper floors of the development will result in increased overlooking of Ladymead House on the eastern side of the road. The existing building is more than 20m from the front elevation of the development and would be at an angle to the proposed windows. It is noted that Ladymead house is already overlooked by number 95 adjacent to the application site. Whilst there may be some visibility between properties on balance the development would not result in increased overlooking to warrant refusal of the application.

Concern has been raised within the representations that the kitchen shown on the first floor would be used for commercial purposes to cook food to be taken off the premises. The applicant has stated that the kitchen would be used by staff who work within the building and may be used to teach clients cooking skills. To use the kitchen on a commercial basis could result in unwanted noise or smells so would require further consideration. Therefore a condition should be attached restricting the use of the kitchen so that it is not used for commercial purposes.

Other matters

The representations have made reference to the proposed occupier of the building which is the Genesis trust a local charity within Bath. In this case it must be noted that permission will be granted for the use of the building as a mix of retail, office and training. Should the Genesis trust decide not to occupy the building the permitted use would still exist. Consideration to grant permission does not depend on the specific user of the building.

The submitted objections have made reference to how the building has been let to the applicant. This is not a material consideration of the planning application and the correct ownership certificates have been submitted.

RECOMMENDATION

PERMIT

CONDITIONS

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

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

2 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include

details of deliveries (including storage arrangements and timings) hours of operation, contractor parking, traffic management and any need for cranes for construction.

Reason: Details are required prior to the commencement of the development to ensure the safe operation of the highway and to ensure that the construction of the development does not cause disruption to the highway. To ensure that the development does not occur during anti-social hours in the interests of residential amenity.

3 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered.

4 No 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 details so approved.

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

5 The proposed kitchen on the first floor of the property shown on plan 3089-231F shall not be used for the preparation of food for sale outside of the premises.

Reason: Use of the kitchen for commercial purposes would require further considered by the local planning authority.

6 The proposed development hereby permitted shall not operate outside the hours of 08:00 to 22:00 Monday to Friday, 08:00 to 20:00 Saturdays and 10:00 to 16:00 Sundays.

Reason: In the interests of residential amenity

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

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

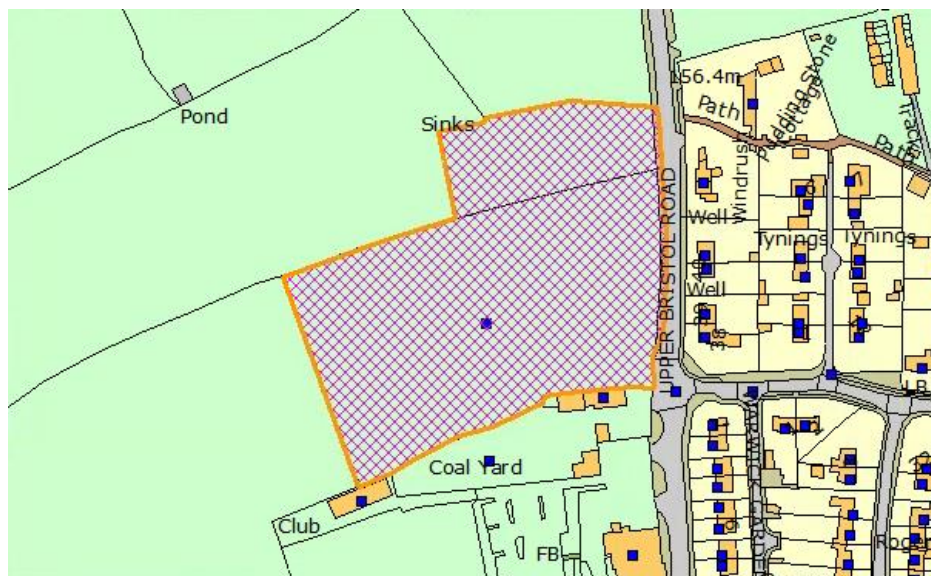
PLANS LIST:

Site location plan 3089-020 B
Site plan existing 3089-050 B
Existing ground floor plan 3089-100 B
Existing first floor plan 101 B

Existing roof plan 102
 Existing east elevation 3089-103 B
 Street elevation 3089-104 B
 Existing section A-A- 3089-105 B
 Existing section B-B 3089-106 B
 Existing section C-C 3089-107 B
 Proposed A-A section 3089-245 D
 Proposed B-B section 3089-246 B
 Proposed C-C section 3089-247 D
 Proposed ground floor plan 3089-230 F
 Proposed first floor plan 3089-231 F
 Proposed second floor plan 3089-232 F
 Proposed roof plan 3089-233 A
 Buildings area 3089-235 C
 Proposed east elevation 3089-240E
 Street elevation - proposed 3089-241 F
 Proposed D-D section 3089-248B

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 revised proposals was taken and consent was granted.

Item No: 03
Application No: 15/05068/FUL
Site Location: Parcel 8545 Upper Bristol Road Clutton Bristol Bath And North East Somerset



Ward: Clutton **Parish:** Clutton **LB Grade:** N/A
Ward Members: Councillor Karen Warrington

Application Type:	Full Application
Proposal:	Erection of single storey farmshop and cafe.
Constraints:	Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Sites used as playing fields, Public Right of Way, Road Safeguarding Schemes, Site Of Special Scientific Interest (SI),
Applicant:	Mr Andrew Tucker
Expiry Date:	10th March 2016
Case Officer:	Rachel Tadman

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application has been requested to be referred to Development Management Committee by Cllr Warrington and also attracted a letter of support from Clutton Paris Council. For these reasons the application was referred to the Chair of Development Management Committee who decided that the application should be referred to Committee for consideration.

DESCRIPTION OF SITE AND APPLICATION:

The application relates to an existing agricultural field located within the village of Clutton adjacent to the main A37 passing through the village. The site is has a public right of way crossing it and also has a safeguarded bypass route also crossing it. The site is not within the Green Belt but it is on the boundary.

The application is for the erection of a farm shop and café on an agricultural field using an existing, but upgraded, farm access off Upper Bristol Road.

The proposed development would provide a total of 533m² of floor space of which 180.5m² would be the café and 233.7m² would be the farm shop.

The proposed building would be 41m long, 13m wide, 5.2m high to the ridge on the South elevation and 6m high to the ridge on the North elevation. It would be constructed with a stone plinth with timber cladding above to the elevations and a profiled metal roof. The east and west elevations are fully glazed in a steel framework.

Externally the development provides 52 parking spaces, cycle parking for 10 bikes, delivery bay and associated landscaping.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS AND REPRESENTATIONS:

Planning Policy: Object:

B&NES Core Strategy-RA3 - no statement or justification has been submitted to show the site meets the needs of Clutton Parish or of the surrounding villages.

Local Plan Policies- S.9 - Clutton does not have a defined village centre but does contain local shops which are more dispersed and therefore Policy S.9 of the Local Plan applies. The submission is not considered to demonstrate that the butchers shop in its current location is not able to perform its key role and is therefore contrary to this policy.

Local Plan Policies ET.8 and ET.9 - Under these policies a new building would only be acceptable if required for uses directly related to the use of, or products of the associated landholding as well as needing to be well designed and well related to existing buildings. The former point is not disputed, nevertheless Policy ET.8 further requires that new buildings on greenfield sites 'are small in scale, well designed and grouped with existing buildings'. It is argued that the proposed building is neither small in scale nor well related to existing buildings.

Clutton Neighbourhood Plan - No information has been provided to show how the proposals are in accordance with Policies CNP4, CNP5, CNP7, CNP15 and CNP21 of the Clutton Neighbourhood Plan and therefore a policy objection is raised.

Comments on submission of further information: The additional information submitted has been considered however the following objections remain:

* There is only limited information to satisfy criteria b) of Policy S.9. There is no evidence of active marketing of the existing butchers shop or evidence that the butchers shop is not fit for purpose.

* The building height has been reduced but is still not in accordance with ET.8 as the proposed building is neither small in scale nor well related to existing buildings.

* A landscape assessment has not been submitted in accordance with Clutton neighbourhood Plan Policy CNP15-Landscape and Ecology.

Highways Development Officer: No objections subject to conditions.

Flood risk and Drainage: No objections subject to conditions.

Arboricultural Officer: No objections.

Ecology Officer: No objections subject to conditions.

Landscape Officer: Object in principle due to the adverse impact on the character of the surrounding landscape, including the green belt, and the users of the adjacent public right of way.

Environment Agency: Falls outside the consultation matrix so no comments.

Public Protection Officer (Environmental Health): The water supply to a neighbouring well, on the opposite side of the A37, is not currently in use as a private drinking water supply and the property is provided with mains water.

3 well water samples have been analysed over the last 13 months, 2 samples failed drinking water standards for microbiological parameters, which is not unusual for a raw water sample, and the second sample failed drinking water standards for Fe and Mn. As

no baseline monitoring exists, it's not possible to attribute any results to any activities which have occurred nearby.

Contaminated Land: No objections subject to conditions.

Environmental Health: The size of the existing Butcher premises severely limits the ability to meet the necessary food hygiene regulations meaning that there are significant restrictions on the types and amount of ready to eat foods the Food Business Operator can offer for sale.

The restrictions imposed by the Food Safety Team have inevitably narrowed the scope of the business and had an impact on the sustainability of the existing village Butchers. It has not been possible to award this business a high food hygiene rating due to structural issues.

The new proposed premises will allow the proposed business to meet the new guidance for physical separation between raw meat and ready to eat foods throughout storage, handling and display operations.

Ward Member: Cllr Warrington supports the development for the following reasons:

- * the location of the shop has been moved so that it is not visible from Green Belt,
- * the Farm Shop will not compete with the Butchers currently located within Clutton as the Butchers shop will close due to constraints in terms of size & Health & Safety Regulations and will move into the Farm Shop,
- * The shop will provide an important community service, not only for Clutton's residents, but further afield, and for local farms as an outlet for their products,
- * the Farm location by the A37 will a) attract passing trade and make the shop more viable; b) prevent more traffic accessing narrow rural village lanes, which will protect the village from increased traffic.
- * the shop in this location is included in Clutton's made Neighbourhood Plan.

Clutton Parish Council: Support the proposal for the following reasons:

- * The building is much less obtrusive by siting the building close to the A37 in line with other buildings and improving the design.
- * The location is supported by the Clutton Neighbourhood Plan Policy CNP8.
- * The Farm shop will replace the existing butcher's shop which is due to close.
- * The Highways evaluation will need to make sure that the appropriate steps are taken to ensure that safety is not compromised.
- * Neighbourhood Plan Policies CNP8 and CNP10 are relevant.

OTHER REPRESENTATIONS / THIRD PARTIES

A total of 64 letters have been received, 57 in support of the proposed development, 2 general comments and 5 objections. The following concerns have been raised:

1. The submitted transport statement is inaccurate and increased access off the busy A37 which would be harmful to highway safety
2. Proposed access does not have adequate visibility splays

3. Pedestrians would have to cross the busy A37 with no pedestrian crossings which is dangerous
4. Contamination on existing site would have a harmful impact on the development, PROW, nearby water courses and private wells and this permission would regularise this
5. Harmful visual impact on the Green Belt and countryside
6. The height and scale of the building, including its materials, would introduce a commercial feel to the site which is not in keeping with its rural surroundings
7. Overdevelopment of the site including excessive levels of car parking
8. Lack of need for a farm shop, there are already 3 within 4 miles of the site.
9. Impact on safeguarded land for highway purposes
10. Building exceeds the height allowable within 3km of an airfield
11. Lack of public mains drainage
12. Lack of information regarding lighting
13. Provision of a café would have a harmful impact on existing services
14. Harm to existing hedgerow
15. Inaccurate plans of neighbouring buildings
16. Harm to residential amenity and would impinge on the residents human rights.

The letters of support welcome the retention of the butchers and provide enhanced retail and café facilities in the area.

PLANNING ISSUES:

RELEVANT PLANNING HISTORY:

08/00968/AGRN - Approval not required - 10 April 2008 - Provision of access track to from highway to hay barn using existing field gate

08/00969/AGRN - Approval not required - 10 April 2008 - Erection of hay barn

12/00608/FUL - WD - 28 June 2012 - Erection of a farm shop, provision of new vehicular access and roadway with associated parking and servicing facilities.

13/01851/FUL - RF - 10 January 2014 - Erection of a farm shop, provision of new vehicular access, roadway, associated parking and servicing facilities and minor landfilling to east end of site (revised resubmission).

13/05192/FUL - WD - 26 February 2014 - Provision of new vehicular access to A37 from Parcel 8545 with re-aligned track to existing barn.

14/01021/FUL - PERMIT - 30 April 2014 - Provision of new vehicular access to A37 from Parcel 8545 with re-aligned track to existing barn. (Resubmission of 13/05192/FUL).

14/05781/FUL - RF - 13 March 2015 - Change of Use and cladding of hay barn to form farm shop with parking and servicing facilities.

POLICIES/LEGISLATION

POLICY CONTEXT:

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 Council's Development Plan now comprises:

- * Bath & North East Somerset Core Strategy (July 2014)
- * Saved Policies from the Bath & North East Somerset Local Plan (2007)
- * Joint Waste Core Strategy
- * Clutton Neighbourhood Plan

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

- * Policy SD1 - Sustainable Development
- * Policy CP2 - Sustainable Construction
- * Policy CP6 - Environmental Quality
- * Policy CP7 - Green Infrastructure
- * Policy CP8 - Green Belt
- * Policy RA1 - Development in villages outside the Green Belt
- * Policy RA3 - Community facilities and shops

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

- * Policy D.2: General design and public realm considerations
- * Policy D.4: Townscape considerations
- * Policy ET.8: Farm diversification
- * Policy GB2: Visual amenities of Green Belt
- * Policy NE.1: Landscape character
- * Policy NE.4: Flood Risk
- * Policy S9: Small scale local shops and change of use
- * Policy T17: Land safeguarded for major road improvement schemes
- * Policy T.24: General development control and access policy
- * Policy T.26: On-site parking provision

The Clutton Neighbourhood Development Plan has been 'made' by B&NES and is now a part of the Council's development plan which is in accordance with section 38A(4) of the Planning and Compulsory Purchase Act 2004. The following policies are relevant to the determination of this application:

- o Policy CNP4: Future infrastructure provision for fibre optic services
- o Policy CNP5: Sustainability by Design
- o Policy CNP8: Future siting of businesses
- o Policy CNP10: Traffic impacts of non-residential development.
- o Policy CNP13: Loss of agricultural land
- o Policy CNP15: Landscape and Ecology
- o Policy CNP18: Pedestrian Links
- o Policy CNP 19: Traffic impacts of residential developments
- o Policy CNP20: Car parking provision

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications. The following polices are relevant:-

- Policy RA1 - Development in villages outside the Green Belt
- Policy SD1 - Presumption in favour of sustainable development
- Policy CP2 - Sustainable construction
- Policy CP3 - Renewable energy
- Policy SU1 - Sustainable drainage
- Policy D1, D2, D3, D4, D5, D6 - Design and amenity
- Policy D8 - Lighting
- Policy D10 - Public realm
- Policy NE1 - Development and green infrastructure
- Policy NE12 - 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 GB1 - Visual amenities of the Green Belt
- Policy PCS1 - Pollution and nuisance
- Policy PCS1 - Noise and vibration
- Policy PCS5 - Contamination
- Policy PCS7A - Foul sewage infrastructure
- Policy RE3 - Farm diversification
- Policy RE5 - Loss of agricultural land
- Policy CR1 - Sequential test
- Policy CR4 - Dispersed Local Shops
- Policy ST1 - Sustainable transport
- Policy ST7 - Transport requirements for managing development

Planning Obligations SPD

National Planning Policy Framework

National Planning Practice Guidance

OFFICER ASSESSMENT

PRINCIPLE OF THE DEVELOPMENT:

The application has been submitted as a diversification of the existing agricultural enterprise for the provision of a butchers, retail unit and cafe. The enterprise already has an existing butcher retail business that is run out of a small retail unit in the centre of Clutton village which is now too small with inadequate facilities.

It is proposed that the existing butchers within the village would be relocated into the proposed farm shop with the offer of goods on sale expanded to include other produce and food products that are traditionally found within a farm shop.

The information provided in relation to the goods for sale is not as detailed as would be expected for a development of this type, however a list of potential suppliers within a 15 mile radius of the site has been provided in addition to those being produced by the farm itself. The aim is for 70% or higher of the shops stock to locally sourced. The type of goods for sale and their location of source would need to form a condition if the proposal was otherwise considered acceptable.

The Café would have seating for 60-70 covers, providing hot drinks, light breakfasts and lunches and cakes and it is also intended that the ingredients/produce sold from the café would also be provided by suppliers within a 15 mile radius of the site.

There are a number of policies under the Core Strategy, Local Plan and Clutton Neighbourhood Plan that the provision of such a shop and café needs to be considered against.

In the first instance Policy RA3 of the Core Strategy is relevant as it supports proposals for community facilities or shops within villages provided they are of a scale and character appropriate to the village and meets the needs of the parish and adjoining parishes.

In this respect the information submitted to show that the scheme would meet this policy is weak and furthermore the provision of a farm shop and café is not identified as an aspiration for the village within the Clutton Neighbourhood Plan. However, whilst the village does have a variety of different facilities, including a number of pubs, there are a limited number of retail units, one of which comprises the existing butchers.

Given the level of support from both the Parish Council and the representations submitted it is considered that whilst the case for a farm shop and café is weak, there is nevertheless a case to be made and should be given some weight.

Policy CNP8 of the Clutton Neighbourhood Plan also supports the development of industrial and retail sites close to the A37 provided they comply with the requirements of other policies in this plan.

Whilst in all other respects, as will be discussed below, the development does not conflict with other policies within the Clutton Neighbourhood Plan, the proposal would result in the loss of agricultural land which Policy CNP12 of the Clutton Neighbourhood Plan does not support.

Policy CNP12 states that development will not normally be supported if it results in the loss of the versatile and productive agricultural land, defined for the purposes of this policy as Grade 3A or above.

The site is classified as Grade 3, considered by the NPPF as amongst the best and most versatile. The NPPF states (para 112) that where significant development of agricultural land is demonstrated to be necessary, Local Planning Authorities should seek to use areas of poorer quality land in preference to that of a higher quality. However it is

considered that as this is a policy within a Neighbourhood Plan the loss of agricultural land should be viewed in relation to the neighbourhood plan area rather than nationwide.

Therefore whilst the principle of a retail development on this site is not considered unacceptable, given the limited size of Clutton and the comparatively large loss of agricultural land, the proposal is nevertheless considered contrary to Policy CNP12.

Turning to the Local Plan, Policy ET.8 deals with proposals for farm diversification involving the use of agricultural land or the conversion of existing buildings. In this case the Policy requires that new buildings on greenfield sites 'are small in scale, well designed and grouped with existing buildings'.

The Policy also seeks to ensure that the proposed development would not result in the dispersal of activity which prejudices town or village vitality. Furthermore Policy S.9, relating to dispersed local shops, is also of relevance which, whilst allowing for the development of retail units outside the shopping centres defined on the proposals map, this is only if the retail unit is small-scale appropriately located within the settlement.

In this case it is considered that a floor area of 533m², and the overall size of the building, cannot be considered as small in scale and its location in a position distant from existing buildings means it is also not well related to existing buildings.

Therefore it is considered that the proposal does not strictly meet the provisions of either Policies S.9 or ET.8.

In terms of the impact on the existing retail units within the village, it has been argued that the only other retail unit within the village, the existing Butchers, is unfit for its current purpose as a Butcher's shop and will have to close if alternative provision is not achieved. Whilst evidence from Environmental Health has been provided to demonstrate this, the building's use as a retail unit would remain and it is not impossible that an alternative retail operator could be found.

Furthermore an application for prior approval to change the use of the existing retail unit to a dwelling was refused in November 2015 (ref: 15/05092/RTDCOU) where it was also concluded that there was a reasonable prospect that an alternative retail operator could be found.

However the provision of the proposed farm shop and café, its large car park and its prominent location on the A37 would provide a more attractive retail unit to customers, which is likely to have an adverse impact on the viability of the existing shop within Clutton village itself.

An objector is concerned that the site is within 3km of an airfield but, whilst this is relevant in terms of permitted development rights for agricultural buildings, it does not preclude the granting of full planning permission for a building of this size.

Finally the site is located on the safeguarded route of the A37 Clutton and Temple Cloud Bypass (western route) which runs across the site and therefore saved Local Plan Policy T.17 is a material consideration. However following a Single Member Decision

(September 2014) the Council resolved not to pursue the A37 Temple Cloud/Clutton Bypass and therefore saved 'Local Plan Policy T.17 can only be afforded limited weight.

Overall, whilst the principle of the proposed farm shop and café are supported by Policies RA3 of the Core Strategy and Policy CNP8 of the Clutton Neighbourhood Plan, and the use is not unacceptable in principle, the development nevertheless is considered to be contrary to Policies S.9 and ET.8 of the Local Plan. Due to the loss of agricultural land the development is also considered contrary to Policy CNP12 of the Neighbourhood Plan, which, in turn, due to the precise wording of Policy CNP8, means the development is also contrary to Policy CNP8.

DESIGN AND LAYOUT OF THE PROPOSED DEVELOPMENT AND IMPACT ON THE LANDSCAPE, ADJACENT GREEN BELT AND SURROUNDING AREA:

The application proposes the erection of a building to house the farm shop and cafe which comprises a long relatively low building set at a right angle to the road.

The site at present comprises an agricultural field, currently used as grazing land, which is rural in character and which makes a significant contribution to the rural character of the site, the street scene and this part of Clutton village.

Whilst the site is close to the boundary of the built up area of Clutton, the next developed site to the west, currently a vehicle service centre, has a number of buildings located right on the boundary which gives a very hard edge to the junction of the built up area with the wider rural area. The overall site is highly visible from Upper Bristol Road with direct views of the site, at both medium and short range as well as from the PROW running down the boundary of the site. Clear views of the site are also available from the adjacent Green Belt, road and footway.

The proposed development will result in the change of use of the site from agricultural to a retail unit and café and include the introduction of a more formal and engineered access road along with a car park and delivery bay. The development will also result in the introduction of significant number of cars, delivery vehicles and pedestrians and a general level of activity that is alien to the character of an agricultural field. In addition the development will be clearly visible and very prominent in views from the adjacent Green Belt, road and footway.

The introduction of the proposed development, the buildings and the use, along with all the paraphernalia that accompanies a retail unit, in the middle of a stretch of uninterrupted open farmland is considered to represent an obtrusive and somewhat incongruous feature that would have an unacceptable detrimental impact on the rural and agricultural landscape character of the site. Furthermore the development is considered to have an unacceptable detrimental impact on the street scene of Upper Bristol Road, and would have a harmful impact on views of the site from the adjacent Green Belt and surrounding area.

Whilst this site does not form an important view that should be protected under Policy CNP15 of the Clutton Neighbourhood Plan, the harm is nevertheless contrary to Policy NE.1 of the Local Plan as it would have a harmful impact on landscape character. Furthermore the development, located on the boundary of the Green Belt is considered to

be contrary to Policy GB2 of the Local Plan due to visual harm by reason of its siting and design.

IMPACT ON RESIDENTIAL AMENITY:

The nearest residential dwellings to the proposed site are on the opposite side of Upper Bristol Road. The proposed farm shop and car park is unlikely to have an adverse effect on the residential amenity of the occupiers of those dwellings. However, concerns have been raised by local residents that the development would have a harmful impact on their residential amenity and will, in particular, lead to an increase in cars entering and exiting the site at a point opposite their dwellings. It has been stated that this would be contrary to the resident's human rights.

Whilst the use of the site and the increased use of the existing access is considered likely to have an impact on the residential amenity, this would not be significant or at a level that could be considered so unacceptable as to justify the refusal of the application.

Furthermore, in making this judgement, regard has been given to the Human Rights Act regarding the right for a person's private and family life and home and for the peaceful enjoyment of possessions.

ECOLOGY AND TREES:

The proposed development has undergone some revisions in order to take into account the comments of the Ecologist and, with the introduction of new hedgerow planting, and sensitive external lighting, the scheme is now considered to be acceptable and would not have a harmful impact on protected species.

With regard to trees the development would not have an impact on any trees of arboricultural merit.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

The application has been accompanied by a Transport Statement which, along with the planning history for this site, has been reviewed by the Highways Development Officer.

The application has attracted a number of objections from local residents raising concerns that the development will have a detrimental impact on highway safety particularly in relation to visibility from the junction and concerns about pedestrians crossing the A37.

The access to the farm shop would use the existing permitted agricultural access off the A37/Upper Bristol Road and the existing track for around 60m at which point a new track is proposed to turn into the car park.

Whilst the proposal has the potential to generate additional traffic compared with the previous applications, the Highways Development Officer has concluded that that the level of traffic generated by this proposal would not have a significant safety or capacity impact on the operation of the A37 Upper Bristol Road and the existing visibility splays are also considered adequate.

An improved pedestrian link to the site is still considered to be critical, and in response revised plans have been submitted to show the provision of a footpath link from the shop/café to the A37 to the south west alongside the existing bus stop and A37 crossing point. Although the submitted plans lack the level of detail required, this can be addressed by condition, the provision of the pedestrian link is welcomed.

Furthermore whilst it is acknowledged that the development will in all likelihood result in additional pedestrians crossing the A37 to access the shop/café, both at the south western end of the site and also directly opposite the vehicular access, given the 30mph speed limit and the good visibility it is considered that the development would not be unacceptably harmful to highway safety.

A Travel Plan is considered necessary to encourage the use of sustainable transport for staff and customers alike.

The existing Public Right of Way running along the southern edge of the site would be unaffected by the proposals.

In summary, there is no highway objection recommended subject to the footway being secured and conditions.

SUSTAINABILITY AND RENEWABLE ENERGY:

The development includes a number of sustainable features to include the use renewable materials (timber cladding) in the construction of the building as well as the provision of solar panels and rainwater harvesting. Furthermore the lighting has been designed to reduce energy consumption with the use of movement sensors etc.

Policy CNP5 of the Clutton Neighbourhood Plan requires that all new commercial developments shall be laid out to maximise solar energy gain. Whilst information has not been provided to show how the development meets this policy the development is nevertheless laid out to be south facing meaning that solar gain is considered to nevertheless be maximised.

Overall the sustainable features included within the development are considered to be acceptable and given the size of the development are considered to meet the requirements of Policy CNP5 of the Clutton Neighbourhood Plan as well as Policy CP2 of the Core Strategy.

OTHER MATTERS:

Contaminated Land and Water Quality:

Planning permission was granted in 2014 (ref: 14/01021/FUL) for the provision of new vehicular access to A37 and track to the existing barn on the site. The works to implement this permission resulted in the raising of levels on the land with imported material.

Following complaints from a local neighbour that the imported material included contaminated waste, the approved development became subject to an investigation by the Enforcement Team and the Environment Agency.

The enforcement investigation has since been closed with no action required and although it would appear that the Environment Agency still have some issues to deal with, these appear to be in relation to procedures.

It should be clear that the development does not propose any significant changes in levels and therefore, to some extent, the previous issues in relation to imported material do not have a bearing on the acceptability of this scheme.

Nevertheless, due to the previous issues raised, and subsequent objections by local residents referring back to these issues, the application has been accompanied by some contaminated land assessments and referred to the Contaminated Land Officer.

Having considered the submitted information the Contaminated Land Officer has noted that the reports have included an assessment of the potential risks to receptors considered to be the most sensitive at the site location (human health and controlled waters) which concluded that there is no indication of the presence of contaminants at concentrations that would present an unacceptable risk to human health or the environment at this location. As a result she has raised no objections to the scheme subject to condition requiring the reporting of unexpected contamination were some to be found during the construction of the development.

Whilst the contaminated land reports submitted, and the Officer's comments, only assess the impact within the site itself, the Public Protection Officer within Environmental Health has also provided comments in relation to the water quality within a local objector's well. The well in question is located opposite the site on the other side of the A37/Upper Bristol Road. Objections have been made that the development itself, as well as the presence of contaminated material on the site, could have a harmful impact on the water quality within the well.

Again, the development does not propose any significant changes in levels and therefore, to some extent, the impact on water quality has to be given limited weight. Nevertheless the water quality within the well has been tested on 3 occasions and, whilst 2 of the 3 tests have failed, the Officer is of the view that, as no baseline monitoring exists, it is not possible to attribute any results to any activities which have occurred nearby.

Furthermore it should also be noted that the well in question is not currently in use as a private drinking water supply as the property is provided with mains water.

In conclusion it is considered that, in terms of contaminated land, the development is not considered to be unacceptable subject to conditions. Furthermore, in relation to the impact of the development on the neighbouring water well, this has been considered in full but for the reasons outlined above, the impact can only be given limited weight and in any case no identified harm to the water quality has been provided and therefore this is not considered to justify the refusal of the proposal.

Accuracy of the Plans:

An objection has been made that the proposed section showing the dwellings opposite the site is inaccurate in the depiction of the size of those dwellings. This concern is acknowledged, however the impact of the development on the dwelling has been judged without the aid of the relevant section and the plan has instead been used to understand the relationship of the proposal with the Upper Bristol Road.

DRAINAGE AND FOUL INFRASTRUCTURE:

The development has submitted a drainage strategy which has been considered by the Drainage and Flooding Team and found to be acceptable subject to conditions.

In relation to foul infrastructure, the development proposes the use of an on-site foul sewage solution as the connection to the mains sewage drainage is considered to be cost prohibitive. This is considered to be an acceptable approach in this instance.

CONCLUSION:

The proposed development of a farm shop and café has been submitted in part as a farm diversification scheme but also as an opportunity to relocate and expand the existing butchers within the village.

The principle of the proposed farm shop and café is supported by Policies RA3 of the Core Strategy, which deals with community facilities and shops in villages, and Policy CNP8 of the Clutton Neighbourhood Plan which allows the provision of retail facilities along the A37. It is therefore considered that the use is in itself is not unacceptable in principle within the village of Clutton. However the development is considered to be contrary to Policies S.9 and ET.8 of the Local Plan and despite being supported by Policy CNP8, as the development is otherwise contrary to Policy CNP12 of the Neighbourhood Plan it is nevertheless contrary to Policy CNP8.

Policy ET.8 deals with proposals for farm diversification schemes and requires that development does not result in a dispersal of activity that prejudices village vitality. Policy S.9 deals with the provision of small scale local shops

In this case the proposed floor area at 533m² cannot be considered as small in scale and its location in a position distant from existing buildings is also not well related to existing buildings. Furthermore the provision of the proposed farm shop and café, its large car park and its prominent location on the A37 would provide a more attractive retail unit to customers, which is likely to have an adverse impact on the viability of the existing shop within Clutton village itself.

Furthermore, as the proposal would result in the loss of agricultural land, it is considered contrary to Policy CNP12 of the Neighbourhood Plan. Policy CNP8 only supports retail development along the A37 if it does not conflict with other policies in the Plan, therefore the development is also contrary to Policy CNP12.

In terms of landscape impact, the development, in the middle of a stretch of uninterrupted open farmland would represent an obtrusive and incongruous feature that would have an unacceptable detrimental impact on the rural and agricultural landscape character of the

site. It would also have an unacceptable detrimental impact on the street scene of Upper Bristol Road, and would have a harmful impact on views of the site from the adjacent Green Belt and surrounding area.

Whilst this site does not form an important view that should be protected under Policy CNP15 of the Clutton Neighbourhood Plan, the harm is nevertheless considered unacceptable as it would have a harmful impact on landscape character and cause visual harm to the Green Belt.

Whilst concerns have been raised by local residents that the development would have a harmful impact on their residential amenity, in particular, from cars entering and exiting the site at a point opposite their dwellings, it is nevertheless considered that the development is unlikely to have an adverse effect on the residential amenity of the occupiers of any neighbouring dwellings.

In terms of the impact of the development on highway safety, the application has been supported by a Transport Statement and would use the existing entrance to the agricultural field to gain access to the farm shop site. The farm shop would provide a total of 50 parking spaces, cycle parking spaces as well as a servicing bay. The development has raised no objections from the Highways Development Officer and therefore, subject to the provision of a footpath, the development is considered to be acceptable.

The scheme includes a number of sustainable features that are considered to be acceptable and meet the requirements of Policy CNP5 of the Clutton Neighbourhood Plan as well as Policy CP2 of the Core Strategy.

Turning to drainage and sewage infrastructure, the drainage approach is considered acceptable by the Drainage and Flooding Team. In terms of foul sewage the development proposes an on-site solution rather than connection to the mains sewage which is also considered to be acceptable in this instance.

The proposal has been met with some objection by local residents that, in implementing a previous permission for the agricultural access and track, contaminated material was imported onto the land which has introduced a risk to the quality of the drinking water in wells on the opposite side of the A37. As these concerns relate to a previous permission, and can therefore only be given limited weight, the Contaminated Land Officer and Public Protection Officer of the Council have provided comments. They have concluded that the information submitted shows that the submitted information does not indicate the presence of contaminants at concentrations that would present an unacceptable risk to human health or the environment on the site. Furthermore the Public Protection Officer has confirmed that the well in question is not actually used for private drinking water and that, whilst some of the tests carried out have failed, as there is no baseline data on which to judge these against, no identified harm attributable to this development site is considered proven to a level that would justify refusal of the proposal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development, by reason of the provision of a new building, its size and relationship with existing buildings along the Upper Bristol Road and its location within an agricultural field on open farmland separated from the limits of the main settlement by the Upper Bristol Road/A37 is not considered to represent an appropriately located small scale local shop and would have an adverse impact on the viability of the existing shops within Clutton village itself. Furthermore the development would result in the loss of good quality agricultural land which, overall, is contrary to Policy S.9 and ET.8 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007 and Policies CNP8 and CNP12 of the Clutton Neighbourhood Plan.

2 The proposed development, by reason of the proposed change of use of the agricultural field to retail, the size and design of the building, provision of the car park and service areas and the presence of significant views of the site from the adjacent Green Belt, public viewpoints and adjacent public footpath, would lead to a significant and unacceptable detrimental impact on the existing rural landscape character and appearance of the site itself, as well as the street scene of Upper Bristol Road and would have a significant harmful impact on views of the site from the adjacent Green Belt as well as public viewpoints. This is contrary to Policies GB.2, D.4, NE.1 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

PLANS LIST:

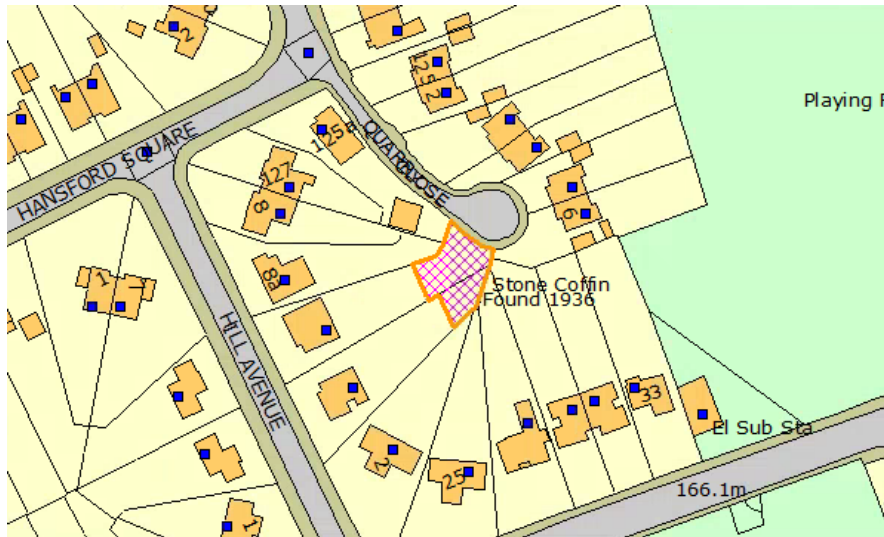
PLANS LIST:

This decision relates to drawing nos 3928 (08)010 Rev C, 3928 (08)011 Rev C, 3928 (08)020 Rev D, 3928 (08)021 Rev B, 3928 (08)022 Rev B, 3928 (08)030 Rev C, 3928 (08)001

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 Policy Framework. Notwithstanding the 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.

Item No: 04
Application No: 15/05816/FUL
Site Location: 6 Hill Avenue Combe Down Bath Bath And North East Somerset BA2 5DB



Ward: Lyncombe **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Michael Norton Councillor Mark Shelford
Application Type: Full Application
Proposal: Erection of 1 no. detached dwelling, with proposed access from Quarry Close.
Constraints: Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,
Applicant: Ms Christine Tyler
Expiry Date: 13th April 2016
Case Officer: Jessica Robinson

REPORT

This application has been referred to the Development Management Committee at the request of Cllr M Shelford and Cllr M Norton for the application to be determined at Development Management Committee if the Officers recommendation is to approve. These comments are summarised within the Representation Section of this report.

This application seeks consent for the erection of 1 no. detached dwelling within the existing residential curtilage of 6 Hill Avenue, Combe Down.

This application relates to a detached property set within an established residential area of mainly detached and semidetached properties within Combe Down. The dwellinghouse is set within a long, narrow plot bound by a highway to the principal elevation, a cul-de-sac to the rear of the plot and adjoining to neighbouring gardens to each other elevation.

The existing dwellinghouse sits within the World Heritage Site and a defined housing boundary.

Relevant planning history:

01/00152/FUL - PERMIT - 26 April 2001 - Erection of a two storey side extension and addition of sloping roof on garage

11/02737/FUL - WITHDRAWN - 16 August 2011 - Erection of a two storey dwelling in the rear garden.

12/02593/FUL - WITHDRAWN - 16 August 2012 - Erection of a two storey dwelling in the rear garden (Resubmission).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Cllr M Shelford has also requested that this application be referred to committee if the officer is minded to approve the application. The grounds for Cllr Shelford's referral are that this scheme would be an overdevelopment of the site that would result in loss of privacy and overlooking to neighbouring dwellings. There would also be additional pressure put upon the parking provisions within the area and the building materials are not in keeping with the locality.

Cllr M Norton has also requested that this application be considered at committee if the officer is minded to recommend approval Cllr Norton's grounds for referral are that the density, privacy, reduction of light to neighbours and parking issues on Quarry Close would be compromised.

17 objections have been received in relation to this application. These detail concerns regarding the impact upon the residential and visual amenities of the locality, highways safety, traffic generation and parking provisions, the loss of trees and nature conservation, archaeology and that the application does not meet the objectives of local, strategic, regional and national planning policies.

The Bath Preservation Trust:

The Trust comments that they have concerns about the loss of mature hedging associated with this application and we also question whether rubble stone is an appropriate material within the context of this area, which appears to be characterised by ashlar stone or similar block work.

Drainage and Flooding:

We have no objection to the proposals however we would expect the applicant to explore a more sustainable surface water drainage option.

We note that the applicant has indicated that they intend to discharge surface water via the mains sewer. We would encourage the applicant to explore the use of a soakaway or other infiltration drainage device as a more sustainable method of surface water drainage, in line with Building regulations part H. We recommend that the applicant undertake infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate then it may be appropriate to discharge to mains sewer but this will need to be agreed with Wessex Water.

Wessex Water:

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promotor of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversions works be required these will be fully chargeable.

Arboriculture:

There is insufficient information provided within the current application to offer a full and comprehensive assessment of the impact of the proposed development on trees. The planning officer should therefore request, at a minimum, an annotated tree constraints and tree protection plan which details the trees and/or hedges to be removed/retained and the methods proposed to protect any retained landscape features during the construction process.

Details would also need to be provided as to the construction method of the patio area which would appear to breach the Root Protection Zone of trees suggested for retention, as indicated on submitted drawing L003 Proposed Ground Floor Plan.

On the basis of the current information provided, there is insufficient information to enable an appropriate assessment of the impact of the proposed development on trees and therefore the application is considered not acceptable in the current form.

following information is required:

*An annotated tree constraints and tree protection plan

*Details of the construction method of the patio area in relation to trees

Urban Design:

I note the scheme materials have been amended in response to context and have no urban design comments or objections.

Arboricultural Officer:

On the basis that either the size of the patio can be reduced or no-dig construction methods are possible then it is recommended that pre-commencement conditions are attached to safeguard the trees which are to be retained.

POLICIES/LEGISLATION

The main planning policies that will be considered relevant to your proposal are listed below. Please be aware that the policies listed below are a guide and are based on the information you have submitted, additional policies may become relevant depending on any additional material submitted.

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

DW1 District wide spatial strategy

B4 The World Heritage Site and its Setting

CP6 Environmental Quality

CP10 Housing Mix

SD1 Presumption in Favour of Sustainable Development

The following B&NES Local Plan policies remain saved and will be considered:

- D.2 General Design and Public Realm
- D.4 Townscape Considerations
- HG.12 Residential development involving sub-division
- NE.5 Forest of Avon
- NE.13A Bath Hot Springs
- T.24 General Development Control and Access Policy

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications.

- D.1 General Urban Design Principals
- D.2 Local character and distinctiveness
- D.3 Urban Fabric
- D.5 Building design
- D.6 Amenity
- HE.1 Safeguarding Heritage Assets
- ST.1 Promoting Sustainable Travel
- ST.7 Transport access and development management

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

OFFICER ASSESSMENT

In principal a new residential dwelling in this location is supported as the application site falls within the Bath urban area and is considered to be a limited infill development. As such, the principal of development is considered acceptable subject to compliance with the relevant policies of the Development Plan, these are specified below.

Visual Amenity

Saved Policies D2 and D 4 refer to the need to respect the massing, scale, proportions, materials and overall design and character of the existing property and the character of the original street scene and surrounding area.

Hill Avenue and the adjacent streets are characterised by detached and semi-detached dwellings with almost uniform building lines and site layouts with small front gardens and parking areas and a larger rear gardens. No. 6 is detached and currently has an area of off street parking and garden space to the front of the dwellinghouse and a large rear garden that adjoins a cul-de-sac to the rear boundary.

It is considered that the scale and siting of the proposed development and nature of the proposed use i.e. to create a new dwelling would appear to fit with the established character and pattern of development within the vicinity. The introduction of a detached dwelling will appear to sit well within the existing cul-de-sac to the rear of the property with a natural access point already attained. The proposed layout and design is therefore

considered to not be unacceptably harmful to the character and appearance of the surrounding area or streetscene.

It is considered that the added amenity space to the south and west of the previous site is instrumental to the successful implementation of a dwelling within this location. The previous proposals have resulted in a cramped, overdeveloped and insupportable site layout with little to no garden space that would not be sufficient in regards to a detached dwelling in this location. As such, it is therefore critical that this area of amenity space is retained as part of the residential curtilage associated with the new dwelling.

During the determination of this application revised plans were submitted and accepted to use natural Bath stone to the principal and side elevations instead of the previously proposed rubble stone. With this revision it is considered that the proposed design and materials would be in keeping with the character of the area and would not result in a detrimental impact upon the street scene. Furthermore it is considered that the proposed single storey element of the dwelling to be clad in timber would also be acceptable in regards to the visual amenities of the locality.

Overall it is considered that the location, scale, design and materials of the proposed dwelling are suitable for this location and is therefore acceptable in regards to saved policies D2 and D4 of the Local Plan.

Residential Amenity

D2 requires that development would not unacceptably harm or compromise the residential, visitor or user amenities of the locality. In terms of this development the properties to consider would be the neighbours to either side of the proposed development site and properties within the cul-de-sac. It is considered that due to the location of the proposed dwelling and the layout of existing properties within the vicinity adequate distances are archived between neighbouring dwellings as to alleviate the potential for an unacceptable loss of privacy or overlooking. Furthermore it is considered that there would not be a detrimental loss of light or overshadowing of nearby neighbouring dwellings.

It is considered that the proposed dwelling would not result in a detrimental loss of light or overshadowing to neighbouring dwellings due to the suitable distances between nearby properties and the proposed dwelling. It is also considered that the single storey element of the dwelling, along with a hipped roof design help to alleviate the potential for an overbearing affect to neighbouring properties.

The proposed dwelling will have ground floor windows to the north, east and south elevations; it is considered that due to the location of the dwelling in relation to neighbouring dwellings there will not be a detrimental impact on their privacy as a result of the ground floor windows.

With regards to the first floor, there are windows proposed within the north, east and south elevations. Within the proposed north (front) elevation there are 3 no. windows; it is considered that these are acceptable as the nearest facing windows of neighbouring properties is approximately 21 metres away. Therefore this would give an adequate distance in what is considered reasonable in mitigating the potential for an unacceptable

level of overlooking or loss of privacy. As such it is considered that windows to this elevation are acceptable. Within the southern (rear) elevation 2 no. windows are proposed along with 1 no roof light. It is considered that due to the reasonable distance of approximately 26 metres between facing windows of neighbouring properties there would not be a detrimental loss of privacy or overlooking as result of these windows. Finally there is 1 no. small window and 1 no. roof light proposed within the eastern (side) elevation. It is considered that again due to an adequate distance of approximately 30 metres between facing windows of neighbouring properties there would not be a detrimental loss of privacy or overlooking as a result of these windows.

It is also considered that due to the location of the proposed windows and the ample size and shape of neighbouring gardens there will not be a detrimental loss of privacy or overlooking caused to neighbouring gardens as a result of the proposed development. Intervisibility between properties means that privacy can be compromised for both neighbours and residents of a new development alike however for the reasons outlined it is considered that adequate privacy will be maintained for both parties.

As such, it is considered that the proposed dwelling would not result in an overbearing addition of built form within this location which would result in a detrimental loss of light or privacy to neighbouring dwellings and is therefore in line with saved policy D2 of the Local Plan.

Transport

The proposed development will not affect the existing off street parking arrangements to the existing dwelling at 6 Hill Avenue. However a material change to the access to and from the adjacent cul-de-sac would be apparent.

It is proposed to access the site off a turning circle at the end of Quarry Close which bounds the site to the north. Quarry Close is an adopted residential cul-de-sac which serves up to 6 no. dwellings. The road is substandard in width and can only accommodate one-way traffic. However, it has been noted that this site is the last remaining property to adjoin directly onto Quarry Close; therefore it is considered that the addition of one dwelling will not have a detrimental impact on the local highway network.

Parking for two vehicles is appropriate for a dwelling of this size (3 bedrooms). It is considered that the proposed access will not cause any loss of on-street parking when neighbouring properties have ample off-street facilities, and at a location in the turning-head where vehicles should not be parked. Vehicles reversing from the site will have ample space to undertake the requisite manoeuvres within the turning circle. It is also noted that the existing property (6 Hill Avenue) has off-street parking at the front.

It should be noted that the proposed access to the rear of 6 Hill Avenue could be achieved under permitted development rights afforded to the existing dwellinghouse, however an assessment has been made and highways officer was consulted who had no objections to the proposed scheme subject to conditions.

In light of the above considerations, it is considered there are no objections in terms of highway safety or parking.

World Heritage Site and Setting

It is considered that the proposed development would not be detrimental to the World heritage site or setting due to the size, scale and siting of the proposed development and would therefore be considered acceptable.

Other Matters

Comments have been received in regards to a new dwelling in this location from the Archaeological Officer. The above proposed development lies on the site of a Roman coffin burial discovered in 1935 when this area was first developed (MBN1798). It is therefore recommend that a watching brief condition is attached to any planning consent.

With regards to the comments received from the Tree officer they have highlighted that an Arboricultural Method Statement and Tree Protection Plan is required prior to the commencement of the development. As such conditions have been attached to reflect this.

Conclusion

For the reasons set out above it is considered that this application proposes an acceptable form of development in this location that accords with Policy. Subject to appropriate conditions it is recommended that planning permission is granted.

RECOMMENDATION

PERMIT

CONDITIONS

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

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

2 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered

3 The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose without the prior written permission of the Local Planning Authority.

Reason: To maintain sufficient off street parking associated with the dwelling.

4 The area allocated for parking 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 that sufficient off street parking is retained within the curtilage of the dwellinghouse.

5 The access and parking area shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

6 No development shall take place until an Arboricultural Method Statement and Tree Protection Plan following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures) to protect the trees and other vegetation to be retained has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The document should include no-dig construction methods for the patio, proposed tree protection measures during site preparation (including clearance), during construction and landscaping operations. The submissions should take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect trees to be retained.

7 No development activity shall commence until the protective measures as stated in the approved Arboricultural Method Statement and Tree Protection Plan are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place with photographic evidence.

Reason: To ensure that the trees are protected from potentially damaging activities.

8 The area of flat roof to the rear of the proposed dwelling should not be used as a roof terrace ancillary to the main dwellinghouse.

Reason: In the interest of residential amenity.

9 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:

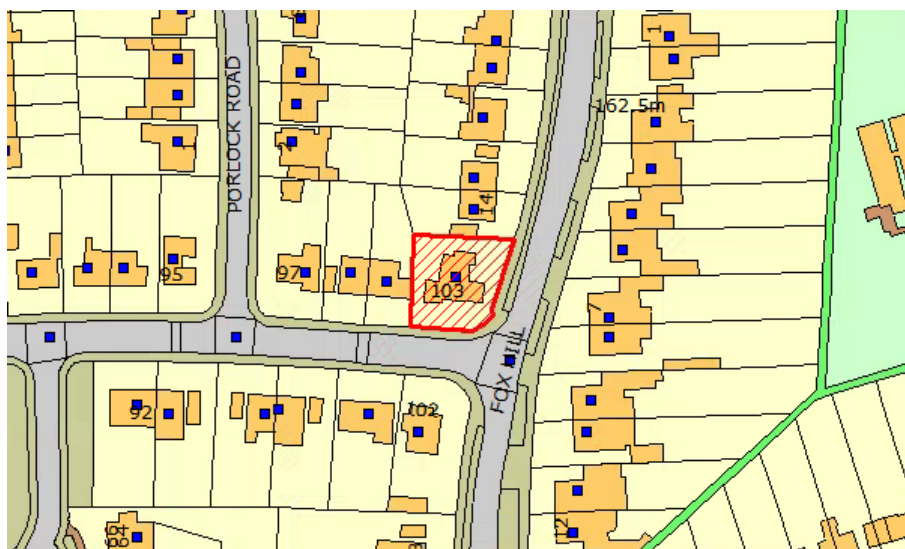
15096 L002 A EXISTING SITE PLAN
15096 L004 A PROPOSED FIRST FLOOR PLAN
15096 L005 A PROPOSED ROOF PLAN
15096 L007 A PROPOSED SECTIONS
15096_L_003_B_ PROPOSED GROUND FLOOR PLAN
15096_L_006_B_ PROPOSED ELEVATIONS
15096 L001 A LOCATION PLAN

2 All drainage should comply with Building Regulations Part H including the drainage hierarchy (H3) (Soakaway/ infiltration, watercourse, sewer).

3 Wales & West Utilities has pipes in the area and as a result of any works apparatus may be affected and at risk. As this planning application has been approved then Wales and West Utilities require the promotor of these works to contact them directly to discuss their requirements in detail before any works commence on site. Therefore please contact Wales and West Utilities prior to commencing any works.

4 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/revised proposals was taken and consent was granted.

Item No: 05
Application No: 16/00686/FUL
Site Location: 103 Hawthorn Grove Combe Down Bath Bath And North East Somerset BA2 5QQ



Ward: Combe Down

Parish: N/A

LB Grade: N/A

Ward Members: Councillor Cherry Beath Councillor Bob Goodman

Application Type:	Full Application
Proposal:	Change of use from 3 bed dwelling (use class C3) to 4 bed house of multiple occupation (HMO) (use class C4)
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,
Applicant:	Mr Jehad Masoud
Expiry Date:	11th April 2016
Case Officer:	Corey Smith

REPORT

REASON FOR CONSIDERATION BY COMMITTEE - This application has been referred to the Development Management Committee due to a Local Member raising issues in relation to parking concerns and the impact on the residential amenity and the character of the surrounding area. The Chair of Committee has considered the case and agreed that the application should be referred to the Development Control Committee stating "I have read the application and comments from the Agent, objectors and highways observations. The Officer has addressed the concerns raised but due to the controversial nature of this application I recommend it be taken to committee for decision ".

Site Description:

The application site consists of a fully detached two storey dwelling located to the south of Bath's city centre on Hawthorne Grove, Combe Down. The site is located within the World Heritage Site but not the Conservation Area.

The application seeks planning permission for the change of use of the building from a 3 bedroom residential dwelling (Use Class C3) to a 4 bedroom house of multiple occupation (HMO) (Use Class C4).

Although this change of use would ordinarily constitute permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015, planning permission is required in this case as a result of an Article 4 Direction which removes permitted development rights for this change of use within the City of Bath.

Relevant History:

N/A

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation:

Highways:

This site is located on the junction between Hawthorn Grove and Fox Hill with a vehicular access onto Fox Hill. There are up to 3 no. potential off-street parking spaces within the site including a single detached garage which is considered sufficient to accommodate the proposed HMO.

While occupancy is likely to increase, and there may be concerns over increased parking demand and vehicle movements, the site is very sustainable with good access to bus services and car-use should therefore be less intense.

There is also the evidence from surveys carried out by Dept. for Communities and Local Govt. which states that rented accommodation can have up to 0.5 fewer cars than owner occupied households. In this instance therefore car-ownership would be similar to or even less than the current domestic use of the property. Given this, and the sites sustainable location, it is not considered that there would be a significant impact on the local highway.

Highways, therefore, have no objection to this application.

Environmental Health:
No comments.

Third Parties:

Five formal objections were submitted and their main concerns can be summarised as follows:

- Increase of vehicles parking along Hawthorne Grove.
- Property only includes two parking spaces.
- Already a high concentration of HMOs/student accommodation in the area.
- Negative impact on the visual appearance of the property.
- HMO policy is under review and the application should not therefore be considered at this stage.
- Reduction in availability of mid range housing for families.
- The increase in a transient population on an estate that needs community involvement and commitment in order to regenerate in a positive way.

A petition has also been submitted with 21 signatures, agreeing to the points made in the above formal objections.

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 Council's Development Plan now comprises:

- o Core Strategy
- o Saved Policies in the B&NES Local Plan (2007)*
- o Joint Waste Core Strategy

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy:

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

- CP6 - Environmental Quality
- B4 - The World Heritage Site and its Setting

The following B&NES Local Plan policies remain saved and will be considered:

- o D2 - General Design and public realm considerations
- o D4 - Townscape considerations
- o T24 - General development control and access policy
- o T.26 - On-site parking provision

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes.

D.1 General urban design principles

D.2 Local character and distinctiveness

D.6 Amenity

ST.1 Promoting sustainable travel.

H.2 HMO's

However, currently the Plan has limited weight in the determination of planning applications.

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

NATIONAL PLANNING PRACTICE GUIDANCE, 2014

Due consideration has been given to the recently published NPPG, March 2014

HOUSES IN MULTIPLE OCCUPATION IN BATH SUPPLEMENTARY DOCUMENT (SPD)
- ADOPTED JUNE 2013.

OFFICER ASSESSMENT

The primary issues to consider when determining this application relate to the principle of the change of use, the character and appearance of the area, residential amenity and highway safety.

CHANGE OF USE:

The proposal involves the change of use of the building from a 3 bedroom residential dwelling (Use Class C3) to a 4 bedroom house of multiple occupation (HMO) (Use Class C4). The guidance within the SPD confirms the two tests which relate to applications for a change of use of a dwelling to a small HMO. The first test identifies whether the site falls within an area with an existing concentration of HMOs. In this case, the property is not located within a census output area in which HMO properties represent at least 25% of households. The change of use of this property would not therefore create an unacceptable concentration of HMOs in the area.

The local member has highlighted that the HMO policy is under review. I can confirm that the Article 4 Direction and the related SPD have full weight in the assessment of this application. The draft Placemaking Plan which has limited weight has not changed any fundamental views towards the assessment of HMO's (see Policy H2).

CHARACTER AND APPEARANCE:

No physical alterations would be required to the exterior of the building; it is therefore considered that the proposal will preserve the character and appearance of the building and surrounding area.

RESIDENTIAL AMENITY:

This proposal involves the conversion of the second reception room into a fourth bedroom. The new layout is considered to provide a sufficient standard of accommodation for the occupiers of the property. The Environmental Health team did not wish to make any comments regarding the change of use. The proposal is therefore considered to provide an acceptable level of residential amenity for the current and future occupiers.

The proposal is also considered to preserve the residential amenity of adjacent occupiers. Whilst a shared housing unit may have different patterns of behaviour to a single family unit, there is no evidence to suggest that the proposed HMO would be used materially differently to that of a dwelling house. The proposal is not considered to result in an increase in harm so significant as to warrant a refusal of this application. Local residents have raised concerns in relation to the loss of mid-level family housing and a change in the character of the area (single family households). This cannot be used as a reason for refusal as the 25% limit is already controlling this element of the proposal. It is important to note that local residents would be able to report instances of disturbance if they arise and these would be investigated by the Environmental Protection Team.

HIGHWAY SAFETY AND PARKING:

The Councils Highways Development Control team have made no objection to the proposal, making the following conclusions:

" This site is located on the junction between Hawthorn Grove and Fox Hill with a vehicular access onto Fox Hill. There are up to 3 no. potential off-street parking spaces within the site including a single detached garage which is considered sufficient to accommodate the proposed HMO.

While occupancy is likely to increase, and there may be concerns over increased parking demand and vehicle movements, the site is very sustainable with good access to bus services and car-use should therefore be less intense.

There is also the evidence from surveys carried out by Dept. for Communities and Local Govt. which states that rented accommodation can have up to 0.5 fewer cars than owner occupied households. In this instance therefore car-ownership would be similar to or even less than the current domestic use of the property. Given this, and the sites sustainable location, it is not considered that there would be a significant impact on the local highway."

Local residents have raised concerns regarding the proposed parking provision. The highways officer has assessed this application stating that there are 3 on-site parking spaces. During the case officers site visit it was noted that the existing single garage has been closed up. There is however 1 additional parking space behind the existing boundary fence/gates. In conjunction with the 2 available spaces on the driveway, this gives a total of 3 onsite parking spaces. The highways assessment is therefore considered to be accurate.

CONCLUSION:

In light of the points raised above, the proposal is considered to have an acceptable impact on the mixture of housing in the area and is recommended for permission.

RECOMMENDATION

PERMIT

CONDITIONS

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

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

2 The existing parking areas 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: In order to retain an appropriate level of parking on-site.

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

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

PLANS LIST:

1 This decision relates to the drawings entitled 'Floor Plans' and 'Site Location Plan' received on the 15th February 2016, and the 'Proposed Floor Plans' received on the 18th February 2016.

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. 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:	06
Application No:	16/00246/FUL
Site Location:	4 Rivers Street Place City Centre Bath



Ward: Abbey **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Jonathan Carr Councillor Peter Turner
Application Type: Full Application
Proposal: Change of use from retail (Class use A1) to office (Class B1)
Constraints: Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Local Shops, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Mr & Mrs M Service
Expiry Date: 15th March 2016
Case Officer: Nikki Honan

REPORT

This application relates to the change of use of the unit from retail (A1) to office (B1). No external alterations are proposed. The site falls within the Bath Conservation Area and World Heritage Site.

Rivers Street Place is a local centre protected by local policy for retail use as set out in saved Local Plan policy S8 and Core Strategy policy CP12.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ward Cllr Support:

Cllr Turner and Cllr Carr support the application. Points raised include:

- A vacant unit should be occupied ASAP
- The application will convert the use back to former office use
- There is no retail demand
- This will not set a precedent
- The unit is well suited to office use
- The Council should support economic growth through office development here
- There is a shortage of smaller office units on the market

- The stairs installed to the rear of the unit are unsuitable for retail use and will not comply with Building Control requirements
- Office development here may help to contribute towards increased investment and innovation within Bath and the district.

Bath Preservation Trust:

The Trust comments that we recognise that local policy exists to protect the existence and vitality of small local centres such as Rivers Street Place. In this case however the original use of the building was offices but it has since become part of the retail space in this area. The Trust therefore would comment that we are generally concerned about the incremental loss of small office space in Bath (for start up businesses and the like) and that in this case there does exist a valid historical precedent for the proposed use which will not alter the appearance of the street nor the shop frontage. However we would not wish the loss of the ground floor retail space to contribute to a decline in the vibrancy of the local area and to the deadening of shop frontages and so if permission is granted for office use, we would recommend that the shop frontage remains used and active and inter-visibility with the street is maintained.

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 Council's Development Plan now comprises:

- Core Strategy
- Saved Policies in the B&NES Local Plan (2007)
- West of England Joint Waste Core Strategy (2011) which supersedes all 2007 Local Plan policies on Waste apart from Policies WM.4 and WM.9

The following policies of the Core Strategy (2014) are relevant to the determination of this application:

- CP.6: Environmental Quality
- B.4: World Heritage Site
- CP12: Centres and Retailing

The following saved policies of the Bath and North East Somerset Local Plan (2007) are also relevant to the determination of this application:

- S.8: Retention of shops in district, local and village centres
- D.2: General design and public realm considerations
- D.4: Townscape considerations
- BH.6: Development within or affecting Conservation Areas
- NE.5: Forest of Avon
- NE.13A: Bath Hot Springs

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

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications. The following emerging policies are considered relevant:

UD.1: General Urban Design Principles
UD.2: Local Character and Distinctiveness
UD.3: Urban Fabric
HE.1: Historic Environment
PS8: Bath Hot Springs
CR3: Primary Shopping Areas and Primary Shopping Frontages

The National Planning Policy Framework (NPPF) was published in March 2012 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

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

OFFICER ASSESSMENT

Site Context:

The recently refurbished unit measures 46m² (over 2 floors).

History:

- 1989/90 - Originally built - self-contained office, let as office immediately. Built alongside another similar office unit at No.9. (ref: 14412).
- 1996 - office became vacant
- 1997 - merged with adjacent unit at No. 3 (Bristol Evening Post Newsshops Ltd which later changed to Martin McColl Ltd). Change of use to retail permitted (ref: 97/00338/FUL). Two properties were knocked together on the ground floor. First floor was used as an office.
- 2015 - owner separated the unit from the adjacent no.3 to form a self-contained office. The unit was refurbished and a spiral staircase to the rear was added.

Policy Protection:

As the application site falls within a local centre, it is protected under Core Strategy Policy CP12: Centres and Retailing and Saved Local Plan Policy S8: Retention of Shops in District, Local and Village Centres. These policies confirm that applications for the change use from shops should not be permitted where the vitality and viability of that centre would be adversely affected. Uses which contribute to vitality and viability are encouraged. Emerging Placemaking Plan Policy CR3: Primary Shopping Areas And Primary Shopping Frontages reiterates that the loss of A1 is acceptable if vitality and viability is maintained and new uses should attract pedestrian activity and footfall. Whilst departures from the development plan are acceptable in rare instances, this is only where an A1 unit is no longer viable, and another acceptable use class would assist in maintaining the vitality and viability of the area.

Marketing Information:

- The unit has had a sign in the window for circa 4 months saying 'Office for sale'. This does not target potential retail occupants. The agent states this sign has erected to discourage potential residential occupants and refers to a shortage of signs. This sign has been replaced with a 'for sale' sign for c. 1 month. This is considered insufficient time to target potential retail occupants.

- The unit has been advertised on the Derek Walker website in the 'shops' section for c. 5 months. This is not considered sufficient internet coverage, particularly for start-up companies or non-local companies who are not familiar with Derek Walker and know to go directly to this website.

- The unit has been advertised on database websites EGI and Zoopla for wider internet coverage for c. 1-2 weeks. This is considered insufficient time to target potential retail occupants.

- When first marketed in Oct 2015, particulars were sent to "over 4000 applicants looking for commercial property". The agent has not submitted information to confirm how many of these recipients are operating in the retail market. This was requested.

- 1no. newspaper advert was placed in the Bath Chronicle dated 29th Oct 2015. Copies requested but not provided/available.

Other Nearby Units:

The applicant confirms adjacent property at No.3 (Kerr/McColl's) has been for sale for c. 14months prior to the closure of the unit and as a going concern for the previous two years. It is noted this unit is not connected to water or electricity services and does not contain a toilet. This unit is also 86.95m², compared to 46m² of the application site.

No.10 (Maya) take away unit has been advertised as a going concern since June 2015. This is a smaller unit of 22m² fitted out with extensive kitchen area for take away use.

It is therefore concluded that no comparable units are available in the local shopping area to confirm there is no retail demand for No.4.

Other Points Raised by Agent:

- No interest from potential retail occupants, only office.
- It is unclear if this is due to the level of marketing.

- The site is not suitable for retail due to its size and location

Officer comment - The site is within a retail centre. No evidence has been submitted to confirm this unit is not suited to retail.

- The Council's property Services dept. has confirmed Council units are not placed on database website.

Officer comment - Should the Council submit an application for a change of use in a protected retail centre, robust marketing would also be requested to support the application.

Permitted Development:

It is noted that Part 4, Class D of the General Permitted Development Order 2015 allows units including those in use class A1 (shops) to convert to uses including B1 (office) for a single continuous period of up to two years. Officers have noted this to the agent as an alternative option, which would provide further opportunity to robustly market the unit; however this is not an agreeable alternative to the applicant.

Character and appearance:

The proposal does not contain any physical alterations to the exterior of the unit, therefore there is not considered to be any issues with the character and appearance of the proposal. Any subsequent shop front or advertisement application will be considered under its own merits.

Conservation:

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area. Here it is considered that there are no issues in terms of the preservation and enhancement of the Conservation Area.

Conclusion:

The marketing has not been sufficiently robust to confirm potential retail occupants have had an opportunity to find the unit on the market. Assuming knowledge of Derek Walker and accessing the shops part of this website is insufficient market exposure. 1-2 weeks on national database websites is insufficient time. Insufficient information has been submitted to demonstrate whether contacting potential interested parties is a robust way to market the unit to retail buyers. The nearby vacant units have different characteristics (size, services, toilet). As the site falls within a protected local retail centre, the application as submitted does not justify the vitality and viability of the Julian Road/Rivers Street Place local centre will be protected as set out in saved Local Plan Policy S8 and Core Strategy Policy CP12.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The development would result in the loss of an A1 retail use from a ground floor premises in a building which is located within the protected local centre of Julian Road/Rivers Street Place. This would harm the vitality and viability of the shopping centre. In the absence of a robust marketing exercise it is not possible to conclude that the unit is not suitable or required for retail use and the proposal is therefore contrary to Policy CP12 of the Bath and North East Somerset Core strategy (2014) and Policy S8 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

PLANS LIST:

This decision relates to:

EXISTING FIRST FLOOR PLAN; EXISTING GROUND FLOOR PLAN; PROPOSED FIRST FLOOR PLAN; PROPOSED GROUND FLOOR PLAN; SITE PLAN - 19 Jan 2016

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered

unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No: 07
Application No: 16/00078/FUL
Site Location: 285 Kelston Road Newbridge Bath Bath And North East Somerset BA1 9AB



Ward: Newbridge **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Donal Hassett Councillor Caroline Roberts
Application Type: Full Application
Proposal: Erection of single storey dwelling house on land formerly used as nursery (Resubmission)
Constraints: Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Article 4, British Waterways Major and EIA, Greenbelt, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Mr David Paradise
Expiry Date: 4th March 2016
Case Officer: Alice Barnes

REPORT

Reason for reporting the application to committee

The application is being referred to the committee at the request of Councillor Caroline Roberts.

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

Description of site and application

The application site is located within the green belt and outside of the built up area of Bath. The site is located within the World Heritage Site boundary. The application site comprises an open area of land which is currently disused. It occupies a hillside position within the Avon valley. The site is currently accessed from Kelston Road. The access provides access to a number of properties within the hillside. Kelston Road is a classified road. The existing site is located outside of the built up area of Bath and has a rural character.

The application proposes the erection of a single storey dwellinghouse. The land has been described as being previously used as a nursery but there is no visual evidence on site to show the sites former use. The proposed dwelling would utilise the existing vehicular entrance to the site. The building has been designed with a flat roof and is a single storey, it can be described and being of a contemporary design.

Relevant History

Whilst there is no recorded history to this application the applicant has stated that the site has previously been used as a nursery.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Councillor Caroline Roberts: A similar property has already been built on nearby land.

Highways: Originally objected to the application but this has been withdrawn. Highways raised concerns regarding the possible sale or renting of the applicants existing dwelling at no. 285 and thus the possible increase in use of the shared access off Kelston Road. However, the applicant has indicated that the 2 no. garages, which are accessed directly off Kelston Road further to the south-east, currently serve no. 285 and will be included in any sale or rental agreement.

Kelston Parish Meeting: No comments received

Representations: No representations have been received

POLICIES/LEGISLATION

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

Core Strategy
Saved Policies in the B&NES Local Plan (2007)
Joint Waste Core Strategy

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

CP6 - Environmental Quality
CP8 - Green Belt
B1 - Bath Spatial Strategy
B4 - The World Heritage Site and its Setting

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

D.2: General design and public realm considerations
D.4: Townscape considerations
GB.2: Visual Amenities of the Green Belt
HG.10:Housing outside settlement

National Policy
The National Planning Policy Framework adopted March 2012
National Planning Practice Guidance 2014

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications.

D.2 - Local character and distinctiveness
D.3 - Urban Fabric
D.5 - Building design
D.6 - Amenity
ST.7 - Transport requirements for managing development

OFFICER ASSESSMENT

The application site is located outside of the built up area of Bath and within the green belt. The application site is a disused area of land which is described by the applicant as being a former nursery. The site is located adjacent to some existing dwellinghouses of varying designs which follow the existing road. The site is outside of the open area and within the open countryside. The surrounding area is rural in character, the site is set above the existing Avon valley.

Principle of development

Paragraph 89 of the National Planning Policy Framework states that the construction of new buildings within the green belt is considered to be inappropriate development.

Paragraph 89 goes on to list exceptions to this such as buildings for agriculture and forestry. As the proposed development would result in the provision of a new dwellinghouse it would not be considered to comply with paragraph 89 of the NPPF.

The applicant has stated that the site formally accommodated a building which has since burned down. This is not clear on visiting the site and there is no clear evidence to show what buildings may have previously existed on site. However in the event that the site is

classed as being a brownfield site then paragraph 89 allows for the redevelopment of brownfield sites which would not have a greater impact on the openness of the green belt. In this case the proposal would result in a new dwelling within the existing site where currently there is no development. This would clearly have a greater impact on the openness of the surrounding green belt.

The provision of a dwelling at this site would be inappropriate development contrary to current green belt policy contained within paragraph 89 of the NPPF.

The application site is located just inside the boundary for the city of Bath. Policy B1 of the Core strategy does allow for small scale intensification of housing distributed within the urban area. Whilst the application site lies within the city boundary it is clearly within the open countryside outside of the urban area. Therefore the provision of the dwelling is considered to be contrary to policy B1.

The site is located outside of the built up area of Bath. Policy HG.10 of the local plan relates to houses outside of settlements. This policy allows for the provision of dwellings for agriculture or forestry workers. As the development would be used as a private dwelling the provision of a dwelling outside of any settlement would be considered to be contrary to policy HG.10 of the local plan.

Paragraph 80 of the NPPF outlines the five purposes of including land in the green belt. Most relevant to this case is the purpose of safeguarding the countryside from encroachment and preserving the setting and special character of historic towns. In this case the proposed development will be sited within an open area of land outside of the urban area on the surrounding hills.. Baths World Heritage Site is strongly characterised by its surrounding green hillsides, which provide an important green setting to the built up area. The proposed dwelling would be located within the open green hillside within the World Heritage Site and the proposed development is considered to undermine and harm the World Heritage Site and its setting.. The development would therefore encroach into the open countryside and is considered to be in conflict with the purposes of including land within the green belt.

Impact on openness and landscape

The site is currently an open and site within the countryside with no buildings. To introduce a new built form on the site would be considered to harm the openness and visual amenity of the surrounding green belt. The application would introduce a dwelling (with associated activities) and hard surfaces into the open site which would erode the rural character of the surrounding site and harm openness.

In conclusion the proposal would constitute harmful inappropriate development that would harm the setting of the World Heirtage Site and erode its visual amenity and reduce openness.

Design

The surrounding streetscene is characterised by a variety of dwelling styles. The proposed dwelling would be of a contemporary design. When taken in isolation the proposed dwelling is considered to be of an acceptable design.

Highways

The highways officer originally objected to the application but following the receipt of further information have withdrawn their objection. The applicant currently resides at number 285 close to the application site and the highways officer was originally concerned that the development would lead to increased use of the access onto the classified road if the occupiers of number 285 already use the vehicle access. However the applicant has advised that there are two garages which are accessed from Kelston Road which are used by number 285. The applicant has only been currently using the access to transport his ill partner to no. 285 rather than using the stepped access from the Kelston Road. It has also been specified that any future occupiers of no. 285 will not have permission to use the access track as it's under the applicants ownership. Therefore the proposed development will not result in a significant increase to traffic along the existing access and the development is no considered to be harm to highway safety.

Amenity

The proposed dwelling would be set at a lower level than the nearby property of number 307. Being a single storey it will not appear overbearing to the occupiers of number 307 and will not result in increased overlooking of the neighbouring property. No other properties would be adversely affectde by the proposal.

The case for very special circumstances

Councillor Roberts has made reference to a recent application at a nearby property but has not specified which application this was. Permission has been granted at number 347 adjacent to the entrance to the site for the extension of a garage to provide ancillary accommodation. Permission was not granted for a new dwelling within the green belt. Limited extensions of existing dwellings are not innaproprate It is therefore not comparable to the proposed development and does not form circumstances with which to permit a new dwelling within the green belt.

There are no very special circumstances made which would outweigh the harm to the green belt identified above.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development is located within the Green Belt and outside of the built up area of Bath where the principle of development is not accepted. The development will introduce a new built form into an open green space which occupies a hillside position within the open countryside. The development will conflict with the purposes of including land within the green belt and is harmful to the openness of the surrounding green belt. No

very special circumstances exist to outweigh the harm cause by the development. It is therefore contrary to polices HG.10 and GB.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007 Policy B1 and CP8 of the Core Strategy and paragraphs 80 and 89 of the National Planning Policy Framework adopted March 2012

PLANS LIST:

- Site location plan
- Land ownership
- Topographical survey
- Block plan
- Proposed elevations
- Proposed layout plan

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose 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.

Item No: 08
Application No: 15/05808/FUL
Site Location: Land Between Spion Kop And Avon Lea Mead Lane Salford



Ward: Salford **Parish:** Salford **LB Grade:** N/A
Ward Members: Councillor F Haeberling Councillor Emma Dixon

Application Type:	Full Application
Proposal:	Erection of 1 no. dwelling with associated works
Constraints:	Agric Land Class 1,2,3a, British Waterways Minor and Householders, Forest of Avon, Greenbelt, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant:	Mr Peter Hall
Expiry Date:	8th April 2016
Case Officer:	Alice Barnes

REPORT

Reason for reporting the application to committee

The application is being referred to the committee at the request of Councillor Emma Dixon.

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

Description of site and application

Mead Lane is located to the north east of Saltford village. The site is located outside of the housing development boundary and within the green belt.

The existing site comprises an area of open green land. Mead Lane is located to the north of Saltford village in the open countryside. The River Avon is located to the east of the road with the land sloping upwards to the west. The dwellings on Mead Lane are large detached dwellings within open plots. The application site is an open green space within the road.

This is an application for the construction of a detached dwelling. The proposed dwelling has been designed as a two storey property with four front gables. The building will be constructed with a mix of grey brick, glazing and slate. The dwelling has been set back from the road edge outside of the flood plain. To the rear of the site is a limestone cliff which is classed as being a regionally important geological site.

Relevant History

There is no relevant history relating to this application

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Saltford parish council: Support. This satisfies NPPF section 89 in that this single dwelling is considered limited infilling in a village. As the building has been sited on the east side of the plot to preserve the view of the RIGS rock cliff, that view should be protected in perpetuity.

Highways: The revised drawings shows that a visibility splay of 43m is achieved in both directions within highway or land within the applicants control from a position 2.4m back from the carriageway edge along the centre-line of the access. A sliding access gate is shown positioned 6.0m back from the carriageway edge. This is acceptable.

As noted in previous comments, the site slopes towards Mead lane but flattens out in the vicinity of the highway. The cross-sections provided do not cover a line along the driveway but I am satisfied that the gradient of the driveway in the vicinity of the highway should not be an issue.

The revised drawing refers to a 1.0m strip of linear brick pavers adjacent to the road. The remainder of the drive is described as having a proposed surface of exposed aggregate asphalt. This is acceptable as no part of the driveway near the highway is formed of loose, unbound material. However, given the fall of the driveway towards Mead Lane and its area, it is considered some means of intercepting surface water run-off onto the highway will be needed. The installation of an Aco slot drain across the driveway between the gates and the carriageway edge is recommended.

The provision made for parking within the site includes two spaces in the proposed brick paving area to the west of the driveway, and a further space at the northern end of the driveway. The latter will not interfere with the turning/manoeuvring of the two vehicles parked within the paved area, whilst this area has residual space available to allow turning of the vehicle parked at the top of the drive. As such, I am satisfied that parking provision is adequate for a 4+ bedroom dwelling and that adequate turning space is available to allow any vehicles leaving the site to egress onto Mead Lane in forward gear.

Ecology: An ecological survey has been submitted, which broadly describes the habitats at the site and makes reference to the limestone rock exposure. The site largely comprises semi-improved grassland; this is a habitat that has potential to support botanical interest. Whilst the survey report does not note any particular botanical interest, the survey does not provide a comprehensive botanical species list and the survey was carried out in winter. Whilst I will not request further survey, a precautionary approach should apply. I.e, it should be assumed that the grassland may support greater botanical diversity and therefore ecological value than that shown by the submitted ecological survey. Given the small size of the site, this would not provide a reason for objecting to the proposal but should be a consideration in producing details of ecological mitigation, and landscaping.

A short distance further along (to the rear of the adjacent houses), this rock face becomes a designated "Regionally Important Geological Site" (RIGS), designated for its geological and fossil interest, described as "spectacular exposure of the Lower Lias (Top of Division C and most of Division D). Very fossiliferous - ammonites, bivalves, brachiopods, gastropods, crinoids, some vertebrate bones and teeth". I would therefore expect the proposal to avoid any impacts to this exposure by retaining visibility and form and ensuring it is protected from effects of excavation or other works associated with the development.

The proposal appears to incorporate the above issues well; the rock exposure is referred to and included, and the submitted landscape masterplan shows native species rich grassland / meadow, the rock exposure, and native species hedgerow. Full details of landscaping must be secured via a standard landscape condition.

The ecological report makes appropriate recommendations for measures to retain and enhance biodiversity and the submitted landscape plan appears compatible with ecological requirements. These should be implemented and this can be secured by condition, along with details of proposed ecological mitigation through the landscaping scheme.

Urban Design: There is a distinct character of detached single and two storey twentieth century dwellings of varied design and materials and set back frontages to the north.

Defining the development of the site as infill (between developed plots) may be questionable as the existing plot may equally be read as part of the remaining rural sloping paddock frontages that reflect the pre-twentieth century context providing open views to the cliff.

The intended sustainable construction credentials of the proposal set an exemplar standard. However, the amount of site excavation will be likely to create a significant carbon footprint.

The articulation of the frontage into "dancing" gable roofs draws upon characteristics found along Mead Lane. However, the combination of the four is likely to increase the prominence of the building.

The projecting gables of the upper floors have a higher solid to void ratio than neighbouring housing. This combines with the use of a single masonry and bold horizontal features to potentially emphasise the massing. This is a significant concern in this green belt context, where minimising the visual impact is a design driver. It is recommended this element is given further consideration.

References to Bath materials are less relevant to this lias context. However the variety of materials along Mead Lane is part of its distinct character, with no overarching cue.

Wessex water: There are pipes owned by Wales and West utilities in the area. This must not be affected during construction works.

Councillor Emma Dixon: The project is one of innovative and ecological design and, whilst initial thought maybe about the green belt, I truly believe that the project should be given genuine thought especially as full backing is given by the Parish Council.

Representations: Five representations have been received in support of the application for the following reasons;

The development will benefit an area of neglected land.

Some documents show incorrect field boundaries.

This is a good design that would complement the area.

It would be good use of the land and smarten the area.

The house is well designed, sustainable and would set a blue print for future development which will bring long term benefits.

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

The site is located within the green belt and the development does not comply with policy GB.1 of the local plan.

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 Council's Development Plan now comprises:

Core Strategy
Saved Policies in the B&NES Local Plan (2007)
Joint Waste Core Strategy

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

CP6 - Environmental Quality
CP8 - Green Belt
RA.1 - Development in villages meeting the listed criteria
RA.4 - Essential dwellings for rural workers

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

D.2: General design and public realm considerations
D.4: Townscape considerations
T.24: General Development Control and Access Policy
T.26: On-site parking and servicing provision
GB.2: Visual amenities of the Green Belt
Ne.1: Landscape character
Ne.11: Locally important species and habitats

National Policy
The National Planning Policy Framework adopted March 2012
National Planning Practice Guidance 2014

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications.

D.2 - Local character and distinctiveness
D.3 - Urban Fabric
D.5 - Building design
D.6 - Amenity
ST.7 - Transport requirements for managing development
NE3 - Nature conservation and biodiversity

NE1 - Conserving and enhancing the landscape and landscape character

OFFICER ASSESSMENT

This is an application for the construction of a detached dwelling. The existing site is located to the north east of Salford village. The site is outside of the housing development boundary and within the green belt. Mead Lane is a single road which follows the western bank of the River Avon. The land slopes upwards from the river and the road is characterised by large detached properties of a variety of dwelling styles. The application site is an area of open land that slopes upwards from the river. To the rear of the site is a limestone cliff which is classed as a regionally important geological site.

Principle of development

The application site is located outside of the housing development boundary within the green belt.

The site is located outside of the housing development boundary. Policy HG.10 of the local plan relates to houses outside of settlements. This policy allows for the provision of dwellings for agriculture or forestry workers. As the development would be used as a private dwelling the provision of a dwelling outside of any settlement would be considered to be contrary to policy HG.10 of the local plan.

Paragraph 89 of the National Planning Policy Framework states that the construction of new buildings within the green belt is considered to be inappropriate development. As the proposed development would result in the provision of a new dwellinghouse it would not be considered to comply with paragraph 89 of the NPPF.

The provision of a dwelling at this site would be contrary to current green belt policy contained within paragraph 89 of the NPPF.

Paragraph 80 of the NPPF lists five purposes of including land within the green belt. Most relevant in this case is to assist in safeguarding the countryside from encroachment. The proposed development would infill an existing field which provides a green gap within the streetscene which contributes to the open green character of this rural area. The development therefore is considered to be in conflict with paragraph 80 of the NPPF.

Impact on openness

The proposed dwelling would infill an existing green gap within the streetscene. The proposed development would result in a large two storey building on previously undeveloped land. Mead Lane is located adjacent to a wide expanse of open countryside and the sloping site will mean that the dwelling would be clearly visible from the streetscene and surrounding countryside. The urban design officer has advised that the articulation of the frontage into "dancing" gable roofs is likely to increase the prominence of the building. The projecting gables of the upper floors have a higher solid to void ratio than neighbouring housing. To introduce a large built form into the open space is considered to be harmful to the openness of the surrounding green belt.

As stated within the comments from the urban design officer the upper floors have a higher solid to void ratio than neighbouring properties which would increase the

prominence of the upper floors of the property within the green belt. The design of the dwelling does not minimise the impact of the building within the landscape.

Ecology

There is a regionally important geological site to the rear on the south west boundary of the site. This comprises a limestone cliff. The dwelling has been sited so as not to block views of the cliff from the surrounding area and the dwelling will not interfere with the existing structure of the cliff.

The ecological report makes appropriate recommendations for measures to retain and enhance biodiversity and the submitted landscape plan appears compatible with ecological requirements.

Amenity

The proposed dwelling would be located between the properties of Spion Kop and Avon Lea. The dwelling would not be located adjacent to either boundary so would not appear overbearing to the neighbouring occupiers. No glazing is proposed on the side elevations looking towards Avon Lea that would result in increased overlooking of the neighbouring properties.

One window is proposed at first floor level on the elevation facing Spion Kop. This window would primarily overlook the side garden of the proposed dwelling and is 27m from the boundary with Spion Kop. The development will not result in harm to the amenity of the neighbouring occupiers.

Highways

No objection has been raised by the highways officer with regards to the development. The proposed development will provide sufficient visibility for vehicles leaving the site and the entrance gate has been set back from the road edge. The proposed driveway will be surfaced in a compact material and the proposed parking area will allow vehicles to enter and leave in forward gear.

Flooding

The river avon is located to the south east of the site. The proposed dwelling will be constructed outside of floodzones 2 and 3 therefore the sequential test does not need to be applied. The dwelling will be constructed outside of the floodzone and objection would not be raised with regards to flooding.

The case for very special circumstances and design

Paragraph 87 of the NPPF states that inappropriate development is by definition harmful to the green belt and should not be approved except in very special circumstances. Paragraph 88 goes on to state that local authorities should give substantial weight to any harm to the green belt, very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Paragraph 55 of the local plan of the NPPF states that isolated homes in the countryside should be avoided. Exceptions to this can include where the design of the dwelling is of exceptional quality or innovative nature. Such designs should be truly outstanding or innovative helping raise standards of design, reflect the highest standards in architecture, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area. The applicant has stated that they believe development will meet the criteria of paragraph 55 and seeks to justify the compliance with paragraph 55 as very special circumstances for development in the green belt.

The proposed development is considered to be of acceptable design and in keeping with others in the locality. The development will provide a dwelling with a glazed ground floor and solid upper floor, it is typical of contemporary design permitted elsewhere so cannot be considered to be an outstanding or innovative design. The applicant has made reference in their design statement that the development would provide a high standard of sustainable construction. Whilst this is positive this cannot be considered to be innovative.

The applicant has stated that the development will seek to go further than passivhaus standards of which there are few examples within the country. However given that there are examples of passivhaus within the country would indicate that this is not considered to be innovative. Furthermore such standards could be demonstrated on a development outside of the green belt and this does not justify the development of this specific site.

Within the streetscene there is a distinct character of detached single and two storey twentieth century dwellings of varied design and materials and set back frontages to the north. As stated above the upper floors have a higher solid to void ratio than neighbouring properties which will increase the prominence of the upper floors of the property

Given the harm that would be caused to the openness of the green belt the dwelling cannot be considered to significantly enhance the immediate setting. Due to the fact that the dwelling would appear visually prominent to the immediate and wider area it is not considered to be sensitive to the characteristics defining the local area.

The site is currently an area of disused grassland and the proposed landscaping associated with the development would be beneficial to the site. However the existing site forms an area of open land within the green belt. The essential characteristics of green belts are their openness and their permanence therefore any benefits from landscaping could not be outweighed by the harm caused to the openness of the green belt.

The proposed dwelling is not considered to comply with paragraph 55 of the NPPF.

Conclusion

The development is considered to be inappropriate development within the green belt and is considered to harm the openness of the surrounding green belt. Therefore the development is in conflict with the aims of paragraph 88 of the NPPF. Whilst some weight can be given to the additional sustainability benefits proposed these are neither innovative or significantly outstanding and weight given to these can only be very limited and this would not outweigh the significant harm to the green belt by virtue of inappropriateness,

encroachment or loss of openness. There are no very special circumstances to justify inappropriate development within the green belt.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

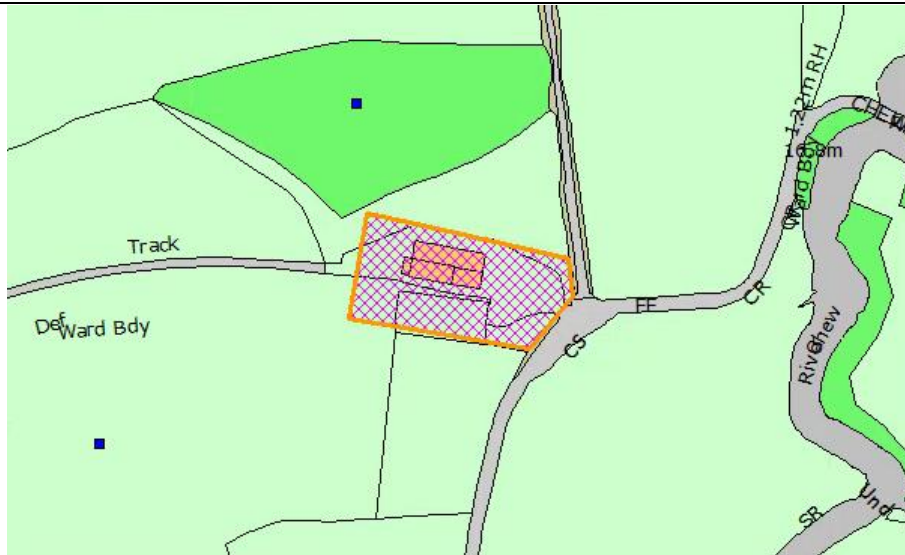
1 The proposed development is located within the Green Belt and outside of the housing development boundary of Saltford. The development would introduce a new built form into an open green space which occupies a hillside position within the open countryside. It is inappropriate development which is harmful to openness and is therefore contrary to policies HG.10 and GB.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007 Policy RA1 and CP8 of the Core Strategy and paragraphs 80 and 89 of the National Planning Policy Framework adopted March 2012

PLANS LIST:

Existing site location plan 01A
Existing site plan 02A
Existing sections 04
Proposed site location plan 10A
Proposed site plan 11A
Proposed plan ground floor 12
Proposed first floor plan 13
Proposed roof plan 14
Proposed elevations 15
Proposed elevations 16
Proposed sections 17
Proposed section
Proposed new dwelling section A-A

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose 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.

Item No:	09
Application No:	15/05792/FUL
Site Location:	Manor Farm Chewton Road Chewton Keynsham Keynsham Bristol



Ward: Keynsham South **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Alan Hale Councillor Lisa O'Brien
Application Type: Full Application
Proposal: Erection of rural worker's dwelling ancillary to equestrian use and additional stabling
Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones,
Applicant: Mr Fred Matthews
Expiry Date: 8th April 2016
Case Officer: Emma Watts

REPORT

Reason for reporting application to Committee:

The application is being referred to the Committee because Keynsham Town Council, have objected to the application contrary to officer recommendation, whilst the adjoining parish, Compton Dando Parish Council, is supportive of the proposal. The application has been referred to the Chair who agrees that that application should be considered by the Committee.

Description of site and application:

The application site is located on the west side of Chewton Road to the north of the small settlement of Chewton Keynsham. The site sits within a larger parcel of open countryside measuring approximately 52 acres which is also within the applicant's ownership. A former agricultural holding, the land has been used for the keeping of horses for 15 years with the application site used for an equestrian livery business. The application site is occupied by a large stables and storage building with a large barn to the rear, an all-weather outdoor riding arena and two storage containers. The application site is located within the Bath/Bristol Green Belt.

Planning permission is sought to partially replace the existing storage and stable building with a two storey equestrian worker's dwelling on the same footprint. The proposed dwelling would measure 7.55m wide, 14.1m deep, 4.45m high to the eaves and 5.9m high to the ridge and would comprise an office, entrance lobby, dayroom, kitchen area and WC at ground floor with three bedrooms and three bathrooms on the first floor.

Planning permission is also sought to erect an additional stable building to the rear of the existing barn. The proposed stables would measure 18.8m wide by 16.26m deep with an eaves height of 2.9m and ridge height of 5.397m. The proposed building would accommodate eleven stable boxes, a wash bay and a solarium.

As part of the proposal the two existing storage containers would be relocated to the north side of the existing barn.

Relevant planning history:

06/04154/FUL - Re-contour slope, re-distribute on site to re-instate existing tracks, new training dressage area and new barn as extension to the existing (resubmission) (retrospective). Refused 30/04/2009

08/04002/FUL - Erection of a mobile home for occupation in association with equine enterprise. Withdrawn 05/01/2009.

10/04458/FUL - Provision of a mobile home for occupation in association with Equine Livery and Breeding Enterprise. Refused 07/01/2011, appeal dismissed 09/06/2011.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ecology: No objection subject to conditions requiring full details to be approved by the Local Planning Authority prior to any external lighting being installed and requiring the mitigation measures proposed in the Bat and Owl Survey Report to be implemented.

Flooding and Drainage: No objection. All drainage should comply with building regulations. If soakaways are proposed then infiltration and soakaway design should be undertaken in accordance with Building Regulations Approved Document Part H.

There have been some incidents of surface water affecting the site due to its location at the bottom of a valley. It is recommended that any development is undertaken using flood resilient construction methods and that floor levels are raised above existing levels where possible.

Highways: No objection subject to conditions:

- No events to be held at the site;
- The proposed residential accommodation to remain permanently ancillary to the business;
- Parking plan to be approved prior to works commencing showing 2 parking spaces for the proposed dwelling;
- Driveway between the edge of the carriageway and the gates to be properly consolidated and surfaced;
- Turning space to be provided on site prior to occupation.

Council's Rural Planning Consultant: The proposed new stable building appears to be reasonably necessary. There appears to be an essential need for an equestrian worker's dwelling at the site in association with the expanded equestrian enterprise. This is a well-established and viable business. There is no other readily available dwelling that would fulfil the identified functional need.

Third party representations:

Keynsham Town Council: Object on the following grounds: The proposed extension of the equestrian centre is within the Green Belt and will have an adverse visual impact. Concerns that this would create a precedent for future similar developments in the Green Belt. The proposed design by reason of size, scale and materials is totally out of keeping with the wider setting of this rural village contrary to saved Policy D2. There are traffic and highway safety implications that would be unacceptable under the proposed plans. The site entrance fronts a dangerous section of lane with no public footpaths or verges for pedestrian safety. Parking arrangements are also considered to be an issue. There is no information in respect of the disposal of muck/waste and concerns are raised in respect of contaminated surface water run-off from the site into to the nearby lane.

Compton Dando Parish Council: Support the application but feel that certain conditions should be made to address several concerns.

The majority of the building, although slightly higher, is shadowed by the existing building therefore would not have an adverse visual impact on the Green Belt (Policy GB2). The design and materials are satisfactory (Policy D2). There would be no detrimental impact to flora and fauna (Policy D2).

There are concerns, however, over the creation of additional traffic in Chewton Road by vehicles trying to access the site if the gate is kept locked. These vehicles are vulnerable on the site of the road. The Parish Council would like the access area to be splayed and a sliding gate installed. We feel the site needs to be manned on a 24 hour basis.

The Parish Council asks that any additional lighting above that which is mentioned in the current application, be applied for in an additional planning application.

There are concerns over drainage, no details of how this will be dealt with are mentioned in the application documents. There has been a history of problems associated with run off from the site. Run off has contaminated the ancient water trough; storm water has flowed on to Chewton Road, and at temperatures like those we are currently experiencing the excess water could easily freeze and cause dangerous conditions on the road.

There is no clear provision for dealing with muck storage and disposal. This needs to be addressed.

Two supporting comments have been received from past customers of the equestrian business, the content of which is summarised below:

- Someone living on site would provide peace of mind for horse owners in regards to animal welfare as well as better security.

- Equestrian yards without 24 hour supervision are often targets of theft and vandalism. Someone living on site will prevent an increase in crime in the area.
- A full time on site presence would benefit the business.
- Commending the expertise and experience of the trainers/business.

Eight objections have been received, the content of which is summarised below:

- The development would be located on an elevated site and the design and materials would be out of keeping with the locality.
- Concerns regarding the scale of the proposed development.
- The amount of residential accommodation is excessive.
- Harmful visual impact on the Green Belt and local landscape.
- The scale of the enterprise is inappropriate for this very small rural village.
- Highway safety concerns, car parking concerns and concerns regarding increased traffic and local road capacity.
- Insufficient storage is proposed for the expanded business.
- Approx. 800 new houses are being built on Charlton Road in Keynsham. Purchasing one of those houses should be considered before seeking to encroach on the Green Belt.
- There is existing light pollution from the site. This should be improved to lessen the impact on the Green Belt.
- Any approved dwelling should be tied to the equestrian use.
- If the proposed dwelling is approved then residential development will spread on the site.
- Querying the need for the extended stabling and proposed dwelling, particularly given technological solutions e.g. CCTV and proximity of the managers' homes in Keynsham.
- Concerns regarding drainage and contaminated site run off, including wildlife impact.
- Concerns regarding muck/waste disposal.
- There is a watercourse of site adjacent to the north gate post.
- Unsustainable location that relies on private car travel.
- The existing boundary treatment along the front of the site is unsightly.
- The condition of the lay-by outside the site has deteriorated from stables users parking in it.

Three general comments have been received, the content of which is summarised below::

- The dwelling should be conditioned to remain ancillary to the equestrian business.
 - The design and materials of the dwelling should reflect other houses in the village.
 - Further information regarding drainage and runoff should be provided. All houses in the village have septic tanks.
 - The proposed residential accommodation exceeds the needs of one or two part time staff.
 - Modern technology can provide a very adequate and cost effective security for the business and the managers already live only a few minutes away by car.
 - Historically the site has had, and continues to have, a run-down appearance.
 - If the applicant's plans for full livery are not realised then part livery/DIY clients will not create the need for on-site accommodation and will increase traffic movements and the number of horses being ridden on local roads.
- The proposed stable would be highly visible from surrounding footpaths.
- Concerns regarding highway and pedestrian safety. School children walk along this road to get to and from school.
 - The traffic movement calculations submitted with the application are not realistic.

- Concerns regarding water run-off and drainage.
- The proposed stable will require considerable excavation of soil. The proposed relocated containers may also require additional re-contouring of the land. No information has been provided regarding what will be done with the excavated soil.
- Concerns regarding precedent.

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 Council's Development Plan now comprises:

- Core Strategy (2014)
- Saved Policies in the B&NES Local Plan (2007)
- West of England Joint Waste Core Strategy (2011) which supersedes all 2007 Local Plan policies on Waste apart from Policies WM.4 and WM.9

The following policies of the Core Strategy (2014) are relevant to the determination of this application:

- DW1: District wide spatial strategy
- CP2: Sustainable construction
- CP6: Environmental quality
- CP8: Green Belt

The following saved policies of the Bath and North East Somerset Local Plan (2007) are also relevant to the determination of this application:

- D.2: General design and public realm considerations
- D.4: Townscape considerations
- SC.1: Settlement classification
- SR.12: Commercial riding establishments
- HG.10: Housing outside settlements (agricultural and other essential dwellings)
- GB.2: Visual amenities of the Green Belt
- T.24: General development control and access policy
- T.26: On-site parking and servicing provision

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. Currently the Plan has limited weight in the determination of planning applications; however, the following policies are relevant in the consideration of this application:

- D2: Local character and distinctiveness
- D5: Building design
- D6: Amenity
- D8: Lighting
- LCR7C: Commercial riding establishments
- NE2: Conserving and enhancing the landscape and landscape character
- NE3: Sites, species and habitats
- GB1: Visual amenities of the Green Belt

GB3: Extensions and alterations to buildings in the Green belt
RE4: Essential dwellings for rural workers

National Policy:

The National Planning Policy Framework adopted March 2012

National Planning Practice Guidance

OFFICER ASSESSMENT

BACKGROUND

The livery enterprise at the site was originally predominantly DIY livery. An application for a mobile home in associated with the existing enterprise to enable a move towards full livery service was withdrawn in 2008 and a similar application was dismissed at appeal in 2010. One of the Inspector's reasons for dismissing the appeal was that "the functional requirement for a mobile home has not been established".

At the current time there are 14 horses at the site, 10 horses owned by clients on either full or part livery. The business currently has two brood mares. Some horses are bought, trained, competed and sold on with added value on behalf of clients for which the business receives some commission in addition to the livery fee. Children's riding lessons are also given at weekends.

This application seeks to substantially expand the existing livery business primarily by increasing the number of horses on full livery through additional facilities and providing a full time on site presence through the construction of a permanent equestrian worker's dwelling.

It is also intended to expand the existing breeding programme by keeping up to four brood mares and to increase the buying and training of horses on behalf of clients.

Following the proposed development there would be 22 stables on site. Not all horses would be stabled at the same time and there are field shelters available which would allow a greater number of horses to be kept during parts of the year.

The proposed expansion would provide two full time jobs and an additional part time groom.

PRINCIPLE OF THE DEVELOPMENT IMPACT ON THE GREEN BELT

The application site does not fall within a Housing Development Boundary. The site is located in an unsustainable rural location within the Green Belt.

Proposed dwelling:

Paragraph 55 of the NPPF states that, except in special circumstances, new isolated homes in the countryside should be avoided in order to promote sustainable development in rural areas. One such circumstance is the essential need for a rural worker to live permanently at or near their place of work in the countryside. This is largely reflected in Local Plan Policy HG.10, which states that new dwellings outside settlements will not be permitted unless they are essential for agricultural or forestry workers in association with

an existing well established agricultural or forestry enterprise. However, Policy HG.10 is more specific than Paragraph 55 in regards to the type of rural worker and is therefore not fully in compliance with the NPPF; greater weight should therefore be given to the NPPF on this matter.

The NPPF is silent on how 'essential need' should be considered. Notwithstanding the status of the NPPF as the most up to date iteration of national planning policy, the criteria contained within Annex A of PPS7 are considered to remain a reasonable and valid approach to considering whether the essential need for a rural worker's dwelling exists.

It is noted that no essential need for a full time worker to live on site was established as part of the previous 2010 application for a mobile home. However, the significant increase in the number of horses that would be kept at the site is a material difference compared to the previous refused scheme.

The matter of functional need should first be considered. The most common justification for the functional need for a rural worker to be permanently based on a site is in order for somebody experienced to be able to deal quickly with emergency animal welfare issues that are likely to arise throughout the majority of the year and during the middle of the night. Whilst the majority of duties associated with horses are routine, as with most livestock enterprises, there would be times when urgent action might be necessary for welfare reasons.

Furthermore, although on a small scale, there would be some foaling which would require close observation and care approaching foaling time and afterwards as well as during which may involve welfare emergencies during the night.

The Council's appointed Rural Consultant confirms that the lack of a 24 hour presence on site would be a limiting factor for the development of this livery enterprise. Whilst the business has developed to its current position without on-site accommodation, he considered that there would be no scope to take on any extra full livery responsibility without an on-site presence.

Local Plan Policy SR.12 seeks to ensure that commercial riding establishments develop only where there is adequate site supervision without the need for the erection of new residential accommodation. However, this must be weighed against the requirement at Paragraph 28 of the NPPF to promote the development and diversification of agricultural and other land based rural businesses.

Taking the above factors into account, based on the proposed expansion of the enterprise, it is considered that there exists a functional need for an experienced equestrian person to be based on site.

In regards to other factors of 'essential need', the existing business already requires at least one full time worker. The proposed increase in horses would create an additional full time position. There does not appear to be any readily available dwelling that would fulfil the identified functional need.

In regards to establishment and viability, the enterprise is considered well established and the last three years of accounts indicate that the business is already viable. The

opportunity to increase the number of horses kept on full livery would increase profitability. Any additional income, for example from horse sales, would be a bonus.

Whilst the application submission infers that the target customers would be owners of competition horses, given the location of the site close to Bristol there is likely to be good demand from pleasure riders as well as amateur competitors. The Council's appointed consultant considers that predominantly full with some part livery would remain the mainstay of the business and that the enterprise is likely to remain viable for the foreseeable future.

The scale of the proposed dwelling is considered commensurate for a full time worker, who could reasonably be expected to have a partner and two children.

Section 9 of the NPPF establishes that the construction of new buildings is inappropriate development in the Green Belt but lists a number of exceptions. One exception is the limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt or its purposes.

The NPPF defines previously developed land as 'land that is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole curtilage should be developed) and any associated fixed surface infrastructure', with some exclusions including land occupied by agricultural or forestry buildings. The application site comprises a complex of large established buildings in addition to an all-weather arena and area of hardstanding which the application demonstrates have been in equestrian use for the past 15 years. As such, it is considered to be a long-established and permanently developed site within the Green Belt which can reasonably be considered to be previously developed land in accordance with the aims of the NPPF.

The proposed dwelling would partially replace an existing stable building on the same footprint. It is considered that this would amount to the partial redevelopment of previously developed land. The proposed dwelling would not have a significantly greater impact on the Green Belt than the stables and storage building it would replace in terms of openness. . It would not have a greater impact on the green belt or its purposes. Furthermore and taking account of the need to read the NPPF as a whole the proposal would not be in conflict with paragraph 55 of the NPPF for the reasons identified earlier in this report.

Taking all the above considerations into account the proposal is considered appropriate development in the green belt.

A condition is recommended requiring the proposed dwelling to remain permanently ancillary to the equestrian enterprise.

Proposed stables:

Another exception which is not inappropriate development in the Green Belt is the provision of appropriate facilities for outdoor sport and recreation, provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

The proposed new stable building would be an appropriate facility for outdoor recreation in the Green Belt. Whilst large, it would be sited close to the existing buildings on site and to the rear of the existing barn with only a limited amount of projection above the barn to the front. Given the height and siting of the proposed stables, it is not considered that this building would have an adverse impact on the openness of the Green Belt compared to the existing situation, nor would it amount to an unacceptable encroachment into the countryside.

IMPACT ON CHARACTER AND APPEARANCE

The application proposes to finish the walls of the proposed dwelling in natural blue/grey coursed stone with a slate roof above. The design and materials of the proposed dwelling are considered appropriate to this rural location. Whilst the proposed dwelling might not match the design or materials of houses in Chewton Keynsham, the building would be located at some distance from the village and the site does not fall within a conservation area or an Area of Outstanding Natural Beauty. Nevertheless, it is considered reasonable and necessary to require samples of the proposed stone and slate to be approved by the local planning authority prior to works commencing in order to ensure an acceptable finished appearance for this building.

The elevations to the proposed stable building would be facing brickwork below treated horizontal Yorkshire boarding. The roof to the stables would be constructed of profiled fibre cement sheet. The building would have an appropriately functional appearance and its design and materials would be suitable to this rural location.

It is not considered that the proposed ground excavations and retaining walls would cause demonstrable harm to the character or appearance of the area.

A muck trailer would be kept to the rear of the proposed stables. Muck would be disposed of by spreading it over the fields on a rotational basis. This would not unreasonably harm the amenity of the surrounding area.

Overall, the proposed development would have an acceptable impact on the visual amenity of the Green Belt and the character and appearance of the locality.

IMPACT ON THE AMENITIES OF NEIGHBOURING OCCUPIERS

Given the distance of the proposed development from the closest neighbouring dwellings, the proposal would not cause demonstrable harm to the occupiers of any neighbouring occupiers through loss of light, overshadowing, loss of outlook, overbearing visual impact or overlooking.

HIGHWAYS AND CAR PARKING

Whilst it is noted that the proposed dwelling would be located in an unsustainable location, a rural worker's dwelling is by its very nature likely to be remote from a sizeable settlement.

The application site would be accessed via an existing established access off Chewton Road. Since there are no proposals to alter the access arrangements, it is not considered that the proposed development would have a detrimental impact on the local highway network compared to the existing situation.

The majority of additional horses associated with the development would be on full livery, meaning that the owners would not attend the yard to care for them on a daily basis. The provision of a full time worker's dwelling on site would also reduce the number of vehicle movements from grooms/site managers compared to existing, particular since it is intended for the two full time workers to occupy the proposed dwelling as part of the current business. Vet, bedding and feed supplies would occur periodically throughout the year as existing.

The introduction of a sliding access gate set back from the public road would enable vehicles to pull in off the highway while waiting to access the site. This would be an improvement on the existing access layout and will therefore contribute to improving the safety and operation of the highway at this location.

The proposal would provide six car parking spaces within the site on existing hard standing. This would provide an adequate number of car parking spaces for the proposed dwelling and customers visiting the site and their horses.

Conditions are recommended preventing the site from being used for events such as competitions and eventing, surfacing of the driveway between the edge of the carriageway and the yard gates and provision of a turning space within the site.

DRAINAGE AND FLOODING

The application indicates that surface water arising from the development will be disposed of to a Sustainable Drainage System; however, no information has been provided regarding the nature of the proposed system.

Nevertheless, there are no concerns regarding drainage and flooding provided that all development complies with building regulations. If soakaways are proposed then infiltration testing and soakaway design should be undertaken in accordance with Building Regulations Approved Document Part H.

It is noted that there have been some incidents of surface water affecting the existing development owing to its location at the bottom of a valley. For this reason the applicant is advised to carry out the development using flood resilient construction methods and raising floor levels where possible.

ECOLOGY

A satisfactory completed protected species survey and assessment has been submitted. Whilst there are no significant ecological constraints, a number of recommendations for ecological good practice are made which should be implemented; this can be secured by condition. In this location any new external lighting would need to be ecologically sensitive. A condition is therefore recommended requiring full details of proposed lighting design to be approved by the local planning authority prior to implementation if any new

external lighting is proposed in the future. Subject to these conditions, the proposal would have an acceptable impact on local ecology.

RECOMMENDATION

PERMIT

CONDITIONS

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

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

2 Prior to works for the approved dwelling commencing on site, a sample of the stone and slate to be used in its construction shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area. This condition must be dealt with prior to commencement in order to ensure that inappropriate materials are not used in the construction of this building.

3 Subject to Condition 2, all other materials to be used in the development hereby approved shall be as set out on the approved plans.

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

4 No building hereby approved shall be occupied or otherwise used for any purpose until a properly bound and compacted turning space for vehicles has been constructed within the site in accordance with details which shall have been submitted to and approved by the Local Planning Authority. Such turning space shall be kept clear of obstruction at all times.

Reason: In the interests of the highway safety.

5 No building hereby approved shall be occupied or otherwise used for any purpose until the driveway between the edge of the carriageway and the gates has been properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority

Reason: In the interests of highway safety.

6 No building hereby approved shall be occupied or otherwise used for any purpose until the parking area shown on approved plan. 2629/102 REV B has been surfaced in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. This parking area shall be retained permanently and shall not be used at any time other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

7 The dwelling hereby approved shall not be occupied at any time other than by an equestrian worker and his/her family and dependents in association with the equestrian enterprise at the application site and shall not be occupied as an independent dwelling unit.

Reason: In order to ensure the continued justification for a new dwelling in this rural Green Belt location.

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

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area.

10 The stables hereby permitted shall be used solely for the purposes set out in the submitted Design and Access Statement and shall not be used for any events such as competitions, horse shows, eventing, gymkhanas etc.

Reason: In the interests of highway safety.

11 The development hereby permitted shall be carried out only in accordance with the mitigation measures described in section 4 of the approved Bat and Barn Owl Survey Report by CSM Ecology dated February 2016.

Reason: to provide appropriate ecological protection and mitigation.

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

Reason: to avoid harm to bats and other wildlife.

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

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

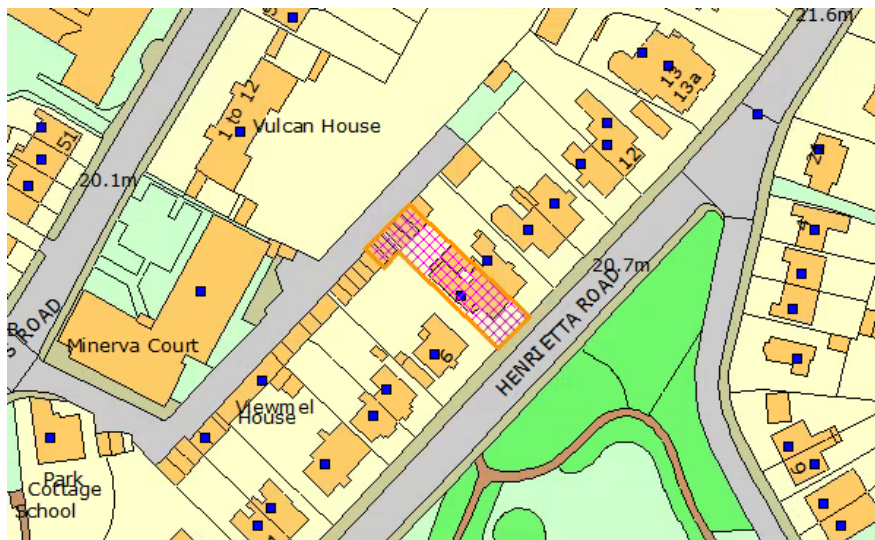
PLANS LIST:

1 This decision relates to the following plans and information: 2629/002, 2629/100, Design and Access Statement and Evaluation of Proposal in Relation to National and Local Policy HG10 received 23/12/2015, 2629/101 Revision A and 2629/105 received 05/01/2016, Accounts and Business Plan received 25/01/2016, letter from Mr Matthews to Robert Fox dated 01/02/2016, Bat and Barn Owl Survey Report received 10/02/2016, 2629/104 Revision A, 2629/102 Revision B and email from agent received 02/03/2016.

2 The applicant is advised to carry out any development using flood resilient construction methods and to raise floor levels above existing levels where possible.

3 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/revised proposals was taken and consent was granted.

Item No: 10
Application No: 15/05775/FUL
Site Location: 7 Henrietta Villas Bathwick Bath Bath And North East Somerset BA2 6LX



Ward: Abbey **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Jonathan Carr Councillor Peter Turner
Application Type: Full Application

Proposal:	Change of use from 2no dwellings to one dwelling, demolition of rear extension, internal alterations and insertion of new roof lights.
Constraints:	Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant:	Touchdown Developments Ltd.
Expiry Date:	2nd March 2016
Case Officer:	Corey Smith

REPORT

Reason for application being referred to Committee:

In accordance with the Scheme of Delegation, this application has been referred to the Development Control Committee as the applicant's agent is an elected member.

Site Description:

No 7 Henrietta Villas is a semidetached Grade II listed building located north east of Bath's city centre on Henrietta Road, Bath. The site forms part of the 18th and 19th century Bathwick development which includes Henrietta Park located opposite the subject property. The property is located within the Bath World Heritage Site and Conservation Area, and also falls within Flood Zone 2 & 3. The subject dwelling is three storeys high, with a semi detached basement and a single storey rear extension. The property is constructed from limestone ashlar with shallow pitched slate roof with wide eaves and a long double stack to the centre party wall. At present the property is being used as a residential dwelling with a bedsit/garden flat separate from the main house to the rear.

The application seeks planning permission for the change of use from 2no dwellings to one dwelling, demolition of rear extension, internal alterations and insertion of new roof lights. This application is accompanied by a Listed Building application (15/05776/LBA).

Relevant History:

DC - 15/05775/FUL - PCO - Change of use from 2no dwellings to one dwelling, demolition of rear extension, internal alterations and insertion of new roof lights.

DC - 15/05776/LBA - PCO - Internal and external alterations to change the use to one dwelling, demolition of rear extension, internal alterations and insertion of new roof lights.

DC - 15/04405/PREAPP - Partly Acceptable - Demolition of rear extensions, internal alterations throughout the property and the erection of new velux roof lights to rear/garden flat.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Representations:

Conservation Team:

The proposals were subject of a pre-application advice request and the current proposal largely appears to have adhered to the recommendations made. The planform of the

ground, first and second floors respects the original layout of the house. The only alterations relate to previously completed works.

At basement level it is proposed to lower the level of the ground to enable the appropriate head height to use the two rooms. The detailed plans supplied indicate that foundations and no reference is made to the requirement of any under pinning. It is requested that this is confirmed with the agent. The detail of the limecrete floor is considered acceptable and there are no objections to the principle of installation of a light well at the front of the property. However, a front elevation of the proposed plans has not been provided to detail the new light well or new window.

On the rear elevation, the new doors to the dining area have respected the openings in the rear wall. My only concern relates to the width of the roof light and the large amount of glazing. The width of the glass gives a horizontal emphasis rather than vertical which is at odds with the windows above and below.

A balcony is proposed on the rear elevation of the main house and the use of glazing here is not objected to as a simple light weight addition. However, the new door proposed into the snug/study is considered out of keeping with the character of the house and the fenestration of the building. I am unconvinced that this glazed door is the most appropriate finish for this opening.

Details of a replacement fireplace have been provided but it is not clear whether this is for one particular new fireplace or all new fireplaces. It is requested that the agent confirm on plan which fireplaces are to be installed. The ground floor plan indicates the installation of a flue for the boiler but this has not been shown on the side elevation. The flue should be either grey or stone coloured.

Drainage and Flooding:

No objection. Proposal does not affect drainage or flood risk.

Third Party:

One objection was received and this can be summarised as follows:

- The proposed balcony is not at ground floor level, it is at raised ground floor level. There is currently a very high wall in Bath stone between us and no.7 which allows us privacy. By removing this wall and adding a glass balcony no.7 will be able to overlook us and see directly into our kitchen window at the side and our study room adjacent. If the large wall can be retained I have no problem with the glass balcony being erected.

POLICIES/LEGISLATION

The Council's Development Plan now comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Saved Policies from the Bath & North East Somerset Local Plan (2007)
- Joint Waste Core Strategy
- Relevant adopted Neighbourhood Plans

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications.

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

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application:

BH.2 Listed Buildings and their Setting
BH.6 Conservation Area
D.2 General Design and public realm considerations
D.4 Townscape considerations
HG.13 Retention of Existing Housing Stock

Policies within the Draft Placemaking Plan (December 2015) with limited weight in the determination of planning applications:

D.1 - D.7 & D.10: General Urban design principles: Local Character & Distinctiveness; Urban Fabric; Streets and Spaces; Building Design; Amenity; Lighting; Public Realm
H2: Local Character and Distinctiveness
HE1: Safeguarding heritage assets
ST7: Transport, access and development management and parking

Planning (Listed Buildings & Conservation Areas) Act 1990

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.

The National Planning Policy Framework (NPPF) and the supporting National Planning Practice Guidance (2014) also represents an important material consideration.

OFFICER ASSESSMENT

Principle of Development

The existing layout is fragmented with the property being comprised of two separate dwelling units. The rear extension in particular is not part of the original design being a later addition. The removal of this modern extension is supported as it has no historic interest and currently obscures the rear of the house.

The overall strategy is to alter the floor plans of the host dwelling to closer match the original proportions and improve the functionality of the property for long-term use. The principle of returning the dwelling back to one single unit is supported as it would allow for the removal of unsympathetic divisions which sever the property.

Character and Appearance

- Basement:

It is proposed to convert the existing basement from storage amenity space to habitable rooms. These new rooms will include a bedroom, games room and a shower/WC. A new fireplace will also be added to the games room. To facilitate the change to a habitable space the existing concrete floor will be reduced and replaced with a new limecrete floor at a uniform level across the basement. The applicant has confirmed that no underpinning is required due to the existing depth of the foundations (foundations at a depth of 600mm below existing floor level, and a further 200mm beyond). Further plans have been submitted to highlight this matter. No works will be undertaken to the roof and a breathable paint will be used on the walls.

Access to the basement will be provided by utilising the existing stone staircase to the basement which will be re-opened. A light well at the front of the property will provide natural light to the proposed basement bedroom. During the course of this application the applicants have submitted a front elevation drawing to include the light well opening. The appearance of the opening matches that of No. 8 Henrietta Villas. The new window will allow the use of the basement which would have originally performed a function for the property.

An extractor fan is proposed for the rear basement bathroom.

Overall, the conservation team have not raised any objections to the proposed changes at basement level. Additional information has been provided where necessary and the re-use of this space is considered beneficial to the long term preservation of the listed building.

- Ground Floor:

Ground floor interior alterations include converting the existing kitchen into a utility room. Other minor alterations include relocating the hall door and a providing a new fireplace to the study/snug.

The existing rear extension is to be remodelled, removing the small existing kitchen and shower/WC. These areas include modern partition walls and there is no objection to their removal. The existing stone walls and lean-to roof will remain, however the extension will appear less congested with the removal of surrounding infill development. New timber framed bi-fold doors are to be introduced to the rear elevation of the extension. The roof lights have been reduced in size to provide more of a vertical emphasis on the rear elevation.

A balcony is proposed to serve the study/snug at ground floor level. From the rear, the balcony will sit approximately 1.5m above natural ground level. To accommodate for this use, the small existing ground floor bathroom will be removed (not part of the original dwelling). The balcony includes fully glazed balustrade and this is considered acceptable in allowing the buildings external fabric to remain visible. The ashlar boundary wall will remain in place and this is considered important in restricting views and conserving the original features of the listed curtilage area. The applicants have revised the access door to reflect a more traditional timber glazed door rather than attempting to mimic a window for this opening. This is in line with feedback from the council's conservation officer.

Overall, the proposed demolition and remodel to the rear elevation is considered to improve the appearance of this rear elevation. The applicants have made minor revisions

to the proposed rear elevation openings in accordance with feedback given from the case officer.

- First Floor:

It is proposed to convert the existing landing kitchen/bathroom area to the rear into a large bathroom. The existing partition is a modern addition and its removal will have a beneficial impact on the property.

The applicants have submitted plans for a new fireplace to service the front first floor bedroom.

The conservation officer has no objection to the proposed design.

- Second Floor:

At second floor level it is proposed to convert the existing kitchen space to an en-suite and walk in wardrobe. This alteration will have a minimal impact to the historic fabric as the proposed openings will occur in modern partitions. There are no objections to the utilisation of the current plan form.

In summary, the proposed scheme is considered to be of an acceptable scale, siting and design that will ensure that the character and appearance of the Conservation Area is safeguarded. The proposed alterations are not considered to have a detrimental impact upon the special features 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 planning consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the conversion back to a single dwelling is not expected to harm the setting of the listed building.

Residential Amenity

The proposed balcony on the rear elevation will sit approximately 1.5m above natural ground level. This sits above the access to the rear basement. Whilst the built form of the bathroom is exposing this area of the property, the existing boundary wall is being retained and this will restrict views onto the neighbouring dwelling of No.8 Henrietta Villas. With this in mind, the new balcony is not considered to adversely harm the privacy of neighbouring occupiers.

There are no additional side elevation windows proposed within this scheme.

Access and Parking

The access to the property is to remain unchanged.

Conclusion

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

RECOMMENDATION

PERMIT

CONDITIONS

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

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

2 The external stonework to be used shall be in bath ashlar to match the host dwelling in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: To safeguard the character and appearance of the Listed Building and the Conservation Area.

3 The proposed new light well window is to match the host dwellings existing front elevation windows in respect of material, size, colour and profile.

Reason: To safeguard the character and appearance of the Listed Building and the Conservation Area.

4 The rear elevation roof lights hereby approved shall be a conservation style opening unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the Listed Building and Conservation Area.

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

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

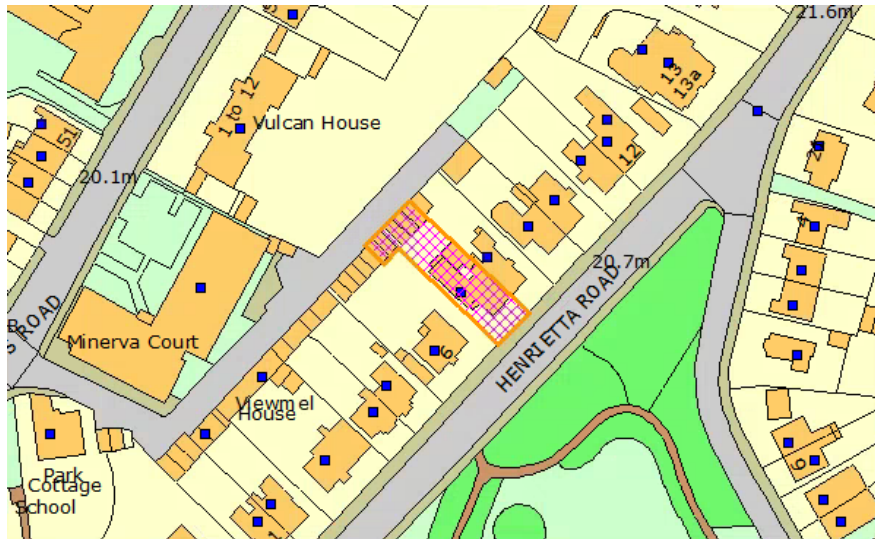
PLANS LIST:

1 This decision relates to Drawing No.s 5689-2015-01, 5689-2015-02, 5689-2015-03, 5689-2015-05, 5689-2015-07, 5689-2015-08 and 5689-2015-09 received on the 22nd December 2015 and revised Drawing No.s 5689-2015-04B, 5689-2015-06, 5689-2015-10, 5689-2015-11 received on the 23rd February 2016.

DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, and expanded upon in the delegated report, a positive view of the submitted proposals was taken and planning permission was granted.

Item No: 10
Application No: 15/05776/LBA
Site Location: 7 Henrietta Villas Bathwick Bath Bath And North East Somerset BA2 6LX



Ward: Abbey **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Jonathan Carr Councillor Peter Turner
Application Type: Listed Building Consent (Alts/exts)
Proposal: Internal and external alterations to change the use to one dwelling, demolition of rear extension, internal alterations and insertion of new roof lights.
Constraints: Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Touchdown Developments Ltd.
Expiry Date: 23rd February 2016
Case Officer: Corey Smith

REPORT

Reason for application being referred to Committee:

In accordance with the Scheme of Delegation, this application has been referred to the Development Control Committee as the applicant's agent is an elected member.

Site Description:

No 7 Henrietta Villas is a semidetached Grade II listed building located north east of Bath's city centre on Henrietta Road, Bath. The site forms part of the 18th and 19th century Bathwick development which includes Henrietta Park located opposite the subject property. The property is located within the Bath World Heritage Site and Conservation Area, and also falls within Flood Zone 2 & 3. The subject dwelling is three storeys high, with a semi detached basement and a single storey rear extension. The property is

constructed from limestone ashlar with shallow pitched slate roof with wide eaves and a long double stack to the centre party wall. At present the property is being used as a residential dwelling with a bedsit/garden flat separate from the main house to the rear.

This application requires listed building consent for internal and external alterations to change the use to one dwelling, demolition of rear extension, internal alterations and insertion of new roof lights. This application is accompanied by a full planning application (15/05775/FUL).

Relevant History:

DC - 15/05775/FUL - PCO - Change of use from 2no dwellings to one dwelling, demolition of rear extension, internal alterations and insertion of new roof lights.

DC - 15/05776/LBA - PCO - Internal and external alterations to change the use to one dwelling, demolition of rear extension, internal alterations and insertion of new roof lights.

DC - 15/04405/PREAPP - Partly Acceptable - Demolition of rear extensions, internal alterations throughout the property and the erection of new velux roof lights to rear/garden flat.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Representations:

Conservation Team:

The proposals were subject of a pre-application advice request and the current proposal largely appears to have adhered to the recommendations made. The planform of the ground, first and second floors respects the original layout of the house. The only alterations relate to previously completed works.

At basement level it is proposed to lower the level of the ground to enable the appropriate head height to use the two rooms. The detailed plans supplied indicate that foundations and no reference is made to the requirement of any under pinning. It is requested that this is confirmed with the agent. The detail of the limecrete floor is considered acceptable and there are no objections to the principle of installation of a light well at the front of the property. However, a front elevation of the proposed plans has not been provided to detail the new light well or new window.

On the rear elevation, the new doors to the dining area have respected the openings in tis rear wall. My only concern relates to the width of the roof light and the large amount of glazing. The width of the glass gives a horizontal emphasis rather than vertical which is at odds with the windows above and below.

A balcony is proposed on the rear elevation of the main house and the use of glazing here is not objected to as a simple light weight addition. However, the new door proposed into the snug/study is considered out of keeping with the character of the house and the fenestration of the building. I am unconvinced that this glazed door is the most appropriate finish for this opening.

Details of a replacement fireplace have been provided but it is not clear whether this is for one particular new fireplace or all new fireplaces. It is requested that the agent confirm on plan which fireplaces are to be installed. The ground floor plan indicates the installation of a flue for the boiler but this has not been shown on the side elevation. The flue should be either grey or stone coloured.

Drainage and Flooding:

No objection. Proposal does not affect drainage or flood risk.

Third Party:

None received.

POLICIES/LEGISLATION

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

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

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

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

- Bath & North East Somerset Adopted Core Strategy
- Saved policies in the Bath and North East Somerset Local Plan (2007)
- West of England Joint Waste Core Strategy (2011)
- Adopted Neighbourhood Plans

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

- CP6 - Environmental quality
- B4 - The World Heritage Site (where applicable)
- CP2 - Sustainable construction

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of the application.

- o D2 - General Design and public realm considerations
- o D4 - Townscape considerations
- o T24 - General development control and access policy
- o Bh.6 - Development within or affecting Conservation Areas.
- o BH.2 - Listed buildings and their settings
- o BH.6 - Development within or affecting conservation areas

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of applications.

OFFICER ASSESSMENT

Impact on Listed Building/Conservation Area:

- **Basement:**

It is proposed to convert the existing basement from storage amenity space to habitable rooms. These new rooms will include a bedroom, games room and a shower/WC. A new fireplace will also be added to the games room. To facilitate the change to a habitable space the existing concrete floor will be reduced and replaced with a new limecrete floor at a uniform level across the basement. The applicant has confirmed that no underpinning is required due to the existing depth of the foundations (foundations at a depth of 600mm below existing floor level, and a further 200mm beyond). Further plans have been submitted to highlight this matter. No works will be undertaken to the roof and a breathable paint will be used on the walls.

Access to the basement will be provided by utilising the existing stone staircase to the basement which will be re-opened. A light well at the front of the property will provide natural light to the proposed basement bedroom. During the course of this application the applicants have submitted a front elevation drawing to include the light well opening. The appearance of the opening matches that of No. 8 Henrietta Villas. The new window will allow the use of the basement which would have originally performed a function for the property.

An extractor fan is proposed for the rear basement bathroom.

Overall, the conservation team have not raised any objections to the proposed changes at basement level. Additional information has been provided where necessary and the re-use of this space is considered beneficial to the long term preservation of the listed building.

- **Ground Floor:**

Ground floor interior alterations include converting the existing kitchen into a utility room. Other minor alterations include relocating the hall door and a providing a new fireplace to the study/snug.

The existing rear extension is to be remodelled, removing the small existing kitchen and shower/WC. These areas include modern partition walls and there is no objection to their removal. The existing stone walls and lean-to roof will remain, however the extension will appear less congested with the removal of surrounding infill development. New timber framed bi-fold doors are to be introduced to the rear elevation of the extension. The roof lights have been reduced in size to provide more of a vertical emphasis on the rear elevation.

A balcony is proposed to serve the study/snug at ground floor level. From the rear, the balcony will sit approximately 1.5m above natural ground level. To accommodate for this use, the small existing ground floor bathroom will be removed (not part of the original dwelling). The balcony includes fully glazed balustrade and this is considered acceptable in allowing the buildings external fabric to remain visible. The ashlar boundary wall will remain in place and this is considered important in restricting views and conserving the original features of the listed curtilage area. The applicants have revised the access door to reflect a more traditional timber glazed door rather than attempting to mimic a window for this opening. This is in line with feedback from the council's conservation officer.

Overall, the proposed demolition and remodel to the rear elevation is considered to improve the appearance of this rear elevation. The applicants have made minor revisions to the proposed rear elevation openings in accordance with feedback given from the case officer.

- **First Floor:**

It is proposed to convert the existing landing kitchen/bathroom area to the rear into a large bathroom. The existing partition is a modern addition and its removal will have a beneficial impact on the property.

The applicants have submitted plans for a new fireplace to service the front first floor bedroom.

The conservation officer has no objection to the proposed design.

- **Second Floor:**

At second floor level it is proposed to convert the existing kitchen space to an en-suite and walk in wardrobe. This alteration will have a minimal impact to the historic fabric as the proposed openings will occur in modern partitions. There are no objections to the utilisation of the current plan form.

In summary, the proposed scheme is considered to be of an acceptable scale, siting and design that will ensure that the character and appearance of the Conservation Area is safeguarded. The proposed alterations are not considered to have a detrimental impact upon the special features 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 planning consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the conversion back to a single dwelling is not expected to harm the setting of the listed building.

RECOMMENDATION

CONSENT

CONDITIONS

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

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

2 The external stonework to be used shall be in bath ashlar to match the host dwelling in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: To safeguard the character and appearance of the Listed Building and the Conservation Area.

3 The proposed new light well window is to match the host dwellings existing front elevation windows in respect of material, size, colour and profile.

Reason: To safeguard the character and appearance of the Listed Building and the Conservation Area.

4 The rear elevation roof lights hereby approved shall be a conservation style opening unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the Listed Building and Conservation Area.

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

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

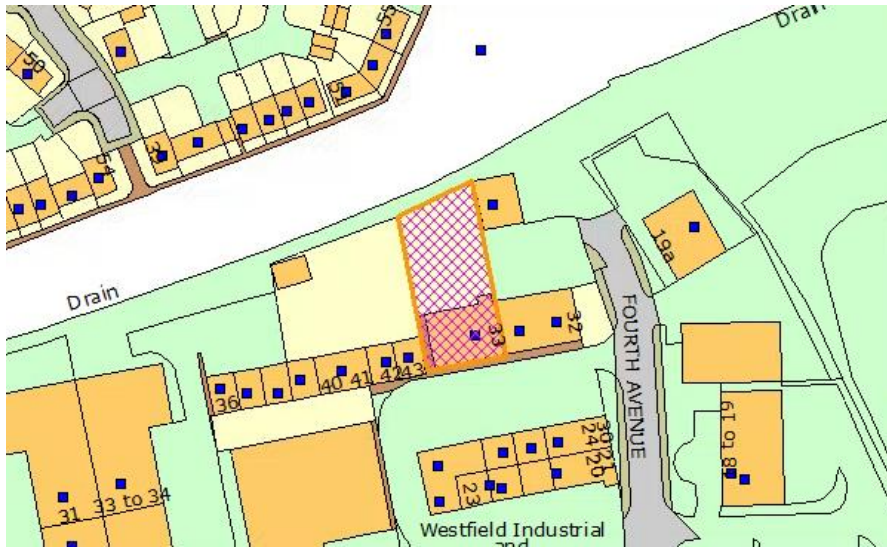
PLANS LIST:

1 This decision relates to Drawing No.s 5689-2015-01, 5689-2015-02, 5689-2015-03, 5689-2015-05, 5689-2015-07, 5689-2015-08 and 5689-2015-09 received on the 22nd December 2015 and revised Drawing No.s 5689-2015-04B, 5689-2015-06, 5689-2015-10, 5689-2015-11 received on the 23rd February 2016.

2 REASONS FOR GRANTING LISTED BUILDING CONSENT:

The decision to grant consent subject to conditions has been made in accordance with S. 16 of the Planning (Listed Buildings and Conservation Areas) Act 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. Furthermore, the decision has had regard to the requirement under S. 72 of the Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area. The decision has taken into account the policies contained within Planning Policy Statement 5, Planning for the Historic Environment, and in light of views of third parties. The Council considers that the proposals because of their location, design, detailing and use of materials, will preserve the building, and its features of special architectural or historic interest, and will preserve or enhance the character and appearance of the Conservation Area and World Heritage Site.

Item No: 11
Application No: 15/05116/FUL
Site Location: Unit 33 Fourth Avenue Westfield Radstock BA3 4XE



Ward: Westfield	Parish: Westfield	LB Grade: N/A
Ward Members: Councillor Eleanor Jackson	Councillor Robin Moss	
Application Type: Full Application		
Proposal: Extension of garage yard for extra storage space (Retrospective)		
Constraints: Affordable Housing, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Core Business Area, Forest of Avon, SSSI - Impact Risk Zones,		
Applicant: Fourth Avenue Autos		
Expiry Date: 30th March 2016		
Case Officer: Nicola Little		

REPORT

This application relates to Unit 33, Fourth Avenue, Westfield which is located as part of the Westfield Industrial and Trading Estate.

The application seeks permission for the retrospective extension of an industrial garage yard for extra storage space. There are no relevant heritage or landscape designations applicable to this site.

There is no relevant planning history for this site. The application has, however, been made pursuant to an enforcement case.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS:

Westfield Parish Council:

The Committee objected strongly to the application on the grounds that:

- It is contrary to policy S1 and S3 in the Local Plan 2007 causing a loss of amenity to residents
- It is endangering the watercourse of the adjacent stream.
- It has created an unstable mass

The Parish's comments have been taken into account; however, it should be noted that quoted policies S1 and S3 concern the hierarchy of shopping centres and the need to maintain and enhance them and land allocated for retail development. The above quoted policies therefore bear no relation to the development proposal subject to the current application. Issues of residential amenity, however, are to be considered under D2 and D4 of the Saved Local Plan.

Building Control - BANES: No observations

THIRD PARTY OBJECTIONS:

2x Third Party Objections consolidated and summarised as follows:

- The development proposal causes an unacceptable loss of amenity to residential areas on the opposite bank
- The development proposal damages the rural aspect the residents enjoy and creates an environmental hazard and eyesore
- The development proposal poses a risk to health and safety
- The development proposal poses a flood risk
- The development proposal has led to the loss of trees

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 Council's Development Plan now comprises:

- Core Strategy
- Saved Policies in the B&NES Local Plan (2007)*
- Joint Waste Core Strategy

The following Core Strategy policies should be considered:

CP6 Environmental Qualities

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy.

Policies relevant to this site in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan are:

- D.2 - design issues and residential amenity
- D.4 - design issues

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. Draft Policies D1, D2, D3 and D6 of the draft PMP are relevant to this application however, currently the Plan has limited weight in the determination of planning applications.

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

NATIONAL PLANNING PRACTICE GUIDANCE, 2014

Due consideration has been given to the recently published NPPG, March 2014

OFFICER ASSESSMENT

The application seeks permission for the retrospective extension of an industrial garage yard for extra storage space.

Schedule 2, Part 7, Class J of The Town and Country Planning (General Permitted Development) (England) Order 2015, allows for development involving hard surfaces for industrial and warehouse premises. However, under the conditions of Class J, development is only permitted subject to the following conditions—

- (a) where there is a risk of groundwater contamination the hard surface must not be made of porous materials; and
- (b) in all other cases, either—
 - (i) the hard surface is made of porous materials, or
 - (ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the industrial building or warehouse.

In this instance, the hard surface has not been made of porous material and no provision has been made to direct water run-off. Therefore, the development requires planning permission from the Local Planning Authority. The provisions of the GPDO are a significant material consideration as the structure could be modified to comply with the regulations thus negating the need for permission - irrespective of other planning considerations.

Saved Local Plan Policy D.2 states that development will only be permitted if, amongst other things, the character of the public realm is maintained or enhanced and that the development is of a high quality and that the proposed development will not cause significant harm to the amenities of existing or proposed occupiers of residential premises. In addition, saved Policy D.4 states that development will only be permitted 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. These policies are echoed in draft Policies D1, D2, D3 and D6 of the draft Placemaking Plan.

Public amenity

Whilst due consideration has been given to the views of third parties, the development proposal is not considered to adversely impact the residential amenities of neighbouring residents any more than the existing application site and wider Westfield Industrial and Trading Estate.

Westfield Industrial and Trading Estate is located at a lower ground level than the adjacent housing estate and, therefore, concerns and issues surrounding visual impact, privacy and overlooking would for the most part be deemed to predate the development proposal. Whilst the removal of some trees and scrub has arguably made the site appear more open, there is and always has been open, existing views towards the site and trading estate and therefore the development proposal is not deemed to have significantly altered or had a substantial negative affect upon the visual aspect of adjoining neighbouring properties.

It is therefore the officer's opinion that the development proposal does not have a significant additional negative effect upon visual amenity. Nor is the development deemed to cause a loss of privacy to neighbouring residents and will not cause an increased sense of enclosure for adjoining properties.

The development proposal is not considered to cause additional nuisance in terms of light or noise than that which already exists on the application site and trading estate.

All in all, the appearance and purpose of the development proposal is deemed to fit with the existing use and character of the application site as part of Westfield Industrial and Trading Estate.

Character of the public realm

The development proposal is not considered to have caused any additional adverse impact on the visual amenities of the street scene or the character and appearance of the existing Westfield Industrial and Trading Estate.

As part of the development, a proportion of trees and scrub were removed from the site. However, consent to fell trees on site was not required from the Council and the officer is of the opinion that the trees / scrub felled were of low amenity value and held minor overall benefit in terms of either the character or wildlife value of the site and wider area.

Although the loss of landscape features through development is usually considered as part of any planning application received by the Council, due to the retrospective nature of the current application the loss of the trees could not be mitigated and there is no longer a capacity on the site for replanting. Whilst the replacement wire mesh fence may be deemed of lower amenity value than previous landscape features, this type of development would be permitted under Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 as a means of enclosure. It is also considered that as other landscaping features found adjacent the site

and planted as part of the neighbouring housing estate mature and spread a natural screen may again develop.

Fundamentally, the development proposal is considered a minimal change to the existing application site and trading estate which is already industrial in its character and appearance. Therefore, the proposal is not deemed to undermine or adversely impact the overall aesthetic quality and character of the surrounding public realm.

Other matters

Whilst the officer has raised concerns as to the structural integrity of the development, the Council's Building Control team have offered no objection or observations. The addition of the 2 metre high wire mesh fence along the boundary line, used to enclose the application site, is deemed an acceptable method to resolve some of the issues surrounding health and safety. As previously stated within this report, the erection of this fence would be classed as permitted development.

The watercourse which is found adjacent to the application site at a lower ground level has been described as a "stream"; however, is in fact identified as a ditch on the Council's GIS Mapping system. The site is not found with a flood risk zone and therefore cannot be said to pose an increase risk to flooding in this area, saved Policy NE.14 of the Local Plan (relating to flooding) does not apply in this instance. In addition, the development is deemed to have a low negative impact on any outflow and is not considered to create a significant restriction to the natural flow of the ditch. Matters relating to the dumping of environmental hazardous material and pollution would not be within the scope of this application and should be referred to the Environment Agency or the relevant department within the Local Planning Authority.

Finally, the proposed development does not alter or adversely impact on traffic, parking or highway safety.

It is therefore recommended that this application is approved.

RECOMMENDATION

PERMIT

CONDITIONS

1 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.

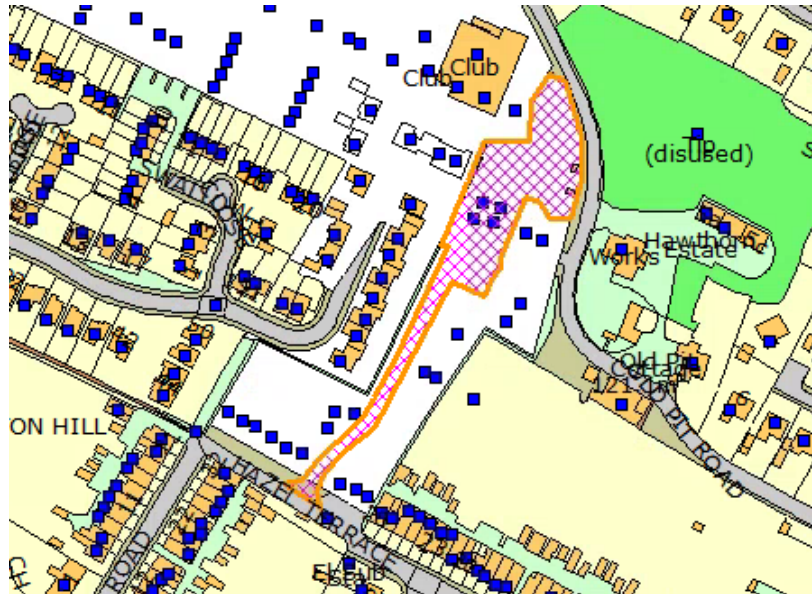
PLANS LIST:

This decision relates to drawing 15/1044/01 dated 20th January 2016

DECISION TAKING STATEMENT:

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

Item No: 12
Application No: 15/03367/FUL
Site Location: Development Site Hazel Terrace Westfield Midsomer Norton



Ward: Westfield	Parish: Westfield	LB Grade: N/A
Ward Members: Councillor Eleanor Jackson	Councillor Robin Moss	
Application Type: Full Application		
Proposal: Erection of 1no 3 bedroom dwelling and 6no. 2 bedroom flats on land at Hazel Terrace		
Constraints: Agric Land Class 3b,4,5, Coal - Standing Advice Area, Core Business Area, Forest of Avon, Sites with Planning Permission, Housing Development Boundary, SSSI - Impact Risk Zones,		
Applicant: Flower And Hayes Ltd		
Expiry Date: 22nd December 2015		
Case Officer: Tessa Hampden		

REPORT

Reason for referring application to committee

The application has been referred to committee by Cllr Jackson and also following the comments received from Westfield Parish Council.

Site description and proposal

The application relates to a parcel of land situated off Hazel Terrace in Midsomer Norton. The site is bound by mainly residential development, including the new residential dwellings at the former Alcan Site. The site is located within the Housing Development Boundary.

The application seeks planning permission for the erection of 1 no 3 bedroom dwelling and 6 no. 2 bedroom flats. Planning permission has previously been granted for residential units at the application site and on the land adjacent which is also within the ownership of the applicant, as indicated by the blue line on the submitted site location plan. The development has been implemented, but no works on the actual dwellings appear to have been undertaken. This application seeks to replace the previously approved 4 no. flats in the approved application (03/01523/FUL), and provide one 3 bedroom house and 6 no. flats. This permission could then be implemented alongside the remainder of the units previously granted planning permission. The net gain would therefore be 3 units.

Planning history

DC - 00/02425/FUL - DMREF - 4 July 2001 - Residential development comprising 16 houses and 4 flats

DC - 02/02467/FUL - PERMIT - 26 August 2003 - Residential development comprising 16 houses and 4 flats

DC - 03/01523/FUL - PERMIT - 6 February 2004 - Residential development comprising 7 houses and 4 flats (revised scheme)

DC - 04/00096/FUL - PERMIT - 4 March 2004 - Erection of 2 no.dwellings

DC - 09/02760/FUL - PERMIT - 10 February 2010 - Erection of 2 no. dwellings (Renewal of planning permission 04/00096/FUL)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ecology - no objection subject to conditions

Highway Development - no objection subject to conditions

Flooding and drainage - Objects -further information required

Arboricultural - no objection

Westfield Parish Council - The Council objects to the application on the grounds of (1) over development of the site and (2) lack of information, specifically the lack of an ecology report and a contamination report.

Cllr Jackson - requests that this application is heard at committee if officer is minded to approve for the following reasons:

- It represents overdevelopment of the site because only a section of the land in the applicant's ownership is proposed for development in this application. -Town Council would like to see a master plan, or at least an outline application for the whole site.
- Concern at the access or lack of it, which is why the master plan is needed , because these houses will be built at the back of the site.
- Proximity to the chemical works close to the back boundary, and the noise.
- There was also a question of access from that end at some point in the future
- Lack of adequate ecology reports was unacceptable.
- In summary, there was too little appropriate information.
- Further could the access to Hazel Terrace from the Wells Road (A367) be improved_

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 Council's Development Plan now comprises:

- Core Strategy
- Saved Policies in the B&NES Local Plan (2007)*
- Joint Waste Core Strategy

- Core Strategy

SV1 Somer Valley Spatial Strategy
 CP5 Flood Risk Management
 CP6 - Environmental Quality
 CP9 Affordable housing

Saved policies from the Bath and North East Somerset Local Plan - 2007

D2 - General Design and Public Realm Considerations
 D4 - Townscape Considerations
 HG4 Residential development in the urban areas
 NE4 Trees and Woodlands
 NE10 Nationally important species and habitats
 NE11 Locally important species and habitats
 T24 - Highway Development Control Criteria

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications. The following policies are relevant:

SV1 Somer Valley Spatial Strategy
 SD1 Presumption in favour of sustainable development
 CP2 Sustainable Construction
 CP3 Renewable Energy
 SCR1 On-site renewable energy requirement
 SU1 Sustainable Drainage Policy

D1 General Urban Design Principles
D2 Local Character and Distinctiveness
D3 Urban Fabric
D4 Streets and Spaces
D5 Building Design
D6 Amenity
D10 Public Realm
CP7 Green Infrastructure
NE1 Development and Green Infrastructure
PCS2 Noise and Vibration
ST1 Promoting Sustainable Travel
ST7 Transport Requirements for Managing Development
CP13 Infrastructure Provision

It is anticipated that the Placemaking Plan will be adopted towards the end of 2016.

The National Planning Policy Framework - published in March 2012

National Planning Practice Guidance

OFFICER ASSESSMENT

Principle of development

The application site is located within the Housing Development Boundary of Midsomer Norton. There is no objection in principle to new residential development at this site subject to the compliance with the relevant policies of the Development Plan.

Character and appearance

The development will form a continuation of an approved development and will appear in some way as a natural extension to this development. The application site is of a suitable scale to accommodate this and will still allow for a buffer between neighbouring developments. There are no significant trees on the site that will be lost as part of this scheme. The development will allow for some soft landscaping which will aid in softening the development and integrating this in with the wider area. The overall scale and design of the buildings are considered to be appropriate and will complement the surrounding existing built form and that proposed.

The comments received with regards to the need for a masterplan are noted. However, the agent has provided a plan which allows the development to be viewed in context with the adjacent development that already benefits from planning permission within the applicants ownership. Officers are therefore comfortable that the development will sit comfortably alongside the existing and planned future development.

Overall the proposed development is considered to be of a suitable scale, siting, design and will use appropriate materials, which will ensure that the visual amenities of the area is preserved.

Highway Development

The application utilises an existing access which was permitted under the previous planning applications. The access road will be extended at the rear of the site to allow for the additional development. Revised plans have been received following the comments of the highway officer and based on these, there are no objections to the development on highway safety grounds. The parking, turning and access areas are considered acceptable for this development, and do not impact negatively on the above implemented scheme adjacent.

Residential amenity

The development will not result in adverse harm to the residential amenity of existing or future neighbouring occupiers. In relation to the nearby Chemical Works, the comments of the Ward Cllr have been considered. However, it is considered that the development is a sufficient distance from this building to ensure that the future occupiers will not suffer unduly from any noise or disturbance from this use.

The Design and Access Statement explains that the area in which the flats are proposed was previously to be left as a landscaped bund to act as a sound barrier due to the proximity of the social club to the north. This is no longer in use and forms part of the redevelopment of the Alcan factory site, and as such the necessity for this mitigation measure is no longer there.

The development will not result in any undue levels of overlooking or overbearing impacts to existing or future occupiers.

Ecology

Following discussions with the agent, clarification has been provided regarding the ability of the proposal to mitigate for reptiles if present, and it is agreed that a condition requiring reptile survey, and details of a suitable proposed mitigation strategy to be agreed once survey findings are known is sufficient in this case. In addition, measures to protect wildlife and enhance overall ecological potential at the site, can also be secured by condition.

Subject to the above, the LPA can be comfortable that the development will not have any adverse impact upon protected species on their habitats.

Flooding and drainage

The Council drainage engineer has requested further information with regards to how surface water will be disposed of. The agent has provided further details and confirmed that the submitted drawings sets out the proposed drainage which proposes the use of soakaways and connecting into the drainage system of the previous implemented. Further calculations have also been provided. Since the application has been submitted updated advice has been produced with regards to when it is necessary to consult on this issues. The site falls outside of the Lead Local Flooding Authority consultation area, as such, if the application were submitted today, there would be no requirement to consult in this issue.

Given the above, it is considered that this issue can be dealt with through the inclusion of a condition on any permission.

Planning obligations

The development will trigger the need to provide affordable housing under policy CP9 of the Core Strategy. The agent has confirmed that this is acceptable and the mechanisms to secure this will be through a S106 agreement.

Other issue

No other issues have arisen as a result of this application and this application is recommended for approval subject to the applicant entering into a legal agreement to secure affordable housing. The relevant conditions included on the previous application will be repeated where necessary.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

A Authorise the Head of Legal and Democratic Services to enter a Section 106 Agreement to secure affordable housing/equivalent contributions, and

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

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

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

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

- findings of completed reptile surveys, carried out by a suitably experienced ecologist in accordance with current best practice guidance
- details of a scheme to avoid harm to, and to mitigate and compensation for impacts on reptiles, as applicable depending on survey findings
- all other necessary measures to avoid harm to wildlife and protected species including nesting birds; and to provide additional biodiversity benefits, including provision of wildlife habitat, bird and bat boxes, and wildlife friendly planting.

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: to avoid harm to protected species including reptiles and to provide biodiversity gain

3 No 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 details so approved.

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

4 No development shall commence until details of refuse storage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the refuse storage has been provided in accordance with the details so approved, and thereafter shall be retained solely for this purpose. No refuse shall be stored outside the building(s) other than in the approved refuse store(s).

Reason: In the interests of the appearance of the development and of the amenities of the area.

5 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

6 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 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.

7 The areas allocated for parking 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:: In the interest of highway safety

8 Prior the development approved being brought into operation, the access, parking and turning areas shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason:: In the interest of highway safety

9 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interest of highway safety

10 Prior to the commencement of the development, a Construction Management Plan shall be 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 and any need for cranes for construction.

Reason:: In the interest of highway safety

11 No development shall commence until a site investigation into potential contamination of the site has been carried out and submitted to and approved by the Local Planning Authority. If evidence of any contamination is revealed, a programme of remedial actions shall be submitted to the Local Planning Authority and the approved scheme shall be implemented within a period to be agreed in writing.

Reason: To ensure satisfactory a remediation of any contamination of the site.

13 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of highway safety.

14 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:

Plans:

26 Nov 2015 F1278-101D
26 Nov 2015 F1278-100D
26 Nov 2015 F1278-102D
24 Jul 2015 F1278_001 LOCATION PLAN

ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's

Website. Please send your requests to the Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

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

4 The local Fire Safety Officer should be consulted regarding the width of the access road serving the proposed flats.

Item No: 13
Application No: 16/00504/FUL
Site Location: Sawyers Mill Hunstrete Marksbury Bristol BS39 4NT



Ward: Farmborough **Parish:** Marksbury **LB Grade:** N/A
Ward Members: Councillor S Davis
Application Type: Full Application
Proposal: Erection of barn with stabling and creation of 20m x 40m outdoor riding arena.
Constraints: Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, LLFA - Flood Risk Management, Public Right of Way, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones,
Applicant: Mr T Warren
Expiry Date: 1st April 2016
Case Officer: Alice Barnes

REPORT

Reason for reporting application to committee

The application has been submitted by Councillor Tim Warren and is reported on that basis in accordance with the Councils delegation scheme.

Description of site and application

The application site is located within the centre of Hunstrete village. It is currently occupied by one dwelling and a livery stables. The existing livery comprises a large main building measuring 7.4m in height, a stable, a number of smaller outbuilding, a manage and horse exerciser.

Hunstrete is a small village with no local shops and services. The site is bordered by Hunstrete fishing lake to the south, and the open countryside to the west. The site is set back from the road behind numbers 10 and 11 and is accessed from an access drive from the main road.

This is an application for the provision of a barn and riding arena. The proposed riding arena would be located to the west of the existing livery. To the west of the site are a number of paddocks currently in equestrian use. The paddocks are bordered by low wooden fences. The proposed barn would be a single storey building located on the southern boundary of the site. It will be constructed from timber and will provide stabling for horses and associated storage.

Relevant History

DC - 03/00893/FUL - PERMIT - 21 August 2003 - First floor extension.

DC - 99/02125/FUL - PER - 30 March 1999 - Conversion of outbuildings to form two holiday units

DC - 15/00100/FUL - PERMIT - 13 March 2015 - Erection of 2no five bed dwellings and detached garages following demolition of existing commercial buildings and subdivision of land.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: It is noted that the site was the subject of an application for 2 no. 5 bed dwellings which was approved under ref. 15/00100/FUL. These dwellings are also under the ownership of the applicant and are accessed via a private lane off Hunstrete Lane which also serves a number of other private dwellings. This access will also serve the proposed stables and outdoor arena. As the proposed development will only be for the use of the owners, Highways envisage that any impact on the operation and safety of the local highway network will be minimal. It is also acknowledged that this access currently serves an equestrian centre and livery (granted permission to be demolished to accommodate dwellings granted under ref. 15/00100/FUL) and thus is well established and previously accommodated a greater number of vehicular movements.

The applicant shall be mindful of an existing PROW (BA15/35) which runs along the southern boundary of the site adjacent to the fish pond. This shall remain unobstructed at all times during and after construction works.

Marksbury Parish Council: Support, Recreational use is appropriate in the green belt. It is of a suitable scale, size and proportion.

Representations: No representations have been received

POLICIES/LEGISLATION

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

Core Strategy
Saved Policies in the B&NES Local Plan (2007)
Joint Waste Core Strategy

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

CP6 - Environmental Quality
CP8 - Green Belt

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

D.2: General design and public realm considerations
D.4: Townscape considerations
GB.2: Visual amenities of the Green Belt
T.24: General development control and access policy
T.26: On-site parking and servicing provision

National Policy
The National Planning Policy Framework adopted March 2012
National Planning Practice Guidance 2014

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications.

D.2 - Local character and distinctiveness
D.3 - Urban Fabric
D.5 - Building design
D.6 - Amenity
ST.7 - Transport requirements for managing development

OFFICER ASSESSMENT

This is an application for the provision of a barn and riding arena. The site is currently used as equestrian providing a livery and stables. The riding arena can be accessed by an

existing track which runs to the south of the site. Part of Sawyers Mill has obtained permission to be re developed to provide two detached dwellings but work has not commenced on site.

Principle of development and green belt

The application site is located within the green belt. This application seeks permission for a riding arena and barn.

Paragraph 89 of the NPPF states that the construction of new buildings within the green belt are considered to be inappropriate development. Paragraph 89 goes on to list exceptions to this which includes buildings for agriculture and appropriate facilities for outdoor sport and recreation. Whilst the proposed barn and riding arena will fall into these categories whether the development is an appropriate facility would depend on its impact on the green belt and its openness.

The proposed riding arena would be located within fields to the west of the site where the land is currently in equestrian use. Therefore the provision of a riding arena would not result in a change of use of the land.

The existing site is a relatively flat site located to the west of the village. The proposed riding arena would be located outside of the built up area. The riding area would be sited within a flat area of fields which are currently separated with low wooden fences. The proposed arena would be a flat area which would be resurfaced and surrounded by a low wooden fence. The applicant has stated that no outside lighting will be provided and the arena will not be used during the hours of darkness. Given that the proposal would be located at land level and be surrounded by a low fence it would not have a detrimental impact on the openness of the surrounding green belt.

The proposed barn would be located to the south of the site which is currently occupied by hay bales. The south of the site is surrounded by thick vegetation and this section of the site is not easily visible to the wider surrounding area. The barn has been design to provide storage and two stables for horses. The proposed barn will not be visually prominent to the surrounding landscape and will not harm the openness of the surrounding green belt. The barn will be constructed from timber which is an appropriate material for the development.

Overall the proposed development will not harm the openness of the surrounding green belt and the provision of facilities for outdoor sport and recreation are considered to be appropriate development within the green belt.

The proposed development would be considered appropriate to the existing equestrian use of the site. However if the dwellings permitted under reference 15/00100/FUL were to be constructed then the proposed barn and riding arena would still provide appropriate facilities for outdoor sport and recreation and will still be an acceptable development.

Design

The proposed barn will be constructed from timber which is an appropriate material within the surrounding area. The barn has been designed as a single storey with a pitched roof

and gable ends. The proposed design is considered to be appropriate to the surrounding area. The riding arena will be surfaced in an aggregate surface and will be surrounded by a low timber fence. The design is considered to be appropriate within the countryside setting.

Highways

The highways officer has raised no objection to the application. The addition of the riding arena and barn will not result in additional traffic movements to and from the site.

The highways officer has advised that there is a public right of way close to the site which should not be blocked during construction. This can be secured by condition, the public right of way is located to the south of the site and is not located within the application site itself.

Amenity

The proposed development will not be located close to any neighbouring dwellings therefore the proposal will not impact on the amenity of any nearby residents.

RECOMMENDATION

PERMIT

CONDITIONS

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

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

2 The permitted barn and stables shall only be used by those horses resident on the site and shall not be used for any events such as competitions, events, gymkhanas.

Reason: In the interests of highway safety.

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

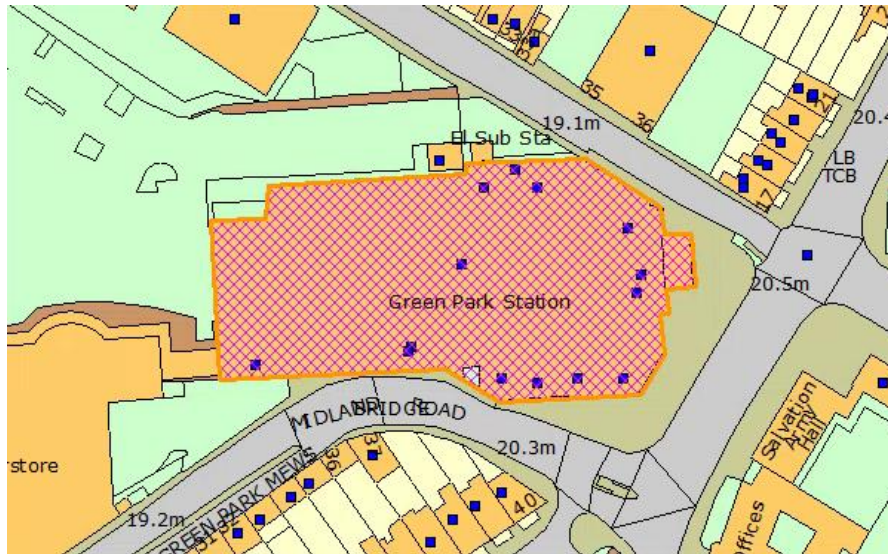
Reason: To define the terms and extent of the permission.

PLANS LIST:

Site location plan
Existing site plan 001
Proposed site plan 002
Proposed barn plans 003
Proposed arena plan 005
Proposed arena elevations and sections 006
Proposed elevations 004 rev 1

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

Item No: 14
Application No: 16/01147/LBA
Site Location: Green Park Station Green Park Road City Centre Bath Bath And North East Somerset



Ward: Kingsmead **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Chris Pearce Councillor Andrew Furse
Application Type: Listed Building Consent (Alts/exts)
Proposal: Internal alterations to attach metal plate to interior wall
Constraints: Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Bath Enterprise Area, British Waterways Major and EIA, Conservation Area, Flood Zone 2, Forest of Avon, Sites with Planning Permission, Hotspring Protection, Listed Building, LLFA - Flood Risk Management, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Cllr Neil Butters
Expiry Date: 4th May 2016
Case Officer: Laura Batham

REPORT

Site Description:

Green Park Station is a Grade II Listed former railway station located within the centre of Bath. The site is within the Conservation Area and World Heritage Site. The building was constructed in 1869 by JH Sanders for the Midland Railway and known originally as

Midland Station. The railway station was converted in 1983 following its closure in 1966 and is now used for commercial use.

Proposal:

The application seeks consent for internal alterations to attach a commemorative metal plate to the interior wall within the entrance to the station. .

History:

None relevant

The application is called before committee as the applicant is Councillor Butters.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

No comments received to date. An update with any further comments received during the consultation period will be provided at the Committee meeting.

POLICIES/LEGISLATION

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

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

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

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

- Bath & North East Somerset Adopted Core Strategy
- Saved policies in the Bath and North East Somerset Local Plan (2007)
- West of England Joint Waste Core Strategy (2011)

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

- CP6 - Environmental quality
- B4 - The World Heritage Site

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of the application.

- BH.2 - Listed buildings and their settings
- BH.6 - Development within or affecting conservation areas

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of applications.

OFFICER ASSESSMENT

The application seeks consent for the attachment of a commemorative plate to an interior wall of Green Park Station. The plate is a Red Wheel plaque promoted by The Transport Trust to encourage the preservation and restoration of Britain's transport heritage.

The plaque is proposed to be located inside the pedestrian foyer of the station and would be in a prominent location to enable promotion of the site. The plaque is proposed to measure 495mm in diameter and 10mm thick. The plate would be finished in red with white lettering detailing the history of the site and how to access further details about the history of the site.

The plaque would be attached to the wall with three bolts causing minimal impact to the fabric of the listed building. The plaque is a modest size and would not detract from the character of the building. As the sign is to be located inside the property there would be no impact to the conservation area or world heritage site. The addition of the plaque is considered to be a positive alteration to the listed building, highlighting the important history of the site.

Conclusion:

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the works to install the plaque will have minimal impact upon the fabric and character of the listed building and will not significantly impact upon the significance of the building

RECOMMENDATION

CONSENT

CONDITIONS

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

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

PLANS LIST:

1 This decision relates to the following documents received on 9th March 2016:

Site location plan

Red Wheel heritage plaque- a guide for site holders

Draft layout of transport trust plaque scheme

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