

Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **4th May 2016**

AGENDA
ITEM
NUMBER

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

TITLE: **SITE VISIT AGENDA**

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.

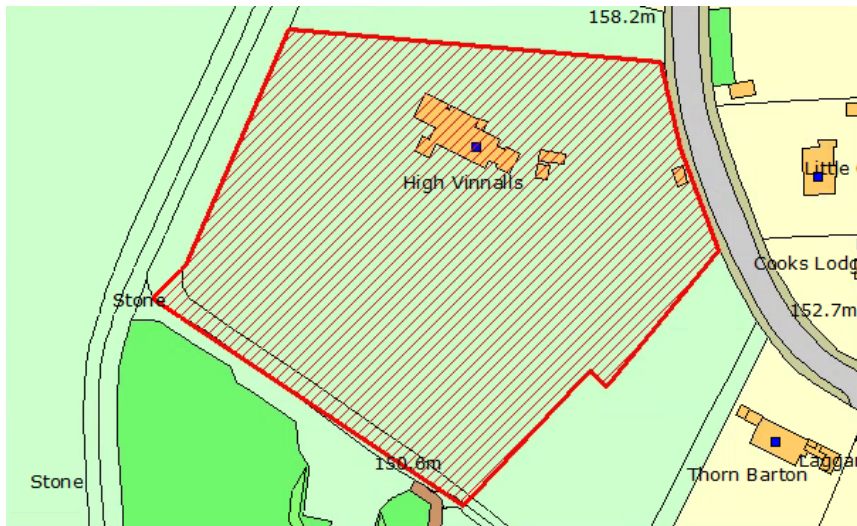
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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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001	15/03485/FUL 6 May 2016	Kingswood School Kingswood Preparatory School, College Road, Lansdown, Bath, Bath And North East Somerset Erection of new school building to accommodate prep school accommodation, new pre-prep and nursery, and multi use games area and associated infrastructure and landscaping.	Lansdown	Suzanne D'Arcy	PERMIT
002	15/05068/FUL 10 March 2016	Mr Andrew Tucker Parcel 8545, Upper Bristol Road, Clutton, Bristol, Bath And North East Somerset Erection of single storey farmshop and cafe.	Clutton	Rachel Tadman	REFUSE
003	16/00686/FUL 11 April 2016	Mr Jehad Masoud 103 Hawthorn Grove, Combe Down, Bath, Bath And North East Somerset, BA2 5QQ Change of use from 3 bed dwelling (use class C3) to 4 bed house of multiple occupation (HMO) (use class C4)	Combe Down	Corey Smith	PERMIT
004	16/00078/FUL 4 March 2016	Mr David Paradise 285 Kelston Road, Newbridge, Bath, Bath And North East Somerset, BA1 9AB Erection of single storey dwelling house on land formerly used as nursery (Resubmission)	Newbridge	Alice Barnes	REFUSE
005	16/00061/FUL 6 May 2016	Mr & Mrs King Little Dene, Greyfield Road, High Littleton, Bristol, Bath And North East Somerset Erection of first floor extension of bungalow with attic accommodation and erection of a front porch (amended description)	High Littleton	Kate Whitfield	PERMIT

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

Item No: 001
Application No: 15/03485/FUL
Site Location: Kingswood Preparatory School College Road Lansdown Bath Bath
And North East Somerset



Ward: Lansdown **Parish:** N/A **LB Grade:** IISTAR
Ward Members: Councillor Patrick Anketell-Jones Councillor Anthony Clarke
Application Type: Full Application
Proposal: Erection of new school building to accommodate prep school accommodation, new pre-prep and nursery, and multi use games area and associated infrastructure and landscaping.
Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Greenbelt, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Kingswood School
Expiry Date: 6th May 2016
Case Officer: Suzanne D'Arcy

REPORT

REASON FOR CONSIDERATION BY COMMITTEE - This application was deferred for a site visit from the March Committee to allow Members to view the site during the school drop off period.

Kingswood Preparatory School is sited within the Bath Conservation Area and wider World Heritage Site. This application relates to the area to the south of the High Vinnells area. The west and south eastern boundaries are marked by trees that are protected as part of a Tree Preservation Order (TPO). To the west of the site is the Bristol Bath Green Belt and the Cotswold Area of Outstanding Natural Beauty (AONB).

This is a full application for the erection of a new school building, a new pre-prep and nursery building and a multi use games area. There are several listed buildings on the site, the nearest to the site being the grade II listed Blaine's Folly. The application has been amended since submission in relation to the design of the nursery building. The proposed school building will be sited to the south east of the site. This building will be a mix of two storey and single storey. It will be constructed of tactile brick and red cedar shingles with a cedar shingle roof.

The proposed nursery building will be constructed of cedar shingles and tactile brick. The design of this building has been revised since submission for the elements to read as a series of timber outbuildings with glazed links between the elements.

There will be an increase in pupil numbers as a result of this application. The pre-school numbers will increase from 60 to 109 pupils and there will be an increase in prep school numbers from 200 to 240. This will result in a total increase in numbers of 89 pupils (from 330 to 419).

Relevant History

7043-1 - Erection of 5 detached dwellings with double garages, and construction of new access road - Withdrawn 13th February 1995

96/00017/FUL - Erection of 3 detached dwellings with double garages, and construction of new access road (Revised proposal) - Refused 15th November 1996

97/00364/FUL - Erection of 3 dwellings with double garages and associated works and erection of a detached double garage - Deemed Refusal. Appeal Dismissed 3rd March 1998

15/04487/FUL - Erection of timber structure to form "jungle gym" (retrospective) - Permitted 13th January 2016

15/00885/PREAPP - Construction of new school building and hall for existing preparatory school and a new pre-prep nursery building.

The applicants submitted a pre-application enquiry in relation to this application in January 2015. Officers advised that there was no objection in principle to the proposal and there was not an objection to the design or the materials. Concerns were raised in terms of the impact on highway safety and trees and the applicants were advised to submit further information alongside an application to address these concerns.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways - No objection, subject to conditions

Archaeology - No objection, subject to conditions

Drainage - No objection, subject to conditions

Building Control - No comments

Arboriculture - No objection, subject to conditions

Ecology - No objection, subject to conditions

Landscape - Objects to the proposal, raising the following points;

- This is a very important location, marking the interface between the edge of Bath and the open countryside
- Character is created by the line of beech trees and views to the west and reinforced by the estate railings
- It is an important and sensitive site
- No issue with the methodology or location of viewpoints in the Landscape and Visual Impact Appraisal
- The trees are not enclosing and framing in the winter months
- The site has a relationship with the wider landscape
- The trees are an important feature in the wider landscape
- Lower, eastern part of the site has a lesser relationship with the wider landscape
- Greater weight seems to have been put on retention of the conifers
- The beech trees have a setting and this has not been addressed in the submitted report
- There may be limited visual effect caused by the proposed, this harm exists and will remain
- Lighting from the windows has not been addressed and will remain
- Likely to have a significant impact on the AONB and the setting of the World Heritage Site.
- No objection in principle to some development on the site, but this layout does not properly respond to or make best use of the site and its attributes.

Urban Design - Offer the following comments;

- Attention has been drawn to the importance of addressing arboriculture issues to ensure that the life prospects of trees are protected.
- This should inform the development
- No in principle objection, subject to the design of the buildings (subject to the resolution of the LVIA and arboriculture issues)
- Materials may be acceptable, though they do not relate to the wider Bath context.
- The drawings should clarify the materials and samples should be submitted for approval.

Historic England - Offer the following comments;

- Remit is to assess the impact on the Conservation Area and the Outstanding Universal Value of the World Heritage Site.
- The land forms part of the open character of the city's outer green slopes and these spaces contribute to the OUV of the World Heritage Site.
- It also creates a sense of spaciousness within the conservation area
- This space, in combination with the private recreation space, contribute towards an important green space within the wider context of the more distant views within the more distant views of the World Heritage Site.
- The trees within this area also make an important contribution
- This development will involve the removal of several mature trees and the loss of the private open space
- This land has always been undeveloped
- The submitted Heritage Assessment balances the impact against the retention of the main trees, the low profile of the proposed development and the sense of enclosure.
- Historic England are not convinced this is a reasonable balance
- The LVIA has not been fully tested for night views or winter views at closer ranges

- Consider the combination of tree loss and perceived loss of openness through the development will have a harmful impact on the conservation area and the OUV of the World Heritage Site.
- The presence of more built form will impact on the sense of space and openness.
- Whilst the development site is contained by boundary treatments, it still allows the perception of undeveloped land.
- The scheme should be judged against paragraph 134 of NPPF.
- Historic England urge you to address the issues raised and recommend the application is determined in accordance with national and local policy and your own specialist advice.

Avon and Somerset Police - No objection

Sport England - No objection but advise that the application needs to be assessed in light of paragraph 74 of the NPPF.

Environment Agency - No comments received

Wessex Water - Advise the applicant to contact Wessex Water as new connections will be required.

Cllr Partrick Anketell-Jones (Local Member) - Requests the application be considered by the Development Management Committee if Officers are minded to approve due to the inappropriate size of the buildings relative to the local residential character, the Conservation Area and proximity of the Greenbelt

Representations - 31 letters of objection received, raising the following points;

- No steps have been taken to ensure that the development won't have an adverse effect on traffic on College Road
- Increased parking, noise, risk and use of the road will have an adverse impact on residential amenity
- No in principle objection to the nature of the application
- Object to the failure of the applicants to include a Transport Plan
- A generous dose of sustainability is required
- Adverse impact due to increase in traffic
- Adverse impact on pedestrian safety
- Lack of public consultation prior to the application being submitted
- Concern over the scale and massing
- Irreversible harm to the conservation area and natural environment
- Contrary to Policy T.24 of the Local Plan
- Hamilton Road is unsuitable for construction traffic
- Loss of natural habitat
- Net impact of the proposals will cause significant harm to the Green Belt
- Adverse impact on the AONB
- No justification for the proposal
- Increase in capacity at a junior level is likely to result in a future need for further senior facilities
- Adverse impact on privately maintained road
- Adverse impact on trees
- Misleading information regarding increase in pupil numbers

- Covenants are in place preventing the erection of further buildings (Officer note: This is not a material planning consideration)
- Application form is incorrect (Officer note: The Local Planning Authority has made reasonable enquiries in relation to the ownership of the site and the notices served and is satisfied that the form is correct)
- Misleading information submitted in the Design and Access Statement
- Detrimental impact on the setting of the listed building (Blaine's Folly)
- Harmful to the OUV of the World Heritage Site
- Fails to conserve the landscape character
- Inadequate long term protection of the trees
- Previous appeal decision (1996 application) states that development on this site would be harmful to the Conservation area and World Heritage Site.
- Previous appeal decision is still relevant
- Alternative sites have not been considered
- Proposed nursery is a commercial venture
- Council should seek to place a reasonable cap on pupil numbers
- Loss of privacy to adjacent neighbours
- Increase in surface water is likely to lead to an increase in flood risk
- Adverse impact on bats
- Proposed development is of a similar scale and massing to the refusal in 1996.
- Potential for additional activity late into the evening, causing an adverse impact on residential amenity
- Likely to lead to pressure for the removal of the trees
- Replacement planting is unlikely to be of an appropriate appearance
- Overdevelopment of the site
- No need for additional nursery facilities in Bath
- Loss of privacy to Thorn Barton
- Overbearing impact on Thorn Barton
- Lack of car parking provision or a Green Travel Plan
- Loss of open space and sports facility
- No masterplan has been produced
- Inadequate drainage on the site
- Inappropriate in terms of scale and massing within AONB, conservation area, World Heritage Site and adjacent to the Green Belt (Officer note: The site is not located within the AONB)
- No evidence of demand has been provided
- No assurance that the access will remain as existing
- No direct notice of the application (Officer note: The Council has advertised the application in accordance with its statutory obligations)
- Change of use of High Vinnells (Officer note: High Vineells falls outside of the application site and as such, no amendments to it are proposed as part of this application)

Following the receipt of amended information, interested parties were re notified on 12th November 2015. A further 34 letters of objection were received, raising the following points;

- Particular concern regarding the additional construction and school traffic exiting Hamilton Road into Lansdown Road
- Reasons for 1996 refusal are still valid
- Severe surface water drainage issues
- No details of alternative options has been given

- School is seeking to expand to include unnecessary nursery and infant care
- Adverse impact on highway safety
- Adjacent residents have rights over the private roads
- Lack of pedestrian and cycle facilities
- Increase in noise, causing harm to residential amenity
- Lack of parking
- Adverse impact on conservation area
- History of the site is not linked to previous applications (Officer note: The Council is aware of previous applications on both this site and the adjacent site at High Vinnells)
- Had this been correct, the pre-application advice may have been different (Officer note: All the relevant material considerations were considered during the pre-application phase)
- Adverse impact on trees
- Site will be clearly visible in the long range views
- Heritage impact assessment is inaccurate
- Preliminary travel plan is very vague
- Inadequate pre-application consultation by the school
- School has shown disregard to the planning process with previous applications
- Previous reasons for refusal still stand
- Insufficient information submitted in the first instance
- Additional information should be at the heart of the design process not an afterthought
- Adverse impact on residential amenity of Thorn Barton
- Non-educational use of the proposed building
- Loss of sports and recreation space
- Absence of a masterplan for the wider site
- Overdevelopment
- Unsuitable materials
- Buses serving Bath Spa University has added to parking and traffic issues
- Inaccurate transport assessment based on one count
- Where will waste be collected?
- Harm to ecology
- Nursery is a business use and therefore should be subject to a separate application (Officer note: The nature of the use is clear in the application and has been considered as such)

Following the receipt of amended information, interested parties were re notified on 8th February 2016. A further 34 letters of objection were received, raising the following points;

- Original objections remain valid
- Development is of an industrial scale
- Previous objections have been ignored
- There has been an increase of 115% in pupil numbers since 1992
- Increased pressure on the local community is unacceptable
- Adverse impact on the conservation area
- Adverse impact on highway safety
- Additional information does not address previously outlined concerns
- Adverse impact on green belt and AONB
- Local area cannot accommodate the size of the school
- Will introduce a business premises into a residential area
- The school considering the location the only acceptable location does not make the proposal acceptable

- No explanation of amended drawings
- Objections from Arboriculture, Urban Design and Landscape (Officer note: There is no objection from the Senior Arboricultural Officer or the Urban Designer)
- Unacceptable from Historic England
- Previous appeal decision has not been considered
- Impact on highway safety
- Non-educational use
- Increase in pupil numbers
- Report inconsistent with previous advice (Officer note: The email that is referred to in several representations from myself to the applicants dates from December 2015. Following further negotiations with the applicants, throughout January, it was concluded that, subject to alterations to the design of the nursery school and further tree information, including the additional planting, that the scheme was acceptable.)
- Omission of relevant policies
- Disregard of submitted arboricultural statement
- Failure to consider implication of CIL
- Lack of masterplan
- Failure to set out conditions in terms of hours of use
- Failure to consider supplementary planning guidance in terms of consultation
- Loss of open space
- Scheme has not been amended since submission in any significant way

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

DW1 - District wide spatial strategy

B1 - Bath spatial strategy

B4 - The World Heritage Site and its Setting

CP2 - Sustainable Construction

CP5 - Flood risk management

CP6 - Environmental quality

CP7 - Green Infrastructure

CP8 - Green Belts

*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

D.2 - General design and public realm considerations

D.4 - Townscape considerations

BH.2 - Listed buildings and their settings

BH.6 - Development within or affecting conservation areas

NE.2 - Areas of Outstanding Natural Beauty

NE.4 - Trees and woodland

SR.1A - Protection of playing fields and recreational open space
GB.2 - Visual amenities of the Green Belt
T.24 - General development control and access policy
T.26 - On-site car 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. However, currently the Plan has limited weight in the determination of planning applications. The following policies are relevant:

SD1 - Presumption in favour of sustainable development
SCR1 - On-site renewable energy requirements
SU1 - Sustainable drainage policy
D.1 - General urban design principles
D.2 - Local character and distinctiveness
D.3 - Urban Fabric
HE1 - Historic environment
NE2 - Conserving and enhancing the landscape and landscape character
NE2A - Landscape setting of settlements
NE6 - Trees and woodland conservation
NE1 - Development and green infrastructure
GB1 - Visual amenities of the Green Belt
LCR5 - Safeguarding existing sport and recreational facilities
LCR6 - New and replacement sports and recreational facilities
ST1 - Promoting sustainable travel
ST7 - Transport requirements for managing developments
BD1 - Bath design policy
B5 - Strategic policy for universities, private colleges and their impacts

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

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

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

OFFICER ASSESSMENT

Impact on the World Heritage Site, conservation area and adjacent listed buildings

The site is largely free from development, with only High Vinnells falling within the red line. There are other buildings to the north and the east of the site, with a wooded area to the south. The site is visible in long range views, as it is set on the hillside above the city centre. These hillsides form part of the setting of the historic centre of the city. Concerns have been raised that the introduction of development on the site will result in an erosion

of the green space thus being harmful to the setting of the World Heritage Site and conservation area. However, the site is considered to fall within the built envelope of the school campus. An access road to the west of the site creates a natural barrier, which separates the development from the open space beyond. As a result, the development site can be viewed as a discrete parcel, and encroachment beyond to the west is unlikely, given the Green Belt designation.

Screening to the site is provided by an avenue of beech trees and the proposed nursery building is sited adjacent to this avenue and has the potential to have a significant impact as it sits at the perimeter of the site. Its design has therefore been subject to review to minimise the visual impact and as a result has been amended so it is of a low profile small scale linked elements comprising timber shingles linked by glazing. Their character given their low profile, form and use of timber shingles is now considered appropriate for this location.

It is accepted that there will be glimpses of the building in the wider landscape, particularly in the winter months and the building will have a series of glazed linking elements. In order to reduce the impact from artificial lighting in the winter months, which would lead to increased visibility, a condition will be imposed to limit the lux levels emitted from the building.

Given the low key appearance of the building, which appears as a series of small, wooden buildings, and the use of conditions to control the lighting levels, it will not appear prominently on the hillside. In view of this, it will retain the dark appearance on hillside in low light conditions. As a result, the setting of the World Heritage Site and the adjacent listed buildings will be preserved. Furthermore, it will preserve the character and appearance of the conservation area.

Concerns have been raised that the proposed nursery will be harmful to the avenue of beech trees and may lead to pressure for their future removal. It is acknowledged that these trees are an important feature in the skyline and that, due to the access road, the root protection area is likely to be skewed into the site. Following discussions with the Senior Arboricultural Officer, it is apparent that the Beech trees are fully mature and growing on a site that is susceptible to various environmental stresses. Nearby Beech trees of a similar age have suffered storm damage and colonisation by decay causing fungi resulting in significant remedial surgery works being necessary. Advanced planting of successors to these trees is paramount. The comments of the Landscape Architect are noted, but Officers consider that this application represents an opportunity for the provision of future proofing this avenue. It is unlikely that planting between the trees would be successful and as such, it has been proposed to plant a new avenue of trees on the west side of the access road to provide some future proofing. These would be secured through the use of Grampian conditions. The applicants have provided assurances in terms of the drainage strategy and a no-dig foundation solution, in order to protect the existing trees. Conditions will be imposed to ensure that appropriate tree protection measures are implemented and that any proposed replacement planting is appropriate.

The proposed prep school building is set further into the site. Due to its location, it is not considered that it will be visible in the long range views. It will be constructed of timber shingle, which is appropriate to its woodland setting.

Representations have made reference to the potential impact on the setting of Blaine's Folly, which is grade II listed. The site is approx. 100m from the tower and is on lower ground than the tower. In view of this relationship, it is not considered that there will be any adverse impacts on the setting of the listed building.

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.' Under Section 72 of the same Act it is the Council's duty to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. It is considered that full consideration has been given to these duties in reaching the decision to grant consent for the proposed works and also to an impact on the setting of the World Heritage Site.

Impact on the Green Belt and the AONB

The site is adjacent to the Green Belt and the AONB. The visual impact on the openness of the Green Belt is an important consideration. As stated in the previous section, the site is located to the edge of the built form. The proposed nursery buildings will be the closest element of the scheme to the Green Belt. This building will have the appearance of four low key, wooden buildings as the massing is broken down by the introduction of the glazed linkages. In view of this, it is not considered that this element of the building will be harmful to the visual amenities or openness of the Green Belt.

The proposed prep building is located to the east of the site, and there will only be limited visibility from the Green Belt. Notwithstanding this, it would be viewed in the context of the existing built form of both the adjacent school buildings and the residential properties beyond, so it is not considered to be harmful to the visual amenities or openness of the Green Belt.

The site is heavily treed and a number of these trees have a great significance in terms of their location within the skyline. The previous section discusses the mitigation measures and future proofing of the site, particularly in terms of the beech avenue. As a result of the measures outlined above, it is considered that the proposed development will not result in harm to the trees. In view of this, it is not considered that there will be a detrimental impact on the natural beauty of the AONB.

Impact on residential amenity

The nearest adjacent neighbour is sited to the east of the site at Thorn Barton. The boundary between the sites is marked by a 2m high wall with deciduous trees on the school side. The school site is set higher than Thorn Barton. There is approx. 40m between the nearest point of the new building and the rear of Thorn Barton. The element closest to the boundary is proposed to be a sports hall and as such, it will be double height as there will be no floor at first floor level. There are windows in the first floor level of the other element of the building, which is proposed to be used as classroom space. This is set a further 12m back from the boundary, resulting in a distance of approx. 45m. Given the nature of classroom use and the relationship with this neighbour, it is not

considered that this will result in a significant loss of privacy to the private amenity space of Thorn Barton.

The proposed building will be sited to the west of Thorn Barton. It will have a total height of approx. 8m at its highest point. It is acknowledged that there may be some overshadowing in the evening but, due to the relationship, it is not considered that this will be significant enough to sustain a refusal.

No other neighbouring properties will be affected by overbearing or loss of privacy, due to their relationship with the proposed building.

The site is currently used by the school in its normal activities. It is acknowledged that the buildings will result in an intensification of the use of the site and a change to the type of use, albeit very similar in nature to the existing use. However, this will be primarily confined to the normal school hours. In view of this, it is not considered that there will be a significant noise nuisance to surrounding neighbours.

Concerns have been raised regarding impact on residents from construction. It is acknowledged that there may be some disruption to nearby neighbours during the construction phase but it is considered that a condition requiring a construction management plan will mitigate this impact, as will the temporary nature of construction.

In view of this, it is not considered that there will be any significant adverse impacts on residential amenity as a result of this proposal.

Impact on highway safety

There is access to the site from College Road/Hamilton Road, as well as through the school itself. College Road and Hamilton Road are both private roads that are maintained by the residents of these streets. The applicants have submitted a Transport Assessment, which considers that there is unlikely to be a significant impact on the wider highway network, and this is considered to be acceptable. A condition requiring a construction management plan will also be imposed to ensure that the safe operation of the highway can continue during the construction phase. Concerns have been raised about the potential impact on the condition of College Road and Hamilton Road due to the construction of the buildings. Given that these are privately owned and outside the control of the Local Authority, it is not considered to be appropriate for the Local Authority to comment on the ongoing maintenance. The applicants have a right of access over the roads and matters relating to maintenance is a civil matter between the parties.

The application proposes an increase of 89 pupils, 49 of which will be of pre-prep age, when pick up and drop off will not necessarily align with the school day. The application shows facilities for parents to pick up and drop off the children and these are considered to be sufficient to accommodate the increase in students, particularly given that over 50% will be outside of traditional school times. The applicants have provided a preliminary Travel Plan, which indicates how access can be improved. A condition will be imposed for a full Travel Plan and there will be an onus on the school for its enforcement.

Given that the roads are privately owned, there will need to be engagement by the applicant with the adjacent neighbours to ensure any improvements can be achieved and the submitted Travel Plan will need to demonstrate how this will be undertaken.

It has been calculated that there is a shortfall of 20 staff parking spaces. Additional parking has been provided via the High Vinnells access and elsewhere on the site. Whilst it is not within the red line boundary, this area is owned by the school and as such, Grampian conditions could be used to secure additional parking.

In view of this above, it is not considered the proposed development would be prejudicial to highway safety.

Impact on trees

The potential impact of the development on the trees has been discussed in the previous sections, with regards to the impact on the landscape.

The applicants have submitted further information in response to the points raised with regards to the potential impact on the trees. Concerns have been raised about the potential impact of the development on the adjacent trees. Further details of drainage and foundations will be required by conditions, though it has been confirmed that these are achievable without harm to trees. The information submitted is not the ideal solution in terms of the impact on the trees. However subject to the use of conditions to address details the concerns are not considered to be such that a reason for refusal could be sustained.

Impact on ecology

No significant ecological constraints have been identified on the site. The applicants have submitted an ecological survey and the recommendations of this include measures for enhancement to existing habitats. Conditions will be imposed to ensure that these are implemented. A lighting analysis has also been submitted. As stated previously, conditions will be imposed to limit the emission of light from the building and to ensure the lighting erected is not harmful to wildlife. In view of this, it is not considered that there will be any adverse impact on protected species as a result of this proposal.

Impact on recreational space

The site is currently used informally for recreation and sports. It is a sloping site and this has limited its use in the past for sports. There are some poor quality cricket nets on the north western part of the site, which will be lost as a result of the proposal. The proposed development will provide a multi-use games area and a sports hall. Furthermore, the school owns additional sports and recreational facilities, both elsewhere on the site and off site. Paragraph 74 of the NPPF requires that recreational space should not be built on unless an assessment has been undertaken that shows that the land is surplus to requirements. The applicants have submitted an assessment detailing the history of the site, which has never been formally used by the school for sports or physical education lessons, and the additional recreation/sports facilities available elsewhere on the site. In view of this, Officers are satisfied that the proposed development meets the tests required

under paragraph 74 of the NPPF and there will be no loss of formal, useable sports facilities.

Drainage and Flood Risk

Concerns have been raised that the proposed development will increase flooding due to increased surface water run off. The applicant has provided full drainage details, which will be adequate for a 1 in 30 year flood event. A condition will be imposed to ensure that adequate drainage is provided to ensure that surface water for a 1 in 100 year flood event will not increase the flood risk to nearby properties.

Other issues

Concerns have been raised regarding the pre-application consultation by the school and the timing of the application submission. The applicants have asserted that they have met with a number of local residents, which they were informed were representative of a wider group of residents. Furthermore, the Local Planning Authority has advertised the application in accordance with its statutory obligations. Whilst it is unfortunate that the timing of the application coincided with the summer holidays, interested parties have had two further re consultation opportunities and it is considered that adequate time has been provided for interested parties to comment on the application.

The representations have made reference to a previous refusal of planning permission and subsequent dismissed appeal for 3 dwellings in 1996. It should first be noted that there has been a change to the policy context since the submission of this application. Furthermore, the current application is for buildings to be used in association with the school use and not a separate use as individual dwellings. This is a key material difference between the previous scheme and this scheme. Also, the way in which the site would be used will be different to the use pattern associated with dwellings. In view of this, it is reasonable for this scheme to be assessed on its own merits and in the context of the current policy framework.

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 above ground 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.

3 No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should also include the control of potentially harmful operations such as positioning and design of steps linking the site; foundation excavations for Pre-Prep and Nursery units; the storage, handling and mixing of materials on site, location of site office, service run locations including soakaway locations and associated excavations and movement of people and machinery.

Reason: To ensure that the protected trees to be retained are not adversely affected by the development proposals in accordance with policy NE.4 of the Bath and North East Somerset Local Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

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

Reason: To ensure that the approved method statement is complied with for the duration of the development.

5 Prior to occupation of the development hereby approved, 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. This shall include full details of the replacement planting indicated on drawing numbered 1465.P.100 rev C.

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 Prior to occupation of the nursery building hereby approved, details of the levels of lighting from the building shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the lux levels and methods for their limitations. They shall be retained and operated as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: to provide sensitive lighting with minimal impacts on bats and other wildlife and to preserve the setting of the World Heritage Site, conservation area and Green Belt.

8 The development and all new lighting shall be implemented in accordance with the predicted light levels and lighting design details as contained in the approved Light Level Survey report by Buro Happold dated July 2015, and shall be retained and operated as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: to provide sensitive lighting with minimal impacts on bats and other wildlife

9 The development hereby permitted shall be carried out only in accordance with ecological mitigation proposals and recommendations of the approved Extended Phase 1 Habitat Survey Report dated July 2015 by Nicholas Pearsons. A report confirming and demonstrating implementation of the recommendations shall be submitted to the local planning authority and approved in writing prior to occupation of the development.

Reason: to avoid harm to ecology

10 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 interests of amenity and highway safety.

11 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.

Reason: To ensure the safe operation of the highway and the amenity of adjoining neighbours

12 Prior to the occupation of the development, an updated Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan.

Reason: In the interests of sustainable development.

13 Prior to the commencement of development, detailed drainage design to illustrate how flood flows and exceedance routes are managed on site for all storm durations up to the 1:100 year event including an allowance for climate change. All surface water for up to the 1:100 year event +CC must be managed on site and is not permitted to flow onto adjacent land. The development shall thereafter be carried out in accordance with the details so approved.

Reason: In the interest of flood risk management for neighbouring land and properties

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:

1 This decision relates to the following drawings -

NURSERY DRAWINGS

Existing:

1480/P/001 - Location Plan

1480/P/005 - Existing Site Plan

Proposed:

1480/P/102 A - Proposed Site Plan

1480/P/110 C - Proposed Ground Floor Plan (rec'd 5 February 2016)

1480/P/111 C - Proposed Roof Plan (rec'd 5 February 2016)

1480/P/140 A - Proposed Floor Finishes

1480/P/150 A - Proposed Reflected Ceiling Plan

1480/P/160 A - Proposed Ground/Site Works Plan

1480/P/170 C - Proposed Wall Type Plan

1480/P/200 B - Proposed South Elevation (rec'd 12 November 2016)

1480/P/201 B - Proposed North Elevation (rec'd 12 November 2016)

1480/P/202 C - Proposed West Elevation (rec'd 5 February 2016)

1480/P/203 B - Proposed East Elevation (rec'd 12 November 2016)

1480/P/204 B - Proposed South Elevation Entrance (rec'd 12 November 2016)

1480/P/205 B - Proposed North Elevation Reception Entrance (rec'd 12 November 2016)

1480/P/305 C - Proposed Section A 1 (rec'd 5 February 2016)

1480/P/306 C - Proposed Section A 2 (rec'd 5 February 2016)

1480/P/307 C - Proposed Section B 1 (rec'd 5 February 2016)

1480/P/308 C - Proposed Section B 2 (rec'd 5 February 2016)

1480/P/320 C - Proposed Section C (rec'd 5 February 2016)

1480/P/321 C - Proposed Section D (rec'd 5 February 2016)

1480/P/322 C - Proposed Section E (rec'd 5 February 2016)

1480/P/323 C - Proposed Section F (rec'd 5 February 2016)

1480/P/324 C - Proposed Section G (rec'd 5 February 2016)

1480/P/325 C - Proposed Section H (rec'd 5 February 2016)

1480/P/326 C - Proposed Section J (rec'd 5 February 2016)

1480/P/330 A - Section Detail Study

1465_SCH_10_Room Area A - Schedule Room Area Schedule

PREP SCHOOL DRAWINGS

Existing:

1465/P/001 A - Existing Location Plan

1465/P/002 A - Existing Site Plan

1465/P/003 A - Existing Site Plan

Proposed:

1465/P/100 C - Proposed Site Plan (rec'd 5 February 2016)
1465/P/105 B - Tree Survey Plan (rec'd 12 November 2016)
1465/P/110 B - Proposed Ground Floor Plan (rec'd 12 November 2016)
1465/P/111 B - Proposed First Floor Plan (rec'd 12 November 2016)
1465/P/112 B - Proposed Roof Plan (rec'd 12 November 2016)
1465/P/140 A - Proposed Floor Finishes Ground Floor
1465/P/141 A - Proposed Floor Finishes First Floor
1465/P/150 A - Proposed Reflected Ceiling Plan Ground Floor
1465/P/151 A - Proposed Reflected Ceiling Plan First Floor
1465/P/160 A - Proposed Ground/Site Works Plan
1465/P/170 C - Proposed Wall Type Ground Floor
1465/P/171 C - Proposed Wall Type First Floor
1465/P/200 B - Proposed Elevations North (rec'd 12 November 2016)
1465/P/201 B - Proposed Elevations East (rec'd 12 November 2016)
1465/P/202 B - Proposed Elevations South (rec'd 12 November 2016)
1465/P/203 B - Proposed Elevations West (rec'd 12 November 2016)
1465/P/220 A - Stair Study
1465/P/300 B - Proposed Section A (rec'd 12 November 2016)
1465/P/301 B - Proposed Section B (rec'd 12 November 2016)
1465/P/302 B - Proposed Section C (rec'd 12 November 2016)
1465/P/303 B - Proposed Section D (rec'd 12 November 2016)
1465/P/304 B - Proposed Section E (rec'd 12 November 2016)
1465/P/305 B - Proposed Section F (rec'd 12 November 2016)
1465/P/306 B - Proposed Section G (rec'd 12 November 2016)
1465/P/320 A - Section Detail Study
1465_SCH_10_Room Area A - Schedule Room Area Schedule

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.

3 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.

4 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

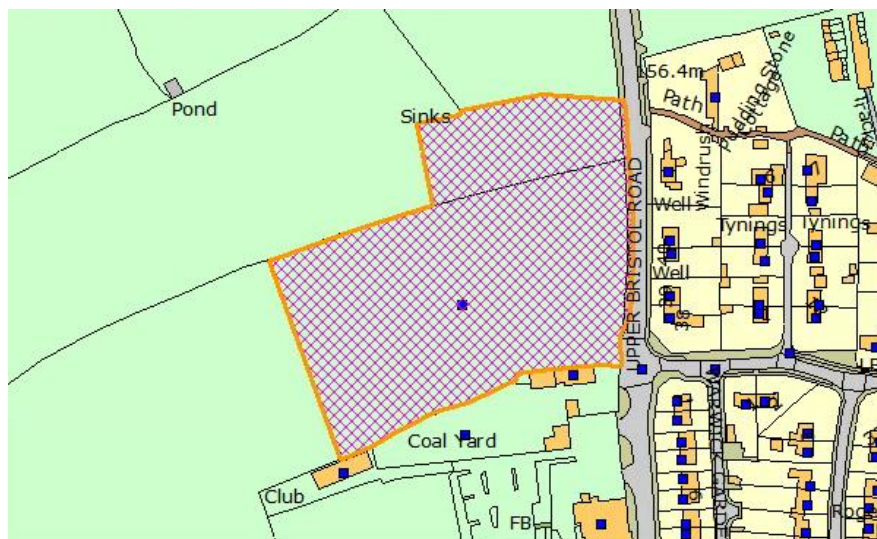
5 This permission does not convey or imply any civil or legal consents required to undertake the works.

6 New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at the website www.wessexwater.co.uk.

Further information can be obtained from the New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Please refer to Wessex Water's website for a Section 106 connection application and guidance.

Item No: 002
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 Parish 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.

The application was considered at Development Management Committee on 6 April 2016 where Members resolved to defer for a site visit. Members visited the site on 25 April 2016.

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 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 510m² of floor space when measured externally of which internally 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:

Policy CNP4: Future infrastructure provision for fibre optic services
Policy CNP5: Sustainability by Design
Policy CNP8: Future siting of businesses
Policy CNP10: Traffic impacts of non-residential development.
Policy CNP13: Loss of agricultural land
Policy CNP15: Landscape and Ecology
Policy CNP18: Pedestrian Links
Policy CNP 19: Traffic impacts of residential developments
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 policies 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 Council's records state that the site is classified as Grade 3 and Officers have been unable to further verify whether this is 3A or 3B. It is now understood from the Applicant that the land is classified as 3B meaning that its loss would not be contrary to Para 112 of the NPPF or Policy CNP 12 of the Clutton Neighbourhood Plan.

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 external floor area of 510m², 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.

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 are 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 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 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 external floor area at 510m² 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.

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.

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:

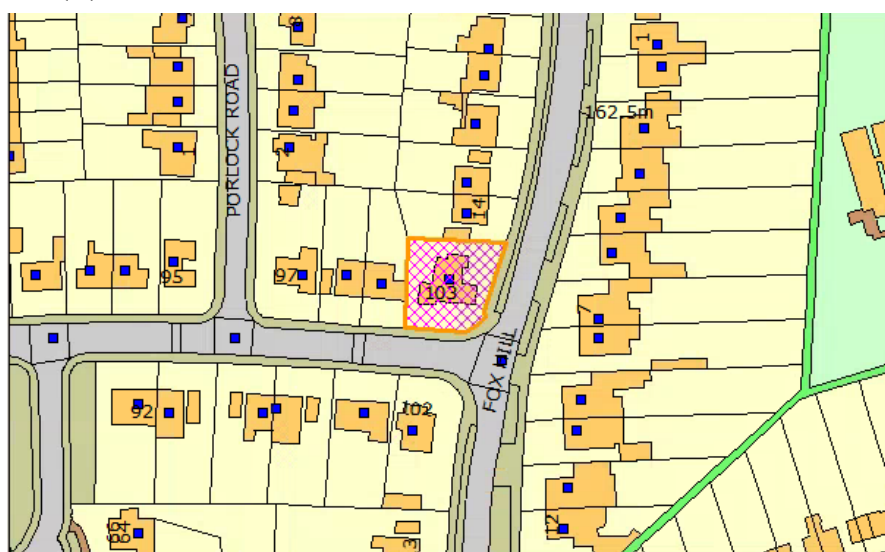
1 PLANS LIST:

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

2 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: 003
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 ".

A decision on this application was deferred at the last meeting of the Committee to allow Members to visit the site.

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:

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

- D2 - General Design and public realm considerations
- D4 - Townscape considerations
- T24 - General development control and access policy
- 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: 004
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.

The application was considered by the committee on the 6th April and was deferred for a site visit on the 25th April.

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. The national planning policy framework classes brownfield land as land which is of was occupied by a permanent structure. Exceptions to this include land that was previously developed but where the remains of the permanent structure or fixed surface have blended into the landscape in the process of time. In this case a concrete plinth is partially visible on site but has become surrounded and partially covered by vegetation so has blended into the landscape. Therefore the site cannot be considered to be brownfield land.

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 proposed development would result in an increase in the built form within the existing site which would 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 Heritage 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 affected 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 inappropriate. 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. The development will encroach onto the open green hillside which is characteristic of Baths World Heritage Site. No very special circumstances exist to outweigh the harm caused by the development. It 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 B1, B4 and CP8 of the Core Strategy and paragraphs 80 and 89 of the National Planning Policy Framework adopted March 2012

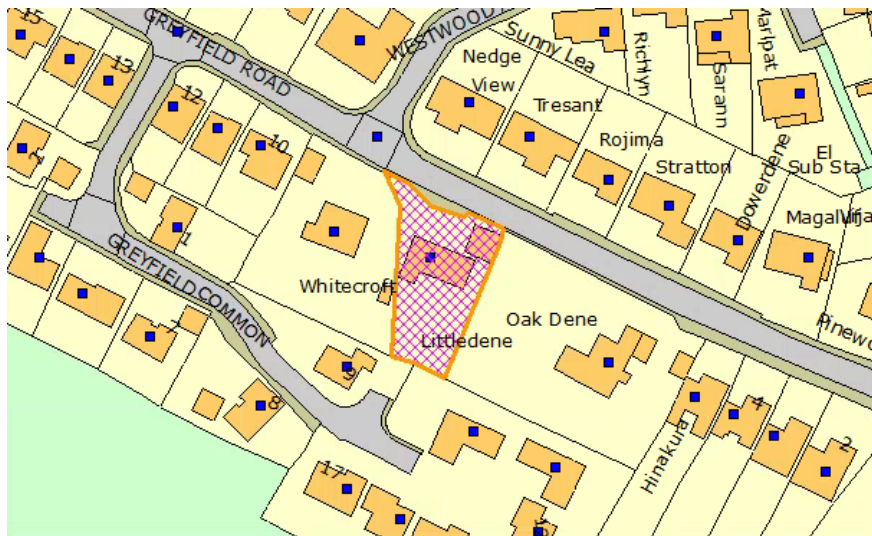
PLANS LIST:

- 1 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: 005
Application No: 16/00061/FUL
Site Location: Little Dene Greyfield Road High Littleton Bristol Bath And North East Somerset



Ward: High Littleton **Parish:** High Littleton **LB Grade:** N/A
Ward Members: Councillor L J Kew
Application Type: Full Application
Proposal: Erection of first floor extension of bungalow with attic accommodation and erection of a front porch (amended description)
Constraints: Airport Safeguarding Zones, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones, Tree Preservation Order,
Applicant: Mr & Mrs King
Expiry Date: 6th May 2016
Case Officer: Kate Whitfield

REPORT

Reason for application being considered by Committee: The Parish Council has raised objections to this application based on material planning grounds and therefore the Chair of Committee has decided that the application is put forward for determination by the Development Management Committee.

The application refers to a detached residential bungalow located in the village of High Littleton.

Planning permission is sought for the following:

- The addition of a first floor to the dwelling and the provision of additional accommodation within the roof space.
- The erection of a porch on the front elevation.

Amended plans were received during the course of the application. The original application included proposals for two new dormer windows on the rear elevation and an increase in the height of a freestanding garage on the site to also allow additional accommodation in the roof space of this structure. These elements were subsequently removed from the proposal.

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Arboricultural Officer:

The Beech and Horse Chestnut trees growing at the front of the property are protected by a Tree Preservation Order. These are significant trees which contribute towards the visual amenity of the area.

The creation of living accommodation above the garage would have resulted in an objection, however, the proposal has been revised and this part of the application has since been withdrawn.

Precautionary measures to ensure that the protected trees are not damaged during construction activities are essential in view of the limited working space available.

No objection subject to provision of a detailed Arboricultural Method Statement with Tree Protection Plan.

Responses to the original plans submitted:

High Littleton Parish Council:

Object in principle. Contrary to policies D2 and D4 of the Local Plan. If the dormer windows were on the other aspect we would look more favourably at this application.

Five public representations were received on the original proposal. All objected. In summary the following points were raised:

- The proposal represents over development of the site. The size and scale of the property would be disproportionate to other houses in the area. The property lies on a higher ground level to neighbouring dwellings and the raised height of both the house and the annexe will dominate views within the area.
- The proposal does not accord with the spirit and guidance in the Hallatrow and High Littleton Design Statement.
- Privacy will be impeded as the windows will overlook main rooms of neighbouring properties. Any measures taken to prevent the loss of privacy would have to involve either extremely tall trees or fencing. Both of which would be unsightly and could potentially be removed by new occupants.

- The second floor roof accommodation should be omitted thus allowing the roof height to be reduced. Otherwise it will set a precedent for similar extensions elsewhere.
- There is insufficient parking provision on the site for the size of the property. The parking of vehicles relating to the building works will cause an obstruction.
- The site contains two large Ash and Beech trees which lie close to the road and make an important contribution to the street scene. The application does not demonstrate that these can be adequately protected.
- The value of neighbouring properties will be negatively affected

The following further representations were received following the submission of amended plans:

High Littleton Parish Council:

The Council agreed to Object in Principle due to over development contrary to D2 and D4 of the Local Plan.

4 further public representations were received on the amended plans. In summary the following points were made:

- The extension is too large, an over development of the site and visually out of character with the area. The scale is not appropriate to this location in High Littleton, and erodes and cramps the setting of its immediate neighbours. It does not positively enhance the character of Greyfield Road.
- The proposed development does not accord with the general principles in Policies D2 & D4 (saved policy of the Bath & North East Somerset Local Plan 2007) or the guidance, spirit and purpose of the Hallatrow and High Littleton Design Statement.
- The proposal will infringe the privacy of neighbouring houses that surround it.
- The proposal will cause parking problems for the neighbourhood.
- The applicant has not demonstrated that the protected trees on the site can be protected from harm which might result from ground excavations and buildings works associated with such a substantial development.

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:

- Bath and North East Somerset Core Strategy (July 2014);
- Saved policies from the Bath and North East Somerset Local Plan (2007)
- West of England Joint Waste Core Strategy (2011).

CORE STRATEGY

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

CP6: Environmental Quality

LOCAL PLAN

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

NE.4: Trees and Woodland Conservation

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. The Plan has limited weight in the determination of planning applications, however, the following policies would be relevant :

D1: General Urban Design Principles

D2: Local Character and Distinctiveness

D6: Amenity

NE6: Trees and Woodland Conservation

ST7: Transport Requirements For Managing Development

The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations. The following sections of the NPPF are of particular relevance:

Section 7: Requiring good design

The Hallatrow and High Littleton Village Design Statement Supplementary Planning Document (August 2013) is also relevant in the determination of this planning application.

OFFICER ASSESSMENT

The main issues to consider are:

- (i) The impact of the proposals on the character and appearance of the property and surrounding area.
- (ii) The impact on the residential amenity of neighbouring properties.

- (i) The impact of the proposals on the character and appearance of the property and surrounding area.

The application property is a three bedroom bungalow within a moderately sized plot. A double garage lies in front and at right angles to the dwelling. Both buildings are rendered and painted white under pitched, tiled roofs.

The proposal seeks to install a first floor to the dwelling, along with utilising the roof space for further accommodation. This does represent a large increase the size of the dwelling (from 3 to 6 bedrooms). However, the footprint itself will remain unaltered, the proposal simply extending the dwelling upwards in the same lines and proportions. The new roof will have roof lights on the front and rear elevations to serve the attic accommodation.

As a two storey property the dwelling will have a far more significant impact on the street scene. However, the dwelling is set down at a lower level from the road itself and the majority of properties along the southern side of Greyfield Road are two storey, including the two immediate neighbouring properties. Also in terms of age and design there are a wide variety of houses along Greyfield Road. Therefore it is not considered that a larger property will look particularly out of character or context with the surrounding area once the works are completed.

The new first floor of the dwelling will be predominantly timber clad. This should help to break up the appearance of the property and there are no objections to the use of this material in this location.

A new entrance porch is also to be added to front elevation. This represents a small addition in relation to the overall property and will not have any detrimental impact on the appearance of the dwelling.

Some concerns have been raised in the representations over whether the resulting property will have sufficient off street parking, however, the frontage of the site is all hard surfaced and would provide sufficient parking for at least three cars, in addition to the garage on the site. It is therefore considered that there is adequate parking for the size of the dwelling and there should be adequate room for works vehicles and construction materials to be stored whilst works are ongoing.

In relation to concerns raised over the trees on the site it is confirmed that there are 2 trees on the front boundary which are subject to a TPO, however, the Tree Officer has advised that the proposal should have no impact on these, subject to the provision of an arboricultural method statement and adequate tree protection measures being implemented.

Saved Local Plan policy D.4 states that development should only be permitted where it responds to the local context in terms of appearance, materials, siting, spacing and layout. Although the proposed works to this dwelling are very substantial it is considered the proposals accord with this policy and will result in a dwelling which is not detrimental to the character and appearance of the surrounding area.

(ii) The impact on the residential amenity of neighbouring properties.

Saved Local Plan policy D.2 states that development should not cause significant harm to the amenities of existing or proposed occupiers, by reason of loss of light, or increased overlooking, noise, smell, traffic or other disturbance.

Some concerns have been raised in the representations in relation to the overbearing impact and the additional overlooking that could result from the additional floors in the dwelling. These concerns arise from both properties directly opposite the site on Greyfield Road and properties which lie off Greyfield Common and to the rear the application site.

The properties opposite the site are bungalows. As the application site property lies at a lower level to the road these properties opposite currently have a fairly open aspect to the front, looking down onto the roof of the application site bungalow. The increase in the height of the property will therefore undoubtedly alter their outlook. However, there is a

distance of around 25 metres to the properties on the opposite side of Greyfield Road. Within a residential built up area these separation distances are considered sufficient and it is not considered that the addition of a first floor and accommodation in the roof space would be sufficiently overbearing or intrusive to justify refusal of the application.

At the rear the application site has a south facing garden around 20 metres long. Two properties on Greyfield Common back onto the site. It is acknowledged that these houses lie fairly close to the boundary and are sited on a lower ground level, however, neither house lies directly behind the application site bungalow, but instead back more onto the neighbouring properties to the application site. Again, taking into account the distances between the respective properties and the relative positioning of windows, it is not considered that there would be sufficient grounds to refuse the application. Although the outlook of these properties will be altered by the proposal it is not considered that the addition of a first floor to the property would be unduly overbearing or result in additional overlooking to an extent which would be harmful to the amenity of these properties.

The windows in the side elevations of the extension and the rear elevation window closest to the western side boundary all serve en-suite bathrooms. The plans indicate that the side elevation windows will be obscure glazed. A condition to remove 'permitted development' rights in relation to roof extensions has also been added to prevent any dormer windows being added in future without planning permission.

It is therefore concluded that the proposal is acceptable in terms of the impact on residential amenity and complies with saved policy D.2.

Conclusion:

It is considered that the proposed extensions to provide an additional first floor and new porch comply with the relevant planning policies. The siting, scale, design and materials of the proposed extensions are acceptable and the proposal will not be harmful to the character and appearance of the application site property or the visual amenity of the wider area. In addition it is not considered that the impact on neighbouring properties would be sufficiently detrimental to justify refusal of the application.

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 until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by

an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office and movement of people and machinery.

Reason: To ensure that the protected trees are not adversely affected by the development.

3 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion of the works.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement of the dwelling house consisting of an addition or alteration to its roof shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

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

5 The windows within the eastern and western side elevations of the extension hereby approved shall be permanently fixed except for a top opening light and glazed with obscure glass, and shall thereafter be retained. No further windows or other openings shall be formed in that elevation.

Reason: To preserve the amenity and privacy of neighbouring properties.

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

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

PLANS LIST:

This decision relates to the following plans:

Location Plan, drawing number E378-L-01 dated 7 January 2016

Existing Plans & Elevations, drawing number E378-PL-100 dated 7 January 2016

Proposed Plans, drawing number E378-PL-101 A dated 1 March 2016

Proposed Elevations & Section, drawing number E378-PL-102 A dated 1 March 2016

Proposed Site Block Plan, drawing number E378-PL-105 A dated 1 March 2016

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.

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.