

BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date 31st May 2017

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

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
SV1	17/00568/FUL	Hartley Farm Cottage, Hartley Lane, Swainswick, BA1 8AF

Further to publishing the agenda, Batheaston Parish Council's consultation response has been received as follows:

Batheaston Parish Council:

Support the proposals. Satisfies policies D2 and D4. The original application 16/03943/FUL was also supported by this Parish Council.

This does not alter the officer recommendation.

Item No.	Application No.	Address
02	17/00504/REG03	Private Parking Area East Of Horstman Defence Building Locksbrook Road, Newbridge

Page 94 – the report states 'The site contains two existing structures and there is objection to their demolition'. This should state there is **no** objection to their demolition.

Condition 2 can be deleted as these requirements can be included within condition 2 – the travel plan.

Item No.	Application No.	Address
04	16/05845/FUL	East Barn, Bristol Road, West Harptree

Since the publication of the committee report, two further representations have been submitted raising the following issues:

- Neighbour's letters and complaints from the last 11 years and particularly the last 9 months have been ignored
- The Parish Council's objections have been condensed into four lines.
- Objection to the assertion that there will be no impact on the neighbours
- The conditions do not protect the neighbours
- No restriction to the hours of business
- The letters of support are misleading as they are from relatives and people who do not live in the area
- The parking of caravans, trailers and motorhomes will severely restrict use of the very limited parking/turning area on site.
- The report states that there will be boundary changes but the details of these are unknown.
- The following conditions are requested:
 - a) Tying the consent strictly to the submitted Block Plans, Layout and Elevations
 - b) Removing Permitted Development rights (else the applicant would secure change of use to B8 or C3 and by right be able to alter & extend).
 - c) Limiting working hours
 - d) Limiting parking and storage on site (The proposed wording suggested in the Report is next to valueless and will permit a) more than four vehicles to be parked on site and b) any manner of materials and equipment to be stored externally.)
 - e) Preventing parking and storage on the access road (NB although others have right of access, this is the applicant's own land over which he therefore has full control. The applicant has previously parked vehicles on the track, creating potential obstructions for any emergency and utility vehicles needing to get to the four properties which the track serves)
 - f) Controlling the overnight parking of caravans / motor caravans (It is likely / nay inevitable that the applicant will bring the motor caravan back to site and will most likely start to live on site all over again)

Officers comments in respect of the above are as follows:

- All neighbour letters submitted in respect of this application have been taken into account and the material planning considerations summarised in the main report. The full comments of residents are retained on the planning file as public documents but it is not the purpose of the committee report to repeat the objections verbatim. The comments submitted in respect of previous applications are not material to this application as it is to be treated on its own merits.
- With regard to the Parish comments, as with neighbour comments the full details are retained on file. The committee report provides a summary of the salient points.

- The impact of the business use has been considered in terms of its impact on residents but concluded that a refusal on residential amenity could not be substantiated. If granted, it is recommended that the use is tied to the current business only as any change in business could require further consideration in terms of the impact on residential amenity. With regard to the type of business, the Government accepts that B1 uses classes are compatible with residential uses as they tend to be limited in terms of noise and disturbance. Comments in respect of disturbance from vehicular movements are noted however it is a consideration that the Council previously permitted a holiday use at the site which could have generated a higher level of daily movements to and from the site.
- With regard to conditioning the hours of business use, given the nature of the business it would be unreasonable to limit office hours. The site is used to administer the business and the nature of the work conducted within the building is unlikely to cause disturbance (i.e. computer/paper work). It is accepted that if a worker in the building left the site late there would be a vehicle movement along the access but this would be no different to a resident leaving/returning to their property.
- The origin of the support comments is not relevant. Anyone, anywhere can comment on any planning application. The recommendation to approve this application is based on planning policy reasons, not the level of support received.
- Officers note the concerns about the stationing of motorhomes etc. on site and accept that the owner lived on site for a number of months in a motorhome. The parking of a motorhome on site as a vehicle/mode of transport would not be unreasonable (particularly if it were the only mode of transport) however it should not be used for overnight accommodation. The site does not have permission for residential accommodation and this application does not propose such a use. A condition would be unnecessary as any occupation of the site for purposes other than is permitted would require a change of use.
- The boundary change referred to in the main report consists of the moving of the entrance gate to the site to improve access and parking arrangements. This is shown on the revised block plan ref: 6198-101E that was received on the 23rd March 2017. The revised drawing has been available on the Council's website since the 27th March and neighbouring properties were notified as part of the re-consultation.
- With regard to the requested conditions officers would comment as follows:
 - a) There is already a recommended condition that the development shall only be implemented in accordance with the list of approved plans. This is a standard condition for all applications and does not need tightening further.
 - b) It is noted that offices can change to residential use under recent amendments to the General Permitted Development Order (Schedule 2, Part 3, Class O) however Class O is only applicable to offices that were within the B1 use class on the

29th May 2013 and therefore could not apply to this building. Any proposed change of use to residential would require a new planning application and would be subject to consideration against planning policies. With regard to restricting extensions to the building, Under Schedule 2, Part 7, Class F an extension to an office building can be permitted development however not if the building is situated in Article 2(3) land. The site is located in the Area of Outstanding Natural Beauty which is Article 2(3) land and therefore any extension to the building would require planning permission. Given that permitted development rights do not exist for either changing the use of the building to residential or extending the building, the Council could not justify removing such permitted development rights.

The comment concerning the change of use to B8 (storage and distribution) is noted and given the restrictive nature of the access and potential disturbance to residence it is considered appropriate to remove permitted development rights to ensure the building remains solely as B1a (office)

- c) Limiting the working hours has been considered above and for the reasons stated it is not considered it such a condition would meet the tests of conditions
- d) There is already a recommended condition that the areas allocated for parking must be kept clear of obstruction and “shall not be used other than for the parking of vehicles in connection with the development”.
- e) There is an existing passing place/parking bay on the access track. The comments of residents are noted and it is considered reasonable to limit the use of this area to a passing place only.
- f) Residential accommodation on site would require permission. The stationing of a mobile home/caravan/motorhome would obstruct the parking area and therefore would be a breach of a condition already recommended.

Officers have considered the further representations and whilst it is recommended that two further conditions are applied, the recommendation to permit still stands.

Additional conditions:

- 1) The passing place/field entrance located at the northern end of the access road (between the gardens of Stratford House and Stratford Cottage) shall not be used for vehicle parking and shall be kept clear of obstruction at all times.

Reason: To ensure access to the site and adjoining residents is unimpeded in the interests of amenity and highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

- 2) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only for B1a (Office) and for no other purpose in Class B of the schedule to that Order.

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

Item No.	Application No.	Address
05 & 06	17/00651/FUL & 17/00652/LBA	14 & 15 Union Street, Bath

Application description refers to works to rear stair and new doorway opening on Union Passage, this has been omitted from this proposal and is considered separately under a new planning and listed building applications.

The description now refers to:

Conversion to 14 - 15 Union Street of existing ancillary retail upper floors to form 4 No. flats; erection of a roof extension to form 1 No. flat; associated internal and external works; replacement upper storey windows (re-submission)

This does not alter the officer recommendation.

Revised Plans list:

'D' and 'L' plans : Proposed

'S' plans : Existing

1604-D05A, 06A to 07A, 09, 1604-L02, L03, L04, L05, L06, L07, L08, L09, L10, L11, L12, L14, L15, L17-L18, 1604- S02-S07, S09-S11, S13-S15

Item No.	Application No.	Address
07	17/00299/OUT	Land Between Homelands And 10 Camerton Hill, Camerton, Bath

A further letter of objection has been received from the owner of Camerton Court who raise the following points (summarised):

- No legal issue to address as the track has been part of Camerton estate for 200 years
- Certificate C was slid into the application and no notification was given
- Letter from FDC Law is clear about the issues
- Conflict of interest if members are advised about a legal issue that doesn't exist
- No right of access and a sub-standard junction

For clarification Certification C was submitted with the application at the start of the process when the application was validated on 23rd January 2017. This forms part of the application submission to the Council.

For the purposes of clarifying ownership the agent on behalf of the applicant has satisfied the requirements set out in the Development Management Procedure Order 2015 as referred to in the officer assessment reported to Members.

The agent has checked ownership details with land registry and the relevant Certificate has been submitted in line with this. Any dispute over ownership is for the applicant and any other relevant land owners to resolve and is not considered within this submission.

Item No.	Application No.	Address
08	17/01208/FUL	Avonlea House, Station Road, Freshford, Bath, Bath And North East Somerset

The last sentence of the second paragraph under the Green Belt section of the main body should be removed. This incorrectly refers to a garage and has mistakenly been copied in from another report. This sentence is removed. This does not alter the officer recommendation.

A further condition is added to the report as follows:

Flat Roof (Compliance)

The roof of the single storey extension hereby approved shall not be accessible other than for maintenance purposes and shall not be used as a balcony, terrace or external seating area.

Reason: To safeguard the residential amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D.2 of the Bath and North East Somerset Local Plan.

This does not alter the officer recommendation.