

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **18th December 2019**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

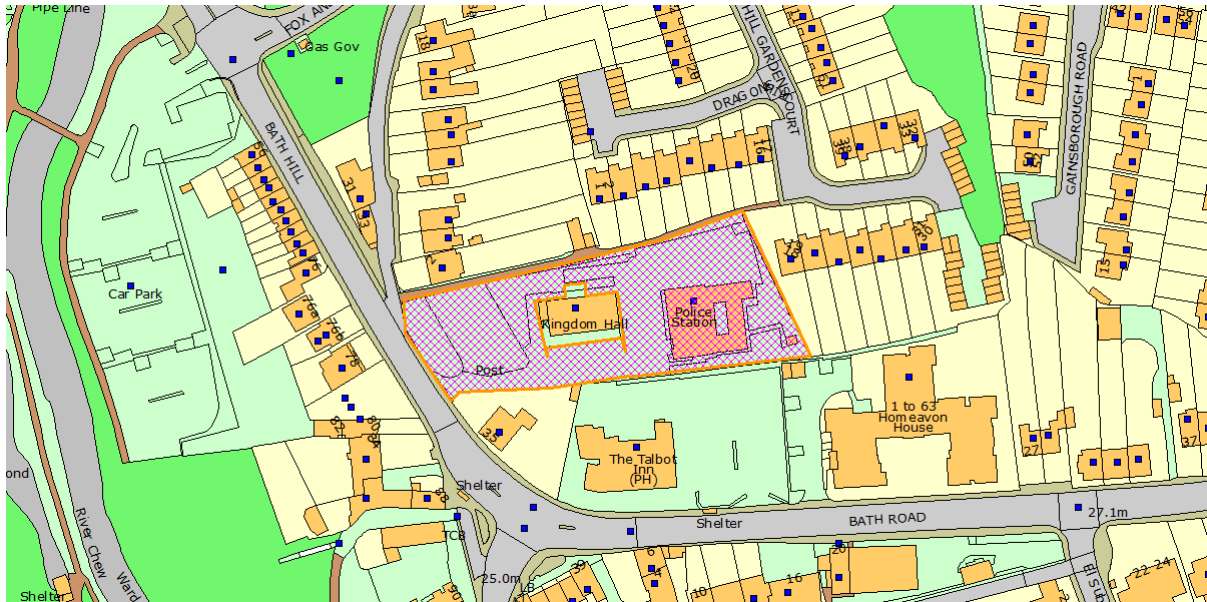
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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02	19/00786/FUL 22 November 2019	Freemantle Capital Partners Ltd Field Between City Farm And Cotswold View, The Hollow, Southdown, Bath, Bath And North East Somerset Erection of 9 dwellings with associated access, parking, drainage and landscaping.	Twerton	Chris Griggs-Trevarthen	PERMIT
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04	19/03733/FUL 17 October 2019	Elmhurst Foundation Combe Grove, Brassknocker Hill, Monkton Combe, Bath, BA2 7HS Erection of 2 no. temporary portacabins for office use by apprentices.	Bathavon South	Sasha Berezina	REFUSE
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REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 19/01163/FUL
Site Location: Police Station Bath Hill Keynsham BS31 1HJ



Ward: Keynsham East **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Hal McFie Councillor Andy Wait
Application Type: Full Application
Proposal: Erection of two buildings to provide 26 apartments, together with associated works, following demolition of existing buildings.
Constraints: Bristol Airport Safeguarding, Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Hawkfield Homes Ltd
Expiry Date: 20th December 2019
Case Officer: Tessa Hampden
To view the case click on the link [here](#).

REPORT

Reason for referring this application to committee.

This application is subject to a viability assessment. In line with the adopted Scheme of Delegation, any applications which challenge planning obligations will be referred to Planning Committee for a decision. The application has also generated a Town Council objection and call in request by Ward Councillors.

Site description and proposal

This application relates to the former Keynsham Police Station and car park on Bath Hill, Keynsham. The building is sited towards the rear of the site and is part two storey and part single storey in height. The front of the site comprises a car park with a landscaped area facing onto Bath Hill. The site is fragmented by the Jehovah's Witness Hall which is in separate ownership to the application site.

The front part of the site which is currently occupied by a car park, falls within the Keynsham Conservation Area. The site sits in close proximity to a number of designated assets including the Grade II Listed Lichfield Lodge and Nos.56-74 Bath Hill, a terrace of ten Grade II Listed cottages.

The application seeks planning permission for the erection of two buildings to provide 26 apartments, together with associated works, following demolition of the existing building. The proposal has been revised during the application process in response to officer concerns and third party comments and this has reduced the number units within the scheme from 30 to 26.

Planning history

There is no planning history directly relevant to this application.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Public Rights of Way - No objection

Highway Development - No objection subject to conditions

Housing Enabling Officer - viability of the scheme should be tested and cross subsidy considered to ensure that affordable housing can be provided on site.

Landscape Officer - The scheme is not acceptable in the current form and improvements to landscaping scheme required.

Archaeology Historic Environment - No objection subject to a condition being included on any permission.

Drainage - supports the drainage strategy submitted and therefore no objection

Environmental Health - no objection subject to a condition being included on any permission.

Ecologist - The scheme is not acceptable in the current form. Revisions should be sought to achieve improved provision for ecology and of green infrastructure, and to avoid harm to existing features of value. Conditions should be used to secure implementation of measures to protect wildlife and for a scheme to provide additional benefit for wildlife.

Conservation Officer - further to revisions, the application is supported subject to conditions including details of final materials.

Planning Policy - supports the development in principle but highlights the need for the affordable housing provision.

Economic development - no objection subject to Targeted Training and Recruitment Obligation being secured.

Cllr Wait - has called in this application as he has received a number of complaints about this development and has concerns of his own. The main objections are that the plans are very similar to the previous rejected plan. These are over development, the buildings being too high at three storeys that they will dominate the space. Concerns about lack of privacy for those living in The Dragons Hill area. The properties are out of sympathy with other older buildings close by and a lack of sufficient parking together with a increase in traffic flow on to the already busy Bath Road.

Former Cllr Organ - Called the application to Planning Committee because of objections from Cllr Gerrish as overdevelopment and also from the residents of Dragons Hill as overlooking their property.

Transition Bath - Support the developer's inclusion of solar PV and MVHR, although they feel they should target lower levels of uncontrolled air permeability to benefit from the MVHR. Object to the use of gas boilers, and would suggest the developers consider ASHP as a way of reducing the properties' carbon emissions. Questions whether the development is compliant with policy CP2 and whether developer overpaid for the land, and objects to the lack of affordable housing.

Keynsham Town Council - object for the following reasons:

(i) The proposed development by reason of its scale, height and degree is overbearing, would be incongruous with the locality and would therefore fail to respond to the local context.

(ii) The proposal in its current form is considered an over development that would dominate this section of Bath Hill and would not work well with the landscape structure and will not contribute positively to the characteristics of the conservation area in this part of Keynsham.

(iii) The proposed design is considered to be not in empathy with other properties in this locality and is not designed to provide continuity of the street frontage or to relate positively with the street scene.

(iv) The proximity of the proposal to the neighbouring properties would have implications in respect of loss of privacy and amenity (light).

(v) In respect of the parking provision, Keynsham Town Council would request that a condition be attached to any permission granted that parking must be allocated for each apartment, as it is foreseen that non-allocation will cause issues in the locality of the development. The Town questions whether the calculations are correct in respect of provision of car parking spaces and Highways opinion that the new number of 42 spaces is appropriate for the type of development proposed at this location.

(vi) Access from the proposed site will be on to an arterial route through Keynsham, concerns are raised in respect of the volume of traffic that the proposed apartments will create moving on to an already busy and often congested road.

34 objection comments and 4 general comments have been received. These can be summarised as follows:

- Parking provision too low - impact upon highway safety
- Increased use of access and traffic on Bath Hill
- Overdevelopment of the site
- Unacceptable design/scale and siting and resultant impact on the Conservation Area
- Increased noise and pollution
- Loss of green space
- Ecological implications
- Land ownership matters
- Impact upon residential amenity - in particular loss of privacy/light/overbearing impact/increase noise to Dragon's Hill Court
- Loss of trees/impact upon trees
- Housing numbers in Keynsham excessive
- Requirement for electric charging points
- Archaeological implications
- Construction management concerns
- General access issues
- Impact upon Kingdom Hall
- Lack of affordable housing
- Inaccuracy of plans

POLICIES/LEGISLATION

The Council's Development Plan comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan (2007) - only saved policy GDS.1 in relation to 4 part implemented sites
- o Joint Waste Core Strategy

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

- Policy DW1 (District Wide Spatial Strategy)
- Policy KE1 (Keynsham Spatial Strategy)
- Policy SD1 (Presumption in Favour of Sustainable Development)
- Policy CP2 (Sustainable Construction)
- Policy CP3 - (Renewable Energy)
- Policy CP5 (Flood Risk Management)
- Policy CP6 (Environmental Quality)
- Policy CP7 (Green Infrastructure)
- Policy CP10 (Housing Mix)
- Policy CP13 (Infrastructure provision)

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

- Policy SD1 - Presumption in favour of sustainable development

Policy SCR1 - On-site renewable energy requirement
Policy SCR5 - Water Efficiency
Policy SU1 - Sustainable Drainage Policy
Policy D1 - General Urban Design Principles
Policy D2 - Local Character and Distinctiveness
Policy D3 - Urban Fabric
Policy D4 - Streets and Spaces
Policy D5 - Building Design
Policy D6 - Amenity
Policy D7 - Infill and Backland Development
Policy D8 - Lighting
Policy D10 - Public Realm
Policy NE2 - Conserving and Enhancing the Landscape and Landscape Character
Policy NE2A - Landscape Setting of Settlements
Policy NE3 - Sites, Species and Habitats
Policy NE6 - Trees and Woodland Conservation
Policy NE1 - Development and Green Infrastructure
Policy PCS2 - Noise and Vibration
Policy ST1 - Promoting Sustainable Travel
Policy ST7 - Transport Requirements for Managing Development
Policy H7 Housing accessibility
Policy NE4 (Ecosystem Services)
Policy NE5 (Ecological Networks)
Policy NE6 (Trees and Woodland Conservation)
Policy NE1 (Development and Green Infrastructure)
Policy HE1 - Historic Environment

Planning Obligations SPD

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

Principle of development

Community facilities cover a wide range of facilities and services required by any community, and can include the emergency services. Therefore, as a former Police Station, it is considered that the site should be regarded as a community facility, and the loss of this facility should be assessed under Placemaking Plan (PMP) Policy LCR1. This

policy does allow for the loss of land and/or buildings valued as a community facility, but only in certain circumstances.

The Police Station was closed a number of years ago in a reorganisation by Avon and Somerset Police, with the facility moving to new purpose built premises on Ashmead Road. Therefore, the proposal is considered to be compliant with policy LCR1 given that the proposed loss is an integral part of changes by a public service provider which will improve the overall quality or accessibility of public services in the locality. The loss of this community facility can therefore be supported.

In relation to the replacement scheme, the site is located within the Keynsham Housing Development Boundary where the principle of residential development can be considered to be acceptable subject to the compliance with the relevant policies of the Development Plan. The principle of development can therefore be supported.

Character and appearance

The existing building is functional in character and of little architectural merit. Its scale does however respect the context of the site. There is no objection to the loss of this building subject to a suitable replacement scheme coming forward.

The application has been revised during the application process to address officer and third party comments. The Building for Life criteria has been considered as part of this application assessment.

The application site is unusual in that it is essentially in two parts with the Kingdom Hall in the centre of the site. The front part of the site is located within the Keynsham Conservation Area and currently comprises a car park with a green space fronting the street. Lichfield Lodge on the opposite side of Bath Hill to the south east of the site is a listed building, No 78 Bath Hill, immediately opposite the site is identified as a landmark building and is distinguished by being three stories. The elegant traditional stone built houses to either side of the site also make a very positive contribution to the character of the Conservation Area.

The existing car park does little to enhance the character and appearance of the Conservation Area and the development presents the opportunity to fix the fragmented street scene. However, any development must respond to the context accordingly.

The proposed front block which comprises flats, has been successfully designed to have the appearance of a traditional semi-detached pair of dwellings and is considered to present an appropriate response to the street scene. The building has a frontage onto Bath Hill, but will be set back from the street scene behind a landscaped frontage, with the private and public space clearly defined. The building includes a rear projection but this has been designed to appear as an extension to a semi-detached pair, links with this building appropriately and will have limited visibility in the street scene. The external walling materials of this building will be predominantly natural materials and the final palette of materials can be secured through condition. The stone fronted building and its appropriate design ensures that the building reflects the character of the surrounding built form.

Overall, the scale, siting and design of this building are acceptable and as a result have the potential to enhance the character and appearance of this part of the Conservation Area.

At the rear of the site it is proposed to construct a three storey block, again containing flats, with the third story primarily in the roof. This part of the site is located outside of the Conservation Area, but will still have a presence on Bath Hill/Bath Road and therefore needs to be considered for its impact on the setting of the Conservation Area.

The height of the building is greater than that of the building which it is to replace. It is noted that there is also a level change between the application site and the adjacent sites. The site is set at a higher level than the adjacent flats at Dragons Hill Court, but at a lower level than the residential accommodation at Hanover House on Bath Road.

Although the rear block occupies a relatively large footprint, and will be three storeys, the overall scale is considered to be acceptable. Further, the third story is primarily contained within the roofspace which reduces the height of the building. The building is successfully articulated to break up the perceived mass of the building, through a series of gables and setbacks and the use of varying materials on different sections of the building. Whilst the design of the building does not mirror that of its neighbours, it does use common features such as gables ends and natural stone. As a result, the overall design is considered acceptable. During the application process, the materials have been amended to include elements of natural stone, which is considered to be important both to ensure that this building ties in with the development to the front of the site, but also with the area more generally.

Overall, the existing site is dominated by hard surfacing, and the development presents the opportunity to improve this. It is considered that the car parking is still relatively dominant feature within the proposed development but it is located where it is accessible and likely to be well used. It is broken up in places by soft landscaping, but in some areas this is considered to be tokenistic. Overall, it is considered that there are opportunities to improve the landscaping scheme as proposed, including additional planting to the front of the site. This can be secured via a condition on any planning permission. Subject to the inclusion of this condition, the overall landscaping scheme, in this urban context is considered to be acceptable.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The development is of a scale and siting that will ensure that there is no harm to the setting of the nearby listed buildings.

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

Arboricultural Matters

It is noted that concerns have been raised in relation to the proximity of the development alongside the eastern boundary with the car parking area extending into the route protection area of the trees on the adjacent land. However, whilst it is noted that this scheme could achieve betterment on the existing situation, the current layout already comprises hardstanding in this location. Concerns have also been raised in relation to the level of tree planting within the scheme, but as noted above, the additional planting can be secured through condition. The front building has been moved back within the site away from T1 and this is considered to be sufficient and allow for additional space for re planting.

Overall, the removal of the trees on the site to facilitate the development is considered to be acceptable subject to the inclusion of a condition to secure a final landscaping scheme including planting at the front of the site.

Highway safety

There is no objection to the principle of a residential development at this location. The site has good connections with local services and there are opportunities to access public transport routes nearby. It is noted that the local bus stops are provided with raised kerbs, shelters and real time information. The proposed use would not have a significant impact on the operation of the local road network, and the traffic associated with the existing site use will obviously be removed with the proposed scheme implementation.

The site layout has been updated in response to earlier comments made by officers. In particular, the car parking arrangements proposed for the dwellings on the site frontage have been re-orientated. This will now avoid the need for manoeuvres to take place on the site access road, and this is considered to be an overall improvement and overcomes the earlier concerns.

The proposed mix of uses is as follows.

- i) 5 x one-bedroom flats;
- ii) 17 x two-bedroom flats; and
- iii) 4 x three-bedroom flats

The total car parking requirement when considered against the PMP policy ST7 standards (including required visitor spaces) would be 53 spaces. The application proposes 43 spaces. PMP ST7 points to a flexible approach where departures from standards can be sought. For residential use, a reduction in the minimum standard requires completion of an accessibility assessment which will form the basis for any discount from any prescribed standard.

The submission includes a completed accessibility assessment, and using this as a basis for a reduction, is considered to justify the levels sought. It is also generally accepted that residents within flat schemes do have lower car ownership levels. The parking provision proposed is considered to be acceptable and it is unlikely that the development would result in any significant parking impact on the roads local to the site.

It is noted that concerns have been raised by third parties with the accuracy of the scoring within the accessibility assessment. However, when considering all factors, the level of

parking is considered to be acceptable. The accessibility assessment in the Parking Strategy is a tool to inform the maximum reduction from the prescribed parking standard. The final level of parking to be provided remains subject to the judgement of the Council

The cycle parking levels are shown within the latest submission and this appears to show a total provision of 29 spaces to serve the development. However, the PMP requires that visitor parking is also provided and this is not the case within the current scheme (one space per eight dwellings). It is considered that there is capacity for this to be accommodated on site and this can therefore be secured via condition on any permission.

The waste and recycling arrangements for the site have been reviewed and are considered to be appropriate.

Residential amenity

The rear block is to be sited in close proximity to the boundary with 18-19 Dragons Hill Court. These occupiers and others within Dragons Hill Court benefit from a communal garden to the rear which sits behind numbers 18-31. It is recognised that the building will change their outlook and result in increased level of overlooking to this communal outdoor amenity area. However, whilst the outlook from the communal garden area and views from a number of the windows will change, this is not considered to result in significant harm to the residential amenity of these occupiers. It is noted that the application site is set at a higher level and the building will be three storeys, but the separation distance between the building and the boundary of the site, alongside existing boundary treatment, will ensure that the outlook from the garden area, or from any windows on Dragons Hill Court is not dominated by the proposed building, and the proposal will not have an overbearing impact upon these spaces. Further, there is not considered to be an unacceptable loss of light to these areas.

The rear building runs perpendicular to the Dragons Court and as such the proposed scheme has a relatively large number of windows that overlook the communal garden of Dragons Hill Court. However, given that this is a communal area, and coupled with the distance between the application building and the boundary, any overlooking is not considered to result in significant loss of privacy. Further, any views towards the windows will mostly be at an oblique angle or at a distance which will not result in undue loss of privacy or significant harm. The balconies to the rear will be of a Juliet design and therefore any use of this space is likely to be transient. The windows to the side elevation of 18/19 Dragons Hill Court serve a bathroom and kitchen. These are not classified as habitable rooms and are afforded less protection. Again, the harm to these occupiers through loss of privacy or outlook is not considered to be significant.

The front block is sited a sufficient distance from the boundary with its neighbours to ensure that the amenity of these occupiers is not harmed, through loss of privacy, light, overbearing impact, or any other harm.

Therefore, whilst it is recognised that the development will change how the site is experienced by surrounding residents, this is not to a degree that would significantly harm their residential amenity through loss of light, increased noise, overlooking or any other disturbance. Further, the development is considered to result in satisfactory living conditions for the future occupants of the development.

Archaeology Matters

The proposed application area lies immediately to the south of the Bath to Sea Mills Roman Road. The Keynsham Extensive Urban Survey (December 1999) indicates that during the medieval period, the application area was located between the outer precinct of Keynsham Abbey to the north and two areas of medieval settlement to the south and west. Investigations in 2008 at No 80 Bath Hill (to the southwest) established the presence of late post-medieval buildings, drains and pits on the site. There is therefore considered to be a potential for the presence of post medieval activity (if not earlier) within the proposed application area. The Council's Archaeologist is satisfied that this matter can be dealt with through a condition to secure a Witten Scheme of Investigation.

Drainage

The application is accompanied by a drainage strategy and this is considered to be acceptable. The development proposes sustainable drainage measures and is not considered to result in increased flood risk. The drainage strategy can be secured through a condition on any permission.

Ecological matters

An Ecological Appraisal was submitted which provides survey and assessment of the site, and makes appropriate recommendations for measures to protect wildlife and how to benefit for wildlife within the scheme. These recommendations include pre-commencement checks / update surveys, and precautionary working methods to avoid harm to wildlife (including bats, reptiles and nesting birds) during site preparation, demolition work and construction. The recommended ecological mitigation measures must be implemented and adhered to, and this must be secured by condition.

The Council's Ecologist has noted that more is needed within the scheme to provide benefit for wildlife and questions whether the scheme properly considers ecology or provision of Green Infrastructure within the design. As noted above, it is considered that the scheme does not yet demonstrate a successful landscaping scheme, but it is considered that an improved landscaping scheme and ecological benefits can be achieved. The scheme should include incorporation of features to the fabric of the proposed buildings, to include integral bird and bat boxes, and features as recommended in the ecology report. The Ecologist has requested that all such features and habitat provision / planting should be incorporated into the scheme and shown to scale on all relevant plans and drawings. However, it is considered that these matters can be dealt with by planning condition.

Subject to the inclusion of conditions on any planning permission to secure the above measures, the scheme is considered to be ecologically acceptable.

Sustainable construction

The benchmark for demonstrating that energy efficiency has been "maximised" as required by PMP CP2 is a 19% reduction in regulated emissions compared to that required by the Building Regulations. The development accords this policy achieving a

19.6% reduction. As this development is defined as a major development, 10% of this reduction must be from renewable sources. The submitted sustainable construction checklist confirms that this will be achieved. A condition will be attached to any permission to ensure that the aforementioned reductions are achieved.

Other technical matters

Policy H.7 of the Placemaking Plan requires residential development to have enhanced accessibility standards and meet the optional technical standard 4(2) in the Building Regulations Approved Document. 19% of the market residential properties must meet this requirement to comply with policy H7. The submission confirms that the requisite number of units meets these standards and therefore the development satisfies this policy requirement.

Provision must be made on site for rainwater harvesting and local food growing in line with policies SCR5 and LCR9 of the Placemaking Plan. The scheme benefits from communal gardens areas which will ensure that these policies can be complied with.

Affordable housing

The site falls within the areas identified within Policy CP9 for 30% Affordable Housing provision (comprising 75% Social Rented / 25% Intermediate Sale).

The submission was accompanied by a viability assessment as it was the applicant's view that the proposed scheme is unable to support the provision of any affordable housing. The Council has had this reviewed by an independent consultant Cushman and Wakefield. Their report, which was based on the original scheme for 30 dwellings, concluded that whilst the proposed development was not able to support a fully policy compliant scheme, based on the assumptions set out, the scheme could viably support the delivery of up to 23% affordable housing provision (7 units).

During the application process, due to concerns with siting, design etc., the quantum of development was reduced to 26 units. The applicant also produced a rebuttal to Cushman and Wakefield's report. The applicant's updated viability assessment states that the revised scheme could viably accommodate approximately 12% affordable housing provision (3 units).

However, Cushman and Wakefield believe that, whilst the proposed development was not able to support a fully policy compliant scheme, the scheme could still viably support the delivery of up to 23% affordable housing provision. As the overall scheme has been reduced to 26 units, this now equate to 6 affordable units. Officers agree with the conclusion reached by Cushman and Wakefield.

The Housing Enabling Officers of the Council have highlighted that there is Homes England Grant funding currently available to secure / fund delivery of affordable housing. Policy CP9 explains that where the applicant has demonstrated that the scheme is not viable and this has been independently validated, the Council may consider the use of an alternative mechanism to achieve the full affordable housing requirement. Officers have therefore concluded if available, subsidy should be used to bridge the gap between 23%

and 30% to ensure that the scheme provides 30% affordable housing. This would result in 8 affordable housing units being provided on site.

The applicant has agreed to the above position. This will be secured through a S106 agreement.

Target training and recruitment

B&NES Planning Obligations SPD (April 2015) has a requirement for developers to provide targeted recruitment and training opportunities and contribution for residential developments over 10 units and commercial developments over 1000sqm. A S106 Site Specific Targeted Recruitment and Training in Construction Obligation should therefore be applied.

This is estimated to be the following targeted recruitment and training outcomes:

- Work Placements: 5
- Apprenticeship Starts: 0
- New jobs advertised through DWP: 0
- Contribution: £825

This will be secured through a S106 agreement.

Conclusion/planning balance

Overall, the development is considered to be of an acceptable scale, siting and design which will preserve the character and appearance of this part of the Conservation Area. Although the development is of a greater scale than existing, it is not considered to result in significant harm to the residential amenity of the surrounding neighbouring occupiers. The parking provision, in this sustainable location is considered to be at an acceptable level.

Whilst the developer will not be obliged to provide affordable housing at policy compliant level, it has been proven through a viability appraisal that the scheme is only viable at 23% provision. However, the Council will explore bringing this to 30% affordable housing if funding is available at that time.

The third party and consultee comments have been fully considered as part of this assessment, but for reasons outlined above, this application is recommended for approval subject to a legal agreement to secure the obligations referenced above, and subject to a number of planning conditions.

RECOMMENDATION

PERMIT

CONDITIONS

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

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

1 Standard Time Limit (Compliance)

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

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

2 Archaeology - Watching Brief (Pre-commencement)

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

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

3 Construction Environmental Management Plan (Pre-commencement)

No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

Procedures for maintaining good public relations including complaint management, public consultation and liaison

Arrangements for liaison with the Council's Environmental Protection Team

All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall

be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise

noise disturbance from construction works. Procedures for emergency deviation of the agreed working hours. Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.

Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To protect neighbouring residents from potential nuisance associated with construction.

4 Bound/Compacted Vehicle Access (Pre-occupation)

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

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

5 Parking (Compliance)

The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

6 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least 33 bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy T.6 of the Bath and North East Somerset Local Plan.

7 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

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

8 Contaminated Land - Unexpected Contamination (Compliance)

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be

submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

9 Wildlife Protection and Enhancement (Pre-commencement)

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

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

(ii) Detailed proposals for implementation of the wildlife mitigation measures and recommendations of the approved ecological report, including provision of connective Green Infrastructure and wildlife-friendly planting and landscape details; provision of a mixture of integral and stand-alone bat and bird boxes, with proposed specifications and proposed numbers, models, materials and positions to be shown on plans as applicable; specifications for fencing to include provision of gaps in boundary fences to allow continued movement of wildlife;

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

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

10 Implementation of Wildlife Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs where appropriate, implementation of the recommendations of the Wildlife Protection and Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

11 External Lighting (Bespoke Trigger)

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

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

12 Housing Accessibility (Compliance)

19% of the market dwellings hereby approved shall meet the optional technical standards 4(2) in the Building Regulations Approved Document M

Reason: Reason: To ensure that the optional technical standards for accessibility are met in accordance with policy H7 of the Bath and North East Somerset Council Placemaking Plan.

13 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

14 Water Efficiency (Compliance)

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

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

15 Soft Landscaping (Pre-occupation)

No occupation shall commence until a soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels, a planting specification to include numbers, density, size, species and positions of all new trees and shrubs, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

16 Hard and Soft Landscaping (Pre-occupation)

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all

trees, hedgerows and other planting to be retained, finished ground levels, a planting specification to include numbers, density, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

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

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

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

18 Flood Risk and Drainage - Infiltration Testing (Pre-commencement)

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

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

19 Flood Risk and Drainage - (Compliance)

The development shall be carried out in accordance with the approved drainage strategy and layout or an alternative method of surface water drainage, that has been submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

20 Sustainable Construction (Pre-occupation)

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development and submitted to the local planning authority together with the further documentation listed below:

- Table 2.4 (Calculations);
- Building Regulations Part L post-completion documents

Reason: To ensure that the approved development complies with Policy SCR1 of the Placemaking Plan (renewable energy) and Policy CP2 of the Core Strategy (sustainable construction).

21 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)

No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

22 Plans List (Compliance)

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

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

PLANS LIST:

03 Nov 2019	903-05 REV L	PROPOSED SITE AND GROUND FLOOR PLAN
03 Nov 2019	7828-051A	SITE PLAN SHOWING PROPOSED IMPERMEABLE AREA
03 Nov 2019	7828-052A	SITE PLAN SHOWING PROPOSED SURFACE WATER
03 Nov 2019	903-03 REV D	PROPOSED SITE BLOCK PLAN
03 Nov 2019	903-10 REV H	PROPOSED GROUND FLOOR PLANS
03 Nov 2019	903-15 REV J	PROPOSED ELEVATIONS SHEET 1
03 Nov 2019	903-16 REV G	PROPOSED ELEVATIONS SHEET 2
19 Mar 2019	06 B	EXISTING POLICE STATION ELEVATIONS

19 Mar 2019 07B EXISTING BATH HILL STREET ELEVATION
19 Mar 2019 01 C SITE LOCATION PLAN

Permit/Consent Decision Making Statement

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

Community Infrastructure Levy

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

Condition Categories

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

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

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

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

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

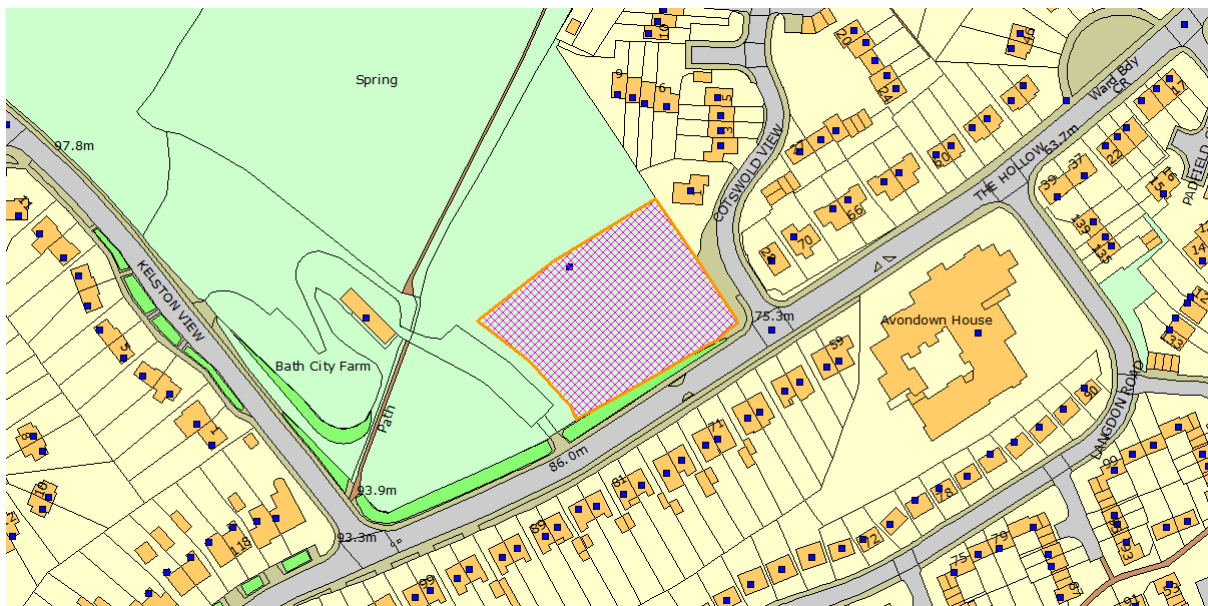
Please note all conditions should be read fully as these headings are intended as a guide only.

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

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works.

Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

Item No: 02
Application No: 19/00786/FUL
Site Location: Field Between City Farm And Cotswold View The Hollow Southdown Bath Bath And North East Somerset



Ward: Twerton **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Tim Ball Councillor Sarah Moore
Application Type: Full Application
Proposal: Erection of 9 dwellings with associated access, parking, drainage and landscaping.
Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Freemantle Capital Partners Ltd
Expiry Date: 22nd November 2019
Case Officer: Chris Griggs-Trevarthen
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING TO COMMITTEE

Councillors Tim Ball, Paul Crossley and Dine Romero have requested that the application be brought before the Development Management Committee if the application is recommended for approval. Their comments are summarised in the representations section below. The chair has decided that the application should be determined by committee for the following reason:

As the remaining green spaces are so important to the setting of the World Heritage Site, this decision should be made in the public domain.

DESCRIPTION

The application site comprises roughly half of an undeveloped field fronting The Hollow. It lies between Cotswold View to the north-east and buildings associated with the Bath City Farm to the south-west. The field slopes steeply down to the north-west, where it adjoins the open pasture fields of the City Farm. A public footpath through the fields runs adjacent to the field's boundary.

The site lies within the boundary of the Bath World Heritage Site and adjacent to the boundary of the Bath CA. It also falls within the boundary of the Twerton Farm Site of Nature Conservation Interest (SNCI), which centres on the City Farm.

The application proposes the erection of 9 houses in 2 terraces on The Hollow frontage. There would be a new vehicular access off The Hollow and a parking area to the rear surrounded by landscaping.

PLANNING HISTORY

Planning reference: 15/02807/FUL
Erection of 20no. dwellings and associated works.
Application status - REFUSED - 18 June 2015
Appeal status - DISMISSED - 18 April 2017

Planning reference: 14/01245/FUL
Erection of 1.8m high fence (Retrospective)
Application status - REFUSED - 12th May 2014

Application reference: 13/05158/FUL
Erection of 1.8m high fence, with access gate (Retrospective application)
Application status - WITHDRAWN - 21st February 2014

Planning reference: 08/00518/FUL
Erection of 30 dwellings with new access road and associated landscaping on land adjacent to The Hollow
Application status - WITHDRAWN - 30th April 2008

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A summary of consultation responses to the application have been provided below.

HOUSING: No objection

DRAINAGE AND FLOODING: No objection

LANDSCAPE: No objection, subject to conditions

HIGHWAYS: No objection, subject to conditions

ARBORICULTURE: No objection, subject to conditions

ENVIRONMENTAL PROTECTION: No objection, subject to conditions

ARCHAEOLOGY: No objection, subject to conditions.

ECOLOGY: No objection, subject to conditions

CONSERVATION: Scope for revision

The site is part of a remnant of a historic agricultural landscape that would have surrounded Bath prior to its suburban expansion from the late C18 onwards. This landscape retains its legibility and possesses evidential value and its loss to development would be detrimental. In the event that the development is approved some landscape archaeological analysis should be required as a record to add to the HER.

The impact on the setting of the Bath Conservation Area is regarded as being at the lower end of harm however the loss of the site, that currently makes a positive contribution to its setting, would be detrimental. Regarding the Bath City WHS, one of the OUV's is the green setting of the city and the visual interaction and relationship between the urban and rural landscape. Whilst the remnant of agricultural landscape possesses some significance its contribution to the green setting of Bath is limited having been entirely enclosed by modern development.

In terms of the design, I am not convinced that the urban terrace form that has been adopted is appropriate in what is a semi-rural/suburban context and is likely to appear discordant and anomalous. A more transitional and contextual approach should be considered that has a visually softer appearance and is less stark and urban, which could be achieved by the comprehensive use of timber cladding as opposed to cast masonry and cement based render and high quality, naturalistic landscaping. Therefore, I would encourage some amendment based on this general advice.

CRIME PREVENTION DESIGN ADVISOR: Not acceptable in current format

The design proposed lacks natural surveillance, perimeter security and adequate lighting and it is likely that in the face of crime and anti-social behaviour residents will soon choose to park their vehicles in safer places, most likely on the highway.

If possible, consideration should be given to locating parking bays in front (and in view) of the dwellings, in a secure car park at the rear with adequate perimeter fencing, lighting and access controlled gates or in an underground car park or garages.

The perimeter fences shown on the plans for the rear gardens are of sufficient height, but lack lockable gates rendering the rear of the dwellings at risk of being burgled. Gates should be of the same height as the fences.

COUNCILLOR TIM BALL: Objection

It will destroy an important hillside identified in the Core Strategy.

It does not deal with traffic situations on The Hollow.

It also does not adequately deal with water run off from site that may cause further flooding to properties at the Brow.

COUNCILLOR PAUL CROSSLEY: Objection

This field is an important part of the open hillside in the SW of Bath. It should not be built on. The Hollow is already a busy road and adding nine extra houses onto this road just above Cotswold significantly increases the traffic dangers of vehicle accessing The Hollow from side roads.

Although we can only judge the application in front of us the proposed layout clearly lends itself at a future date for an application to build on the remainder of the field.

Therefore building on this site is:-

- o a loss of important open hillside and is therefore also detrimental to the World Heritage status of the city
- o creates an increased traffic hazard on The Hollow
- o is a significant loss of amenity to both neighbouring residents and the wider community

Additional comments following receipt of revised plans

The modifications do not address any of the reasons for my last objection to the application on this site and therefore my Call-In Request still stands should the recommendation be to permit.

Basically the traffic calming proposed increases the speed and danger of traffic travelling on this road. The current layout works because of the closeness of the two calming measures. It is also inappropriate use of land on this important open hillside in SW Bath.

COUNCILLOR DINE ROMERO: Comments

Although the proposal is significantly smaller than the previous one, I believe there is still a risk of loss of the green views across the bowl of Bath, and so a risk to the green setting of the City of Bath which is fundamental to its World Heritage status.

I also have concerns that if the application is approved, it opens up the possibility to further development on this site, with the definite risk then to the green setting. The planning inspector expressed similar concerns about this risk with the previous application.

My other concerns are around the access onto The Hollow. This part of the road is known to be dangerous. There have been a number of reports of road accidents at this point or very nearby. There is a blind spot on this part of The Hollow, if viewed from Langdon

Road, so more cars entering the road at this point would increase the likelihood of accidents.

BATH PRESERVATION TRUST: Objection

We have an in-principle objection to the development of this green hillside and therefore this parcel of land. It has never been developed and forms part of an important green hillside that is specifically identified as making a significant contribution to the setting of the World Heritage Site; it is formally designated as a Green Hillside forming Prominent Features of the Landscape Setting in the World Heritage Site Setting SPD. Our particular concern centres on the concept of precedent and 'site creep' as development pressures increase over time. We feel that this site must remain sacrosanct in order to protect the hillside from incremental and cumulative harm as has been shown to occur on the Granville Road ridge.

Leaving the principle of development aside the scheme itself also has a number of issues; not least the fact that it fails to reflect and conform to the local townscape character which is largely characterised by semi-detached or detached dwellings in generous garden plots. The use of the terrace form is found in the 19th and early 20th century suburbs of Bath which generally exist closer to the city. The appearance of this terrace therefore appears incongruous and out of place within this spacious suburban context and it constitutes overdevelopment of the site which further exacerbates the issues relating to the visual impact of development on the protected qualities of the important green hillside. The use of recon stone and render is also of concern given the predominant building material within the area is natural Bath stone. We note that there appears to be solar panels on the roofscape which could also produce problems relating to glare and reflection in long views.

THIRD PARTIES/NEIGHBOURS: 125 comment of *OBJECTION* have been received. The main issues raised were:

The majority of comments consider that the development would result in the loss of an important open space and green field. Some consider this is unnecessary and that brownfield sites should be developed instead. Many feel this is particularly important given the deficit of open and green space in Southdown. Some comments incorrectly refer to the land as being within the 'Green Belt'.

Many consider that the site is an important hillside which contributes towards the Outstanding Universal Values of the World Heritage Site. They are concerned that the proposed development would harm important views of this hillside and the Bath skyline (such as from Warminster Road, Weston Lane, Royal Crescent, Beckford Tower, etc.) to the detriment of the World Heritage Site.

The majority of comments also consider that the proposals would result in significant harm to highways safety. These concerns relate to introduction of a new access onto The Hollow, the proposed re-positioning of the existing traffic calming measures, the increase in traffic, poor visibility and refuse collections. The comments state that there have been a number of recent accidents on The Hollow and that the proposals will exacerbate the

existing situation. It is also noted that the lack of a pedestrian access to the rear parking courtyard represents a hazard to pedestrians.

A number of the comments consider that construction traffic and access associated with the development is a potential hazard to pedestrian and highways safety.

Significant concern is also raised about the loss of on-street parking which would result from the new access and revised traffic calming measures. There is concern that the proposed development also has insufficient parking provision and will therefore add further pressure to parking in surrounding streets.

The site is described by some comments as being vitally important for wildlife and is identified as a Site of Nature Conservation Interest (SNCI) which plays host to badgers, foxes, owls, bats, butterflies, bees and other wildlife. The comments consider that the development would result in harm to this wildlife through disruption, the loss of habitat and the loss interconnectivity. A few comments consider that the land should be kept as agricultural land.

Some comments are concerned that the proposals will negatively impact upon the Bath City Farm through the loss of green space near to the farm boundary, the loss of views out and the restriction of access to the farm.

Many also have concerns that the development will have an adverse impact in terms of drainage and surface water run-off. These comments are concerned that the existing sewer in Cotswold View does not have the capacity to accommodate the new development and that any run-off from the development will flow into properties on Cotswold View.

Some residents of Cotswold View are concerned that the proposals will result in a loss of privacy. There is also concern that the planting of oak and maple trees close to the boundary of the site will result in problems of shading, loss of light, root intrusion and subsidence. It was also claimed that the development would increase the noise levels in the area.

There was a significant amount of concern that the proposals represented the first phase of a large planned development and would set a precedent for further erosion of the hillside. Many also pointed out that the development for 9 houses does not reach the threshold for triggering an affordable housing requirement under policy CP9.

There is concern that the proposals would result in light pollution which would eliminate the 'pool of darkness' that contributes to this character area.

There is concern that the proposals would worsen air quality and be contrary to the Council's clean air policies.

Some comments queries who will undertake the future maintenance of the parking courtyard and landscaping.

There are several comments about the design of the proposals. It is suggested that the terrace form, high roof forms, wooden cladding and solar panels are out of keeping with

the character of the area which is characterised by post war semi-detached dwellings constructed in Bath stone.

Some comments indicated that there is no need for additional housing. Others indicated that there was a need for housing, but this site was not appropriate.

Several comments are concerned that there was a lack of notification about the planning application.

One comment considered that the scheme was a substantial improvement over the previous scheme, but that there were still areas of concern.

Several comments on the revised scheme suggested that the amendments had not overcome their previous objections.

1 comment of *SUPPORT* was received. The main issues raised were:

The comment expresses support for the development of 9 houses and suggests that the land could easily accommodate double that amount.

The comment also indicates that there is a housing shortage and that we shouldn't resist all developments.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

RELEVANT CORE STRATEGY POLICIES

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

- SD1 Presumption in favour of sustainable development
- DW1 District Wide Spatial Strategy
- B1 Bath Spatial Strategy
- B4 The World Heritage Site and its Setting
- CP2 Sustainable Construction
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP10 Housing mix

CP13 Infrastructure Provision

RELEVANT PLACEMAKING PLAN POLICIES

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

- SU1 Sustainable Drainage
- D1 Urban Design Principles
- D2 Local Character & Distinctiveness
- D3 Urban Fabric
- D4 Streets and spaces
- D5 Building Design
- D6 Amenity
- D8 Lighting
- D10 Public Realm
- BD1 Bath Design Policy
- H5 Retention of existing housing stock
- SCR2 Roof mounted/Building-integrated scale solar PV
- SCR5 Water Efficiency
- HE1 Historic Environment
- NE1 Development and Green Infrastructure
- NE2 Conserving and enhancing the landscape and landscape character
- NE2A Landscape Setting of Settlements
- NE3 Sites, species and habitats
- NE6 Trees and woodland conservation
- PCS2 Noise and vibration
- PSC5 Contamination
- PCS6 Unstable land
- PCS7A Foul sewage infrastructure
- ST1 Promoting sustainable travel
- ST7 Transport requirements for managing development

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon

emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The main issues to consider are:

1. Background
2. Principle of development
3. Landscape
4. Design
5. Highways safety and parking
6. Residential amenity
7. Ecology
8. Trees and woodland
9. Surface water drainage
10. Archaeology
11. Contaminated Land
12. Sustainable construction
13. Other matters
14. Planning balance
15. Conclusion

1. BACKGROUND

This application is significant revision of a previously refused application 15/02807/FUL which was dismissed at appeal in April 2017. The appeal decision (ref: 3150680) is a material consideration which has a significant bearing on the consideration of the current application.

The main differences between the previous appeal and the current application are summarised below:

- o The current application site is roughly half the size of the previous appeal;
- o The number of houses proposed has been reduced from 20 to 9;
- o The locations of the proposed buildings are limited to The Hollow frontage and no development, other than the parking and landscape areas, projects further into the hillside;

The previously application (15/02807/FUL) was refused for 6 reasons relating to the following matters:

1. Harm to the World Heritage Site and setting of the Conservation Area;
2. Failure to respond to the local context and harm to the character and appearance;
3. Lack of appropriate ecological mitigation;
4. Clustering of affordable housing provisions and failure to ensure tenure blindness;
5. Failure to demonstrate a satisfactory access to the public highway;
6. Failure to provide a legal agreement to secure planning obligations.

Before the appeal was heard, the appellant put forward an amended traffic calming scheme and prepared a s106 legal agreement. The Highways Authority agreed that the revised traffic calming scheme met with the highways objection and the Inspector agreed to accept the revised highways drawing as a minor amendment to the proposal. As a result reasons for refusal 5 and 6 were withdrawn.

In subsequently dismissing the appeal, the Inspector made the following relevant points:

- o The proposal would cause less than substantial harm to the WHS;
- o The proposal would have a neutral impact upon the Conservation Area;
- o The buildings fronting The Hollow make a decent attempt at responding to local character and history, but the larger houses within the site pay no more than lip service to the character of the local surroundings;
- o The ecological mitigation features would be too small, poorly designed and laid out, and would not provide the intended habitat value;
- o The public benefits of the proposal did not outweigh the harm to the WHS.

The above matters are material considerations and the changes to the current scheme must be considered in the context of this previous decision. These matters will be referenced, where relevant, in the sections below.

2. PRINCIPLE OF DEVELOPMENT

Policy B1 of the Core Strategy plans for 7,000 new homes within Bath, with 1,150 of these to be delivered through small scale intensification distributed throughout the existing urban area. Although part of an undeveloped hillside, the site is considered to be part of the existing urban area of Bath. The principle of new residential development in this location is acceptable in accordance with policy B1 of the Core Strategy.

3. WORLD HERITAGE SITE, CONSERVATION AREA AND LANDSCAPE

World Heritage Site

The City of Bath WHS is a designated heritage asset of the highest significance. The landscape setting of Bath is one of the city's most important assets. The City of Bath WHS Statement of Outstanding Universal Value (OUV) makes it clear that the planned relationship of the built development to its landscape setting was a major factor in the inscription of Bath as a WHS. The WHS Management Plan identifies six headline attributes which express the essential qualities of the OUV. Of these, 'The Green Setting of the City in a Hollow in the Hills' is the attribute of most relevance to this application.

In this respect here are a number of prominent green hillsides within the built-up area of Bath which are vital to the city's landscape setting and character. The Bath WHS Setting SPD identifies the Twerton Farm/Bath City Farm fields as one of these important green

hillsides. The City-wide Character Appraisal SPD confirms that this undeveloped area is of city-wide importance, breaking up the Twerton townscape and, at night, appearing as a pool of darkness within the built up area. It makes a major contribution to the character and significance of the WHS as a whole.

Map 5 of the Setting SPD clearly shows that, while the application site is not part of the City Farm holding, it does lie within the area indicated as a green hillside forming a prominent feature in the landscape setting of Bath.

In dismissing the previous appeal proposal, the Inspector stated that "The loss of the green field site to development would result in a reduction in the extent of the Twerton Farm green hillside as designated." It should be noted that the current application site is approximately half the size of the previous appeal scheme and therefore the impact upon the extent of green hillside affected by the proposal is necessarily less than was previously the case.

Given its relatively elevated position, the site is readily visible both from close viewpoints along the road which it borders and more distant viewpoints within the wider landscape as demonstrated by the submitted visibility and viewpoints plan and the submitted viewpoint photography.

However, given the positioning of the development fronting onto The Hollow, its limited projection into the hillside and existing developments running along either side of The Hollow, it is considered that the proposals will not have any significant or discernible impact on the Outstanding Universal Value of the World Heritage Site or the landscape setting of Bath and its character, views and features.

Ground levels fall from the south west to north east across the site from 90m AOD to 70m AOD necessitating substantial cut and fill operations to create a level parking area though the properties themselves step down the slope. The proposals as originally submitted dealt with this through the construction of large retaining walls which would have created a very hard and overly engineered appearance. Through negotiations, the scheme was amended to reduce the amount of retaining walls on the site and incorporate a battered grass bank surrounding the parking area. Whilst still a slightly alien feature within the hillside, the battered grass bank has less of an impact, particularly in distant views.

Concerns have also been raised that the proposals will result in a reduction in the 'pool of darkness' within the night time townscape. However, as with the above assessment, it is considered that the limited projection of the proposals into the hillside and the location of the proposed dwellings along The Hollow frontage mean that any light spill into the hillside will be minimal. To ensure that lighting of the car parking area is kept to a minimum, it is proposed to restrict any new external lighting by condition.

Conservation Area

The Conservation Officer considers that the proposals do cause some harm to the setting of the Conservation Area, although only at the lower end of the scale of harm. However, this view has to be considered against the views of the previous appeal inspector. The previous Inspector concluded that the appeal proposal would have a 'neutral impact' upon the setting of the Conservation Area. In that case, the much larger appeal site extended

right up to the boundary of the Conservation Area and comprised a significantly larger development of two and three storey dwellings.

The current proposal is much smaller than the appeal proposal and only proposes new two storey buildings along the site frontage onto The Hollow. The development of this part of the site for housing would be consistent with the prevailing character of the setting of the Conservation Area here.

The proposals are therefore considered to preserve the character and significance of the Conservation area.

4. DESIGN

With the exception of the open hillside to the northwest, the site is surrounded by fairly tight knit C20 suburban housing development. Cotswold View, immediately to the north-east, comprises a mixture of bungalow and two storey dwellings. The Hollow, from which the site is proposed to be accessed, comprises a row of 2 storey semi-detached properties with a fairly uniform style and building line. Kelston View, to the south east, also comprises a number of two storey semi-detached dwellings with regular spacing.

The application proposes two blocks of two storey traditional dwellings on the frontage of the site facing the Hollow. The terrace form is not widely used throughout the surrounding area, but does have some precedent in the nearby Cotswold View development. Notwithstanding this, the proposals are considered to have regard to the character and quality of the surrounding townscape (fronting The Hollow, two storey scale, human scale design) and broadly reflects the form, pattern and grain of the existing townscape.

It is also relevant to note that similar terrace blocks were proposed along the site frontage as part of the previous appeal and the Council raised no objection towards the design of these blocks at the time. Furthermore, the appeal Inspector considered that they make decent attempt at responding to local character and history.

The Conservation Officer raised concerns about the design of the proposed dwellings as originally proposed which included a mix of render, reconstituted stone and concrete roof tiles. This was felt to be too urban and did not respond to the transitional, semi-rural/suburban context. Following negotiations, the application was amended to respond to these concerns.

The proposed materials now comprise a mixture of reconstructed rubble stone walls, vertical timber cladding, powder coated aluminium windows and clay roof tiles. Whilst reconstructed stone is less preferable to a natural material, reconstituted stone is commonly used throughout the surrounding area. Furthermore, its use is limited to the ground floor elevations and the other natural materials (e.g. clay tiles and timber cladding) will make up the majority of the buildings appearance. The proposals also include natural stone walling for the front boundary walls of each property. Final details and specifications of the proposed materials can be secured by condition.

The inclusion of a parking courtyard to the rear of the proposed terraces is less preferable than providing on-plot parking for each of the units as this area is not provided with much natural surveillance. However, due to the slope of the site and the need to avoid additional

accesses onto The Hollow, it is considered that the approach parking is a sensible compromise. The proposals amount of retaining structures required to create the parking courtyard have been reduced through amendments to the scheme and sufficient landscaping (including new tree planting) has been incorporated to mitigate the impacts of this large area of hardstanding.

Some concerns have been about how the landscaping and parking areas will be maintained. The maintenance of the communal areas and the landscaping will be undertaken by a management company which will be secured as part of the landscape and ecological management scheme.

Overall, it is considered that the design of the proposed housing is acceptable and complies with policies D1, D2, D3, D4, D5 and HE1 of the Placemaking Plan.

5. HIGHWAYS SAFETY AND PARKING

Highways Safety

The Hollow is within a 20mph speed limit with an existing traffic calming scheme in place, and pedestrian footways are provided on either side of the carriageway. Vehicular access to the site will be achieved directly off The Hollow. The position of the access remains the same as at the previous appeal and the Inspector considered this to be appropriate to serve a larger residential development than now proposed.

The submitted access drawing, number 1856-08A, shows that the standard of the proposed access would be a simple crossover and that a shared use space would provide the route to the parking area to the rear of the site. Given that the dwellings can be accessed direct from The Hollow, the vehicular access could remain in private ownership and there would be no requirement for this to be adopted as highway.

The Highways Officer has confirmed that the width is considered to be acceptable and that there would be appropriate visibility between vehicles and pedestrians.

The new access would require alterations to the existing traffic calming measures on The Hollow which currently comprise priority working narrowings, central islands and road markings.

These alterations are shown on drawing number 1856-02 (two sheets), and includes the removal of one set of existing islands with two further chicane islands being introduced to the west of the proposed access position. The current submission is consistent with the scheme that was previously agreed with the Highways Authority and considered by the previous planning Inspector as being acceptable. The revised scheme of traffic calming has been reviewed by the Highways Officer and is considered acceptable.

It is therefore considered that there is no objection on highways safety grounds.

Parking

The proposal would provide 9 no. 3bed dwellings and in accordance with the parking standards set out in policy ST7 of the Placemaking Plan should provide 18 parking spaces plus 2 visitor spaces. However, the applicant has completed an accessibility assessment which demonstrates that a 10% reduction to the parking standards can be justified in this location. Furthermore, the Highways Officer accepts that there would be local parking opportunities for any visitors to the site.

The provision of 16 parking spaces and no on-site visitor spaces is therefore considered to comply with the parking standards set out in policy ST7 and will ensure that there is sufficient parking provided to serve the proposed development.

Secure and covered cycle storage is provided for each dwelling in accordance with policy ST7.

Waste and Recycling

It is not intended that the road leading to the rear car park would be adopted by the Council. Therefore the collection of refuse and recycling will be carried out directly from The Hollow using the Council's existing waste and recycling service, without the need for a refuse vehicle to enter the site.

Each dwelling is provided with a covered bin store located at the front of each of the properties and integral to the design of the new dwellings.

It is therefore considered that the proposed development will have adequate storage and collection arrangements for waste and recycling.

6. RESIDENTIAL AMENITY

The nearest property to the application site is 1 Cotswold View, which is a bungalow located along the north-east boundary. The positioning and orientation of the proposed dwellings means that none would directly overlook 1 Cotswold View. The proposed dwellings and associated gardens are a significant distance from 1 Cotswold View and will not offer any significant opportunities for overlooking.

Concerns were raised about the impact of tree planting near the boundary with 1 Cotswold View. There are a number trees already along this boundary and it is proposed to plant 7 additional trees comprises a mix of oak and cherry trees. The final detail of the landscaping scheme, including final species mix, will be reserved by condition. It is considered that the additional tree planting will create some additional shade directed towards 1 Cotswold View, but that this will not have such a significant impact as to be detrimental to the amenity of the occupiers.

The application site lies opposite existing residential properties on The Hollow (nos. 63 - 81). The proposed dwellings would be situated over 25m from these existing dwelling and would be separated by the public highway. This is considered sufficient to prevent any harmful overlooking or overbearing impacts upon these occupiers.

Bath City Farm, a community-run farming and volunteering organisation, have a training/volunteering building located on land to the south and west of the application site and undertake a number of their activities on nearby land. Concern has been raised about the impact of the proposals on the operation of the Bath City Farm. Some of these concerns centre on the loss of private views which are not a material planning consideration.

There is also the potential that the operation of the farm could be adversely affected as smells, noise and disturbance from the farm drawing complaints from future occupiers of the proposed development. Whilst this is a valid concern, the farm currently operates close to a number of other existing residential properties without difficulty and it is considered that there is sufficient separation from the proposed development and sufficient land available to enable it to operate without being adversely affected by complaints from residents of the proposed development.

7. ECOLOGY

The proposal involves land that falls within the boundary of the larger "Twerton Farm" which is a designated Site of Nature Conservation Interest (SNCI), described as supporting semi-improved neutral grassland and scrub. There are also known populations of amphibians, including Great Crested Newt (GCN) (a European Protected Species), in off-site ponds on adjacent land (Bath City Farm). This is confirmed by the submitted ecological assessment.

The proposal will result in permanent removal of an area of land that falls within the SNCI boundary, and the habitats this area supports, as well as risk of impacts on ecological value, including the value of the SNCI, on adjacent land. Consideration to policy NE3 is therefore required.

Policy NE3 requires that material considerations must be sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the site. In addition, the harm to the nature conservation value of the site must be shown to have been minimised, and compensatory provision of at least equal nature conservation value must be made for any unavoidable harm.

The proposed development area falls in the southern section of this field and does not require loss of the area to the north; this allows for retention of the key features of ecological value within this part of the SNCI, including the boundary vegetation comprising trees, hedgerow and shrubs, scrub and damp hollow, and areas of badger activity.

The southern section of the site that is subject of the proposed development does also support habitat of some ecological value, and is used by a range of wildlife, including badger (for foraging and access onto and off the site) as demonstrated by the camera trap surveys. The loss of this area of the SNCI would require measures sufficient to compensate to equivalent value. This would require enhancement of the ecological value of all the remaining area of the same field to an ecological value that is considered to be at least double its existing value, or, perhaps more realistically, a combination of measures that provide equivalent level of new ecological benefit to that being lost, within and potentially also adjacent to the site.

The local population of great crested newt that has been confirmed using ponds on adjacent land is considered to be vulnerable. Provision of habitat that is suitable to support the conservation of this species and provide additional and new refuges and aquatic habitat of suitable conditions offers potentially achievable solution that would maximise the ecological gain and provide genuine conservation benefit. This would then potentially also be capable of addressing the requirements for ecological enhancement, and protection and recovery of priority species, as described in the final part of Policy NE3.

The current proposal for a seasonal "swale" offers insufficient certainty that the scheme can provide the required level of compensation. However, it is considered that the scheme would be capable of revisions to address this and there is room to incorporate a pond into the scheme (using the land immediately to the north of the development site, as shown on the soft landscape proposals).

These matters are to be identified within a landscape and ecological management plan which will be secured through a s106 agreement with the applicant. Subject to this being secured and a number of other clarifications, the Council's ecologist considers that the area of the SNCI to be lost, and the contribution this area makes to the SNCI, is not sufficient to sustain an ecological objection in this case.

In terms of whether material considerations are demonstrated sufficiently to outweigh the ecological value of this area of SNCI, this is considered in the planning balance section below.

8. TREES AND WOODLAND

Whilst there are no mature trees inside the red line of the application site, there are a number of significant mature trees immediately adjacent to it along the north-east boundary. This row of trees is situated at the entrance to Cotswold View and provides an important screening function for the site in both near and long views of the site (see landscape section above).

Concern was originally raised by the Council's Arboriculturalist that the proposed development was situated too close to this row of trees leaving insufficient space for construction of the buildings and for future growth of the trees. The applicant has responded to these concerns reducing the width of the proposed development thereby increasing the gap between the proposed buildings and the north-east boundary of the site.

The Council's Arboriculturalist is satisfied that the changes to the scheme reduce the impact of the north eastern row of trees.

In addition to the north eastern row of trees, there are two London Plane street trees located along the Hollow frontage of the site. The proposed development involves a small amount of excavation within the root protection area of one of these street trees. However, the results of a trial pit undertaken by the applicant have indicated that there are unlikely to be any significant roots affected by the proposals in this location.

Concerns were also initially raised by the Council's Arboriculturalist about the impact of a potential sewer connection which would have potentially been routed through the root protection of off-site trees to the North West. However, following revisions to the scheme this has now been routed to avoid any of the root protection areas of these off-site trees.

In light of the above and subject to a detailed arboricultural method statement being secured by condition, there is no arboricultural objection to the proposals. The proposals are therefore considered to comply with policy NE6 of the Placemaking Plan.

9. SURFACE WATER DRAINAGE

A drainage strategy has been submitted with the application. This explores the use of soakaways for dealing with surface water, but rules it out due to the moderate landslide hazard on the site. The proposal is therefore to connect to the existing public sewer network located in the adjacent field to the north. Attenuation will be provided via oversized pipes to reduce the discharge rates.

The foul water drainage system will connect into the existing Wessex Water public foul sewer located within The Hollow, just to the south of the site.

The proposed drainage strategy has been reviewed by the Drainage and Flood Risk Team who consider it acceptable. The proposals are therefore considered to comply with policies SU1 and PCS7A in relation to surfaces and foul water drainage.

10. ARCHAEOLOGY

The proposed development is situated to the south of the suggested line of a Roman Road, which appears as a straight track on the 1839 Twerton tithe and 1885 Ordnance Survey maps. This track forms the northern boundary of the field containing the application area. It is suggested that the Roman road runs from Bath, via a ferry crossing of the River Avon (east of Twerton) and continues south towards an area at Whiteway where Roman burials and occupation evidence have been found.

The application area is covered by a geophysical survey carried out in 2014. Unfortunately, the results in the area of this revised application, were affected by ferrous objects and fencing. The Heritage Statement (Heritage Places 2019) submitted as part of the application has established 'The Hollow' was 'once deep, historic lane cutting through open farmland', which was infilled in 1929. The disturbance along the southwest boundary may therefore be attributed to this. However, the geophysical survey report concludes that the 'strong nature of these anomalies could be masking weaker archaeological anomalies'.

The Council's Archaeologists have therefore raised no objection to the proposal, subject to a field evaluation of the site, a programme of archaeological works/mitigation and publication of the results. These matters can be secured by condition.

11. CONTAMINATED LAND

The Contaminated Land Officer has reviewed previous proposals for residential development on this site and has raised no objection. However, due to the sensitive nature of the proposed development (i.e. residential), they have advised that the model planning conditions requiring site characterisation, submission/implementation of a remediation scheme, reporting of unexpected contamination and long term monitoring and maintenance are applied to any permission granted.

12. SUSTAINABLE CONSTRUCTION

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. This includes the following:

- o Maximising energy efficiency
- o Minimisation of waste
- o Conserving water resources
- o Efficiency in material use
- o Flexibility and adaptability
- o Consideration of climate change adaptation

The Council's Sustainable Construction Checklist has been completed and submitted with the application. This indicates the main points of the scheme's energy strategy which are:

- o Orientation of the blocks facing N-S to maximise solar gain
- o Terrace form giving a low form factor for heat loss
- o Solar PV to be fitted to the South roof pitches
- o High energy performance materials (lower U values than Part L)
- o Low energy lighting
- o High efficiency combi-boilers
- o Good airtightness, but with natural ventilation strategy

SAP calculations submitted in support of the application demonstrate that these measures will result in a 26.2% reduction in carbon emissions compared to the baseline emissions.

Policy SR5 requires all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day and to provide a scheme of rainwater harvesting for the potential residents.

The submitted checklist the proposals will meet these requirements through the use of low flow fittings and low volume sanitary ware alongside a scheme for rainwater harvesting.

13. OTHER MATTERS

Concern has been raised that the proposals fall just short of the threshold within policy CP9 which would require the provision of affordable housing as part of the scheme. Whilst planning applications which artificially seek to sub-divide large sites into small parcels in an effort to avoid meeting the threshold are unacceptable, this is not the case with the current application. In line with the assessment made above, additional development

which projects further into the hillside would not be acceptable for several reasons including the impact upon the World Heritage Site and its landscape setting. Furthermore, given size of the site and the need to provide access to a rear parking courtyard, it is considered that there is no room along the site frontage to provide any additional dwellings. It is therefore considered that the proposals have not sought to artificially reduce the number of proposed dwellings and appear to make best use of the parts of the site which are suitable for residential development.

Concern has also been raised about the potential for the development to set a precedent for incremental development encroaching into the hillside. Any future proposals for development would require planning permission in their own right and would therefore need to be judged upon their own merits.

Furthermore, any future development extending into the hillside would need to be served by a road built to an adoptable standard. The gap between the proposed terrace dwellings is not sufficiently wide to accommodate a road to adoptable standards and this restricts the opportunities for providing access to further development through the application site.

Other comments have been received which suggest that there is no need for proposed housing. This assertion is contrary to the development plan (policies DW1 and B1) which sets out a housing target for Bath of about 7,020 new homes, with 1,150 homes provided through small scale intensification distributed throughout the existing urban area. Windfall sites, such as the application site, are expected to make a contribution towards meeting these targets. Furthermore, the housing targets set out in the development are not limits and there is no objection in principle to the provision of housing on this site.

14. PLANNING BALANCE

As discussed above, policy NE3 of the Placemaking Plan requires that material considerations are sufficient to outweigh the loss of part of the SNCI. In this case, the proposals provide a number of material benefits which are relevant.

Firstly, the proposals provide 9 new family dwellings which contribute towards meeting the housing objectives of policies DW1 and B1. The new dwellings are located inside the existing urban area in a location which can be considered broadly sustainable. This is afforded significant weight.

Secondly, the proposals will provide additional jobs and boost to the local economy during the construction of the proposals. Whilst this is a temporary benefit only, it is still afforded some modest weight.

The proposals will also be liable for payment of the community infrastructure levy (CIL). This levy can be spent on local infrastructure identified on the Council's regulation 123 list.

The proposals will also ensure long term enhancement and maintenance of the landscaped areas of the site and the adjacent field for ecological benefit.

It is considered that the cumulative benefits of the above material considerations are sufficient to outweigh the loss of a small part of the overall SNCI. The proposals are therefore considered to comply with policy NE3.

15. CONCLUSION

In conclusion, the proposals provide 9 new dwellings which contribute towards meeting the housing objectives of policies DW1 and B1. The reduction in the size of the development since the previous appeal proposal means that its impacts upon the World Heritage Site and landscaping character have been significantly reduced such that it now has no readily discernible impact. The proposed development does not prejudice highways safety and provides adequate ecological mitigation, compensation and enhancement.

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

RECOMMENDATION

PERMIT

CONDITIONS

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

a) a landscape and ecological management plan for the site and the adjoining land;

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

1 **Standard Time Limit (Compliance)**

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

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

2 **Construction Management Plan (Pre-commencement)**

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

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

6. Wheel wash facilities;
7. Site compound arrangements;
8. Measures for the control of dust, noise and site lighting

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

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

3 Archaeological Landscape Characterisation Assessment (Pre-commencement)

No development shall commence, until the applicant, or their agents or successors in title, has secured the implementation and preparation of a historic landscape assessment in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological landscape interest and HLCAs of this type are increasingly being lost without record to development and the Council wish it to be recorded prior to development in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan.

4 Arboricultural Method Statement (Pre-commencement)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement by Hillside Trees Ltd dated August 2019. A programme of site visits by the appointed Arboriculturalist shall be submitted to the Local Planning Authority prior to commencement of any development. The tree protection measures shall be monitored by the appointed Arboriculturalist.

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

5 Materials - Submission of Materials Schedule (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

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

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details.

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

6 Landscaping Scheme (Pre-occupation)

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

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

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

7 Implementation of Landscaping Scheme (Bespoke Trigger)

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority.

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

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

8 Arboriculture - Signed Certificate of Compliance (Pre-occupation)

No occupation of the development shall commence until a signed certificate of compliance with the Arboricultural Method Statement and tree protection plan, including all site visit records, by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan and to ensure that the approved method statement is complied with for the duration of the development.

9 Bound/Compacted Vehicle Access (Pre-occupation)

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

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

10 Visibility Splay (Pre-occupation)

No occupation of the development shall commence until the visibility splay shown on drawing number M17-029-070 Rev A has been provided. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure that the development is served by a safe access in the interests of highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

11 Lighting Strategy (Bespoke Trigger)

No lighting shall be installed as part of the development until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following:

1. The approach and design of the external and internal lighting;
2. Detailed light spill calculations (including lux contour plans);
3. Details of light control systems and regimes;
4. A schedule and programme for maintenance of the lighting.

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

Reason: To avoid harm to bats and wildlife in accordance with policies NE3 and D8 of the Bath and North East Somerset Local Plan.

12 Parking (Compliance)

The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

13 Plans List (Compliance)

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

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

PLANS LIST:

1380-02-P5 SOFT LANDSCAPE PLAN
072 B PROPOSED ELEVATIONS
073 B PROPOSED ELEVATIONS SHEET 2
074 B PROPOSED ELEVATIONS SHEET 3
070A PROPOSED SITE PLAN
071A PROPOSED FLOOR PLANS
072A PROPOSED ELEVATIONS
073A PROPOSED ELEVATIONS SHEET 2
074A PROPOSED ELEVATIONS SHEET 3
1856 02 PROPOSED TRAFFIC CALMING - BOUND - SHEET 1 OF 2
1856 02 PROPOSED TRAFFIC CALMING - SHEET 2 OF 2
1856 08A VISIBILITY SPLAYS

DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

Condition Categories

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

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

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

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

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

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

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

Community Infrastructure Levy

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

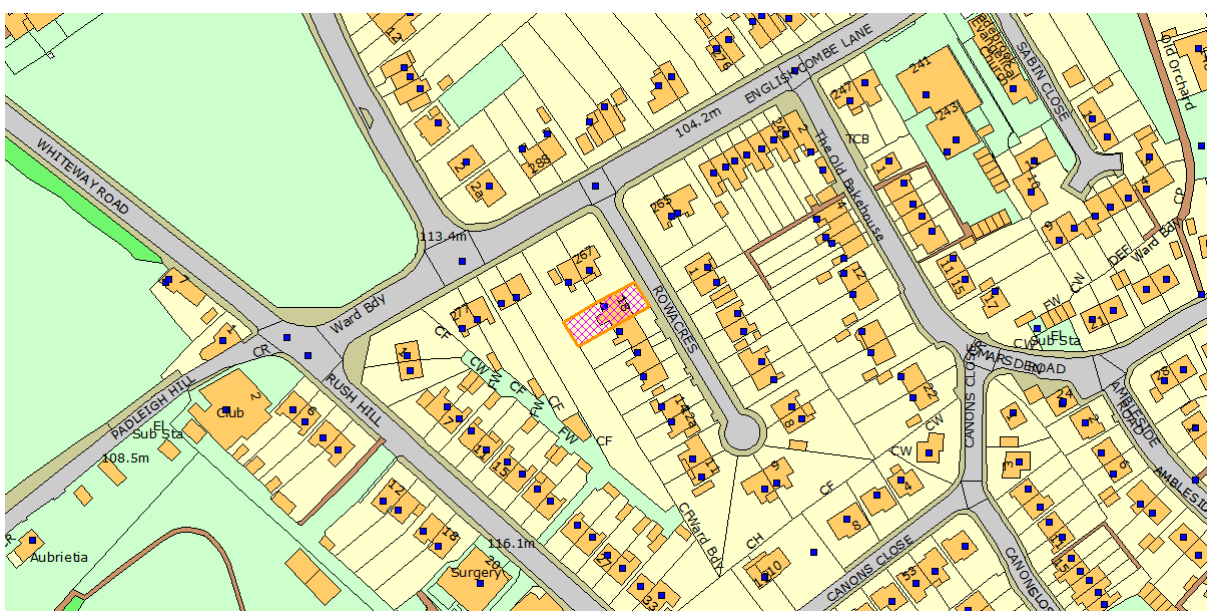
This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

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

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Item No: 03
Application No: 19/04633/FUL
Site Location: 18 Rowacres Southdown Bath Bath And North East Somerset BA2 2LH



Ward: Southdown	Parish: N/A	LB Grade: N/A
Ward Members:	Councillor Paul Crossley	Councillor Dine Romero
Application Type:	Full Application	
Proposal:	Change of Use from a 4 Bedroom residential property (Use Class C3) to a 8 bedroom House of Multiple Occupation (HMO) (Use Class Sui Generis) including installation of ground floor front bay window.	
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	Mr M Ashton	
Expiry Date:	19th December 2019	
Case Officer:	Anna Jotcham	
To view the case click on the link here .		

REPORT

REASON FOR APPLICATION BEING REFERRED TO COMMITTEE

A DM Committee request was received from Cllr Paul Crossley if Planning Officer is minded to approve. Reasons to object include: loss of amenity to residents, increase in traffic and parking, lack of amenity for proposed tenants and the impact on the World Heritage status.

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

"The size of this HMO will have a significant impact on this small cul-de-sac of family homes. I think the Committee will want to assess this application further".

THE SITE

18 Rowacres is a two storey semi-detached house located in a residential street in the Southdown area of Bath. The property falls within the Bath World Heritage Site designation but is outside the Bath Conservation Area.

THE PROPOSAL

Change of Use from a 4 Bedroom residential property (Use Class C3) to a 8 bedroom House of Multiple Occupation (HMO) (Use Class Sui Generis) including installation of ground floor front bay window.

PLANNING HISTORY

None identified.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS - No objection, subject to condition for bicycle storage.

CLLR PAUL CROSSLEY - Committee call in request if Officer is minded to permit. Objects for following reasons:

- Loss of amenity to residents - this is a family area and the encroachment of HMOs is detracting from the requirement for family housing in this area which has a knock on effect to local amenities.
- Increase in traffic - the road is already heavily parked and an 8-bed HMO will increase the number of vehicles looking for parking space.
- Lack of amenity for proposed tenants - the layout provides too many bedrooms and not enough amenity space, especially the shared living room and kitchen.
- Impact on World Heritage (WH) status - the continual loss of family housing to HMOs is radically changing the nature of the community of Bath and a living breathing WH city does not function if its living accommodating is continually stripped out.

BATH PRESERVATION TRUST - No objection to the material change of use however the close, pedestrian proximity of Roundhill Primary School makes this an attractive and appropriate property for a family. A change of use would not serve the local demand for housing in this area and would result in the loss of suitable family accommodation. Approval of this application would maintain an undesirable precedent and should therefore be resisted.

OTHER REPRESENTATIONS - 21 third party objection comments received raising the following concerns:

- Overdevelopment (rooms will not be an adequate size to meet licensing requirements and may be occupied by up to 16 people).
- Impact on parking, loading, turning and highway safety, including access for maintenance, service and emergency vehicles.
- Impact on residential amenity (e.g. noise, disturbance, anti-social behaviour, refuse, sewage and water supply problems, neighbour disputes, smells).
- Impact on house prices.
- Loss of a family home.
- Harm to setting of World Heritage Site.
- The change of use does not support a balanced community and the 10% clause is not met.
- The Community Infrastructure Levy should apply.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

RELEVANT CORE STRATEGY POLICIES:

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

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

RELEVANT PLACEMAKING PLAN POLICIES:

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

Policy D1: General urban design principles
Policy D2: Local character and distinctiveness
Policy D3: Urban fabric
Policy D5: Building design
Policy D6: Amenity
Policy HE1: Historic environment
Policy H2: Houses in Multiple Occupation
Policy ST1: Promoting sustainable travel
Policy ST7: Transport requirements for managing development

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

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

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

SUPPLEMENTARY PLANNING DOCUMENTS:

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

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

PRINCIPLE OF CHANGE OF USE

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

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

Criterion 2 aims to restrict HMOs in areas of a high concentration of existing HMOs, to prevent harmful impacts resulting from an imbalance of HMOs within residential areas. The Stage 1 Test of Criterion 2 examines whether the application property is within or less than 50 metres from a Census Output Area in which HMO properties represent more than 10% of households. If outside of this test area, the test and criterion is passed. If the property is within the Stage 1 Test area, or within a 50 metre buffer of this area, the Stage 2 Test is conducted, whereby applications for this proposed change of use will not be permitted where HMO properties represent more than 10% of households within a 100 metre radius of the application property. These tests are explained further within the SPD.

The property (no. 18) forms part of a semi-detached pair with no. 17 Rowacres. The pair sits at a 90 degree angle to another pair of semi-detached properties (nos. 267 and 269 Englishcombe Lane) and the rear gardens of these back onto the application site. According to Council GIS records, none of these properties are recognised as operating as HMOs. On this basis, the proposed development will not result in any properties being 'sandwiched' between two HMOs. The proposal therefore complies with Criterion 1.

The property is outside of and approximately 120 metres away from the edge of the Stage 1 Test area. The proposal also therefore complies with Criterion 2.

For the purpose of thoroughness, the Stage 2 Test was carried out. Based on Council data, 4 out of 77 residential properties within a 100 metre radius of the site are recognised HMOs, equating to 5%, which is below the 10% threshold.

Overall, based on the tests within the SPD, it must be concluded that this is not an area of high concentration of HMOs by standards within Bath.

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

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

IMPACT ON CHARACTER OF THE AREA

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

The proposed conversion consists largely of internal alterations to the layout of the property, with the main external alteration being the installation of ground floor front bay window following conversion of the existing garage into a bedroom. Bay windows are a common feature along this road and it is not considered that the proposed change to the front elevation of the building will harm the character and appearance of the property and its surroundings. A condition can be attached to ensure that the materials associated with the construction of the bay window match the host building.

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

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

HIGHWAYS AND PARKING

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

However, the site's sustainable location is acknowledged with good access to a range of services, facilities and public transport links, therefore there is less reliance on car travel. It is also noted that, whilst the applicant proposes to convert the existing garage into a bedroom, they intend to retain the single off-street car parking space.

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

Without adopted parking standards on HMOs, it is difficult to demonstrate that the addition of four-bedrooms will result in an unacceptable increased demand for parking, or a demonstrable harmful impact on local highway conditions and indeed there is no evidence to support that this would be the case. Paragraph 109 of the revised NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe and that can not be demonstrated here.

Provision of bicycle storage for at least two bicycles could be secured by condition.

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

RESIDENTIAL AMENITY

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

The SPD recognises that the cumulative impact of HMOs on neighbouring properties could significantly impact upon the residential amenity of the property as well as character of the area. C3 dwellinghouses are occupied by single households which typically have co-ordinated routines, lifestyles, visitors and comings and times and patterns of movement. Conversely, HMOs are occupied by unrelated individuals, each possibly acting as a separate household, with their own friends, lifestyles, and patterns and times of movements. The comings and goings of the occupiers of a HMO are likely to be less regimented and occur at earlier and later times in the day than a C3 family home, and may well consist of groups engaging in evening or night time recreational activity. Such a change of use can therefore be expected to increase comings and goings, noise and other disturbance compared to a C3 use. None the less individually, HMOs are not considered to result in demonstrable harm to residential amenity as it is only a concentration of HMOs that creates significant effect.

The eight bedroom HMO will not result in a significant or unmanageable increase in rubbish and recycling storage and collection over and above its existing capacity as a semi-detached family house. The facilities and layout of the property is typical of HMO use, where communal facilities and occupant amenities are generally not expect to match that of a family home, due to differing lifestyles.

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

OTHER MATTERS

The impact of development on property values and the selling of property in the future carry very little weight in the assessment of planning applications.

CONCLUSION

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

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Materials - Bay Window (Compliance)

The external stonework and windows associated with the construction of the bay window on the front elevation of the building shall match that of the existing building in respect of pattern, type, size, colour, pointing, coursing, jointing, profile and texture.

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

3 Materials - Blocking Up Rear Window (Compliance)

The rear window shown to be blocked up on the approved plans shall be blocked up prior to occupation of the room that it serves, and all work of making good associated with blocking up the window on the rear elevation shall be finished to match the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

4 Bicycle Storage (Pre-occupation)

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

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

5 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans:

23 Oct 2019 - TQRQM19296105853768- LOCATION PLAN
24 Oct 2019 - EXISTING PLANS
24 Oct 2019 - PROPOSED PLANS
15 Nov 2019 - EXISTING AND PROPOSED FRONT ELEVATION

Permit/Consent Decision Making Statement

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

Condition Categories

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

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

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

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Community Infrastructure Levy

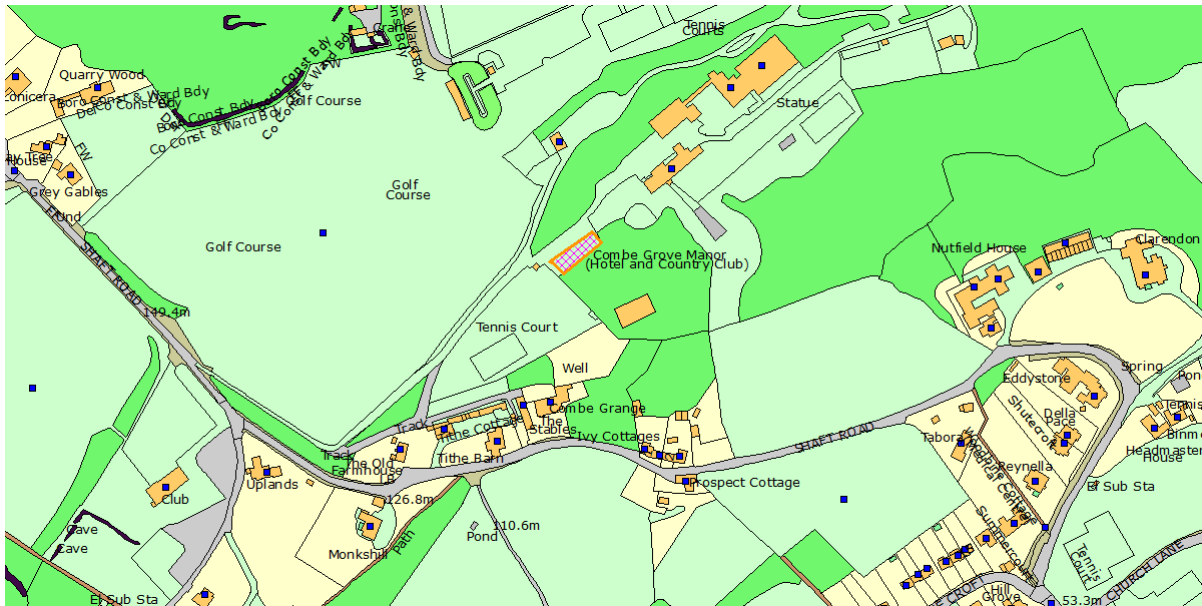
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development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Item No: 04
Application No: 19/03733/FUL
Site Location: Combe Grove Brassknocker Hill Monkton Combe Bath BA2 7HS



Ward: Bathavon South **Parish:** Monkton Combe **LB Grade:** II

Ward Members: Councillor Neil Butters Councillor Matt McCabe

Application Type: Full Application

Proposal: Erection of 2 no. temporary portacabins for office use by apprentices.

Constraints: Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,

Applicant: Elmhurst Foundation

Expiry Date: 17th October 2019

Case Officer: Sasha Berezina

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

REPORT

REASON FOR REFERRAL TO COMMITTEE

The application was referred to The Chair and The Vice Chair following support letters from Monkton Combe Parish Council and Cllr Butters. The Chair decided that the application should be heard by the Planning Committee.

The Vice Chair - I have looked carefully at this application and note the support from MCPC and Ward Cllr. The proposals have been assessed against relevant planning policy which it contravenes and the report explains therefore I recommend the application be delegated to Officers for decision.

The Chair - I think there is room for the applicant to put its case to the committee, to explain how this development will eventually lead to the enhancement of the setting of the listed building, but they must also respond to the serious concerns of officers.

THE PROPOSAL

The proposal seeks a temporary 3-year permission to erect 2 portacabins for use as staff offices within the grounds of Combe Grove Hotel located to the south of the City and immediately north of the historic settlement of Monkton Combe.

The Hotel is located within the Green Belt, Cotswold Area of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest Impact Zone (SSSI Impact Zone), and it also contains and adjacent to components of the Bath and Bradford on Avon Bat Special Area of Conservation (SAC). The grounds are well-wooded and there are a number of protected trees (TPOs). A mixture of historic and modern development occupies the site including the Combe Grove house, which is the principal building. There are also a number of other designated Grade II listed heritage assets, including curtilage listed Coach House located at the middle tier. The site is also a non-designated historic park and garden and is included within the Historic Environment Records (HER) local list of parks and gardens in Bath and North East Somerset.

Due to the topography of the site and its extensive grounds, there are three main parts/tiers roughly comprising:

Upper Tier - former golf driving range, main car park and tennis courts bubbles;

Middle Tier - former Coach House building and parking;

Lower Tier - hotel and leisure centre buildings, including Main House, tennis court, swimming pool, plus a walled garden and various parking areas

The current proposal is looking to place two portacabins on the Lower Tier parking area approximately 50m to the south-west of the main house. Each cabin measures approx. 10m by 4.2m and it is also proposed to provide 8 trellis structures to screen the cabins. Permission is sought on a temporary 3-year basis to provide office accommodation for

approximately 16 members of staff. External materials and finishes for the portacabins are ply walls with a textured coating painted in recessive colours.

RELEVANT PLANNING HISTORY

19/01458/FUL - Erection of 2 No. temporary portacabins for use by apprentices (Withdrawn)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

LANDSCAPE - no objections subject to conditions. The proposed location, design, materials and planting together with the time limited and temporary nature of the development will provide adequate mitigation for the likely and limited adverse landscape impact of the proposals.

CONSERVATION - object. The proposed cabins would result in detriment to the setting of the listed buildings and the historic park and garden.

HIGHWAYS - no objections

TREES - no objection, subject to conditions. The Planning Statement refers to the portacabins connecting into existing site services (section 3.2) however, no information has been provided regarding the provision of services to the cabins. The application form indicates that soakaways and a package treatment plant are proposed but with no drawings indicating positions.

ECOLOGY - no objection, subject to conditions. The proposal is not expected to give rise to ecological impacts and would not be capable of impacting on the Bath & Bradford on Avon Bats Special Area of Conservation (SAC). Controls are needed in respect of external lighting.

MONKTON COMBE PARISH COUNCIL - Support. Monkton Combe Parish Council Support this application on the understanding from the applicant that the permanent accommodation for the apprentices will be achieved within a three year time frame, and the portacabins therefore removed within this period.

CLLR NEIL BUTTERS - the proposed temporary buildings are required to meet an urgent requirement to provide office accommodation for apprentices at Combe Grove. As such, this constitutes very special circumstances to justify the proposed temporary erection of offices in the Green Belt. I am advised by the applicant that a three-year permission will provide the Estate with sufficient time to formulate a proposal for permanent offices through the conversion and extension of the former nursery building.

THIRD PARTY COMMENTS - 2 letters of objections received. Key points raised were as follows:

- Loss of valued and well used parking spaces;
- Harm to the setting of the historic garden;
- Potential office space could be accommodated in the disused areas of main building or the former nursery building

- Impact on mature cedar tree;
- The site is within an AONB and has many protected wildlife; habitats. Further buildings even if temporary are not desirable

POLICIES/LEGISLATION

On 13th July 2017 the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

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

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on

10th July 2014. The following policies of the Core Strategy are relevant:

- CP.6: Environmental Quality
- B.4: World Heritage Site
- CP8: Green Belt

Placemaking Plan:

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

- D.1: General Urban Design Principles
- D.2: Local Character and Distinctiveness
- D.3: Urban Fabric
- D.4: Streets and Spaces
- D.5: Building Design
- D.6: Amenity
- D.8: Lighting
- D10: Public Realm
- HE1 Historic Environment
- GB1: Visual Amenities in the Green Belt
- NE1: Development and Green Infrastructure
- NE.2: Conserving and Enhancing the Landscape Character and Landscape Character
- NE.3: Sites, Species and habitats
- NE4: Ecosystem Services
- NE.5: Ecological Networks

Planning (Listed Buildings & Conservation Areas) Act 1990

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

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The application is a resubmission of the earlier withdrawn application ref. 19/01458/FUL that sought to provide the portacabins opposite the main hotel building. The key planning considerations in this case relate to Green Belt and heritage impacts of the proposal.

GREEN BELT

The National Planning Policy Framework (NPPF) makes it clear that great importance is attached to Green Belts and their aim of preventing urban sprawl and safeguarding the countryside from encroachment by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

Essentially, the scheme would introduce new buildings within the Green Belt, where in accordance with paragraph 145 of the NPPF construction of new buildings should be regarded as inappropriate form of development. There are some specific exceptions to this rule, however the proposals do not fall within any of the exceptions, and therefore the portacabins and the associated screening structures are inappropriate development, which is by definition harmful.

Additional harm will also derive from the loss of openness of the Green Belt. The scheme will result in proliferation of built form on site that is currently open. It is acknowledged that it is used for parking and is intermittently occupied by parked cars and that the proposal is for a temporary period. However the impacts of built structures will be much greater in terms of openness of the Green Belt and this harm will continue for a period of three years.

The NPPF advises that substantial weight should be given to any harm to the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be

approved except in very special circumstances, which are discussed at the end of this report.

HERITAGE

Objections were raised by the Conservation Officer who considers that the proposal would be harmful to the setting of the listed building. The cabins will be placed along one of the original arrival routes to the House and would negatively affect how the building is experienced when approached from the west, although it is recognised that the area is currently used for parking which already has detrimental impact in this respect.

Additionally, the site has already experienced substantial over-development, which has had a detrimental impact to the setting of heritage assets, and this is the starting point for any assessment of additional, proposed development on the site: temporary or otherwise.

It is concluded that the proposal would result in harm to heritage assets, which in accordance with para 193 of the NPPF can be qualified at the lower end of 'less than substantial' category.

The NPPF states that when considering such matters, great weight should be given to the asset's conservation in line with the duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act. If less than substantial harm is resulting from the proposal, this harm should be weighed against the public benefits of the proposal in line with paragraph 196 of the NPPF.

It is considered that the benefits deriving from this proposal would be mainly private, facilitating the business plan for the development of the estate as a hotel and a health club. It is possible that provision of additional office space would allow employment of more apprentices, however this in itself is not significant enough benefit to outweigh great weight afforded to the desirability of protection of the heritage assets.

TREES

The position of the portacabins is within existing hard surfacing so no trees which be directly affected by their location. The Planning Statement refers to the portacabins connecting into existing site services however, no information has been provided regarding the provision of services to the cabins. The application form indicates that soakaways and a package treatment plant are proposed but with no drawings indicating positions. These matters however could be dealt with via a condition to ensure that tree damage is avoided.

ECOLOGY

The proposal is not expected to give rise to ecological impacts as it is possible to carry out without harm to trees, and it would not be capable of impacting on the Bath & Bradford on Avon Bats Special Area of Conservation (SAC). The proposed buildings would be positioned within an area of existing hard standing.

It is assumed at this point that no new external lighting is proposed in association with this development and it would be preferable for new additional lighting to be avoided. If

however new external lighting is later deemed necessary further details would be needed prior to approval to demonstrate lighting design that does not impact on adjacent habitats which are used by protected species including bats associated with the SAC. A conditions could be imposed to ensure adequate control of future potential changes to external lighting in association with this proposal.

HIGHWAYS

The proposal would result in loss of a number of semi-formal parking spaces at the Lower Tier. These spaces, being close to and on level with the main hotel complex, are clearly well-used by the guests and visitors. However, in the context of the overall site it is considered that ample parking provision is currently available to accommodate the displaced cars. The proposal would not therefore result in highways safety issues or on-road parking outside the confines of the hotel grounds.

PLANNING BALANCE AND VERY SPECIAL CIRCUMSTANCES CASE

Given the above considerations, the proposals would result in inappropriate development in the Green Belt, which is by definition harmful and would conflict with the purposes of including land within it. Furthermore, as discussed above, other harm would result from the proposals and this includes adverse effects on openness of the Green Belt and harm to the setting of the listed building and local heritage asset (historic park).

The harm to openness would be both in spatial terms (the resulting built volume increase on site) and visually by providing dispersed buildings in prominent and currently open location.

Paragraph 144 of the NPPF indicates that substantial weight should be given to any harm to the Green Belt. Great weight is also given to heritage asset's conservation (para 193 of the NPPF).

'Very special circumstances' would not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The application states that the proposal is of a temporary nature and that it is an essential and integral component of a transformative vision for the Combe Grove Estate, which includes targeted employment of up to 90 apprentices. The temporary portacabins are required to provide workspace accommodation to meet an existing and urgent need for occupation by apprentices and staff and will enhance their working environment. The applicant states that they are committed to expedite proposals for the provision of permanent administration space through the conversion and extension of the former nursery building (aka Coach House) on the Mid-Tier level.

With regards to the temporary nature of the permission, the officers have concerns that the existing nursery building is claimed to be currently occupied for other needs of the hotel and inadequate for the proposed office use. The concern is that in 3 years' time this situation could realistically continue to exist, thus putting additional pressure on the Council to give these circumstances equal weight when considering very special

circumstances for retention or re-provision of inappropriate new buildings in the Green Belt.

Another issue is the apparent reliance on a replacement solution being provided by means of development that in itself requires planning and listed building consents. The applicant has provided indicative drawings demonstrating how Coach House could be converted into office use, however there is no guarantee that these applications will come forward, or that they indeed will be acceptable.

The aspirations, the operational needs of an expanding business, and the resulting increase in demand for space arguments are not unique or very special and could be applied to many commercial premises located within Green Belt and looking to expand.

Overall, it is concluded that the other considerations in this case would fail to clearly outweigh the harm that has been identified. Consequently, it is considered that the very special circumstances necessary to justify the development do not exist.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposal would result in inappropriate development within the Green Belt, which is harmful by definition. The potential harm to the Green Belt by reason of inappropriateness, and other harm resulting from the proposal, would not be clearly outweighed by other considerations. As such, the proposal is contrary to the National Planning Policy Framework (February 2019) and the Policy CP8 of The Core Strategy for Bath and North East Somerset (July 2014).

2 The proposed development by its location and design would have detrimental impact upon the setting of the Grade II listed Combe Grove house and the wider historic park, which is a locally important heritage asset. This would materially conflict with the Bath and North East Somerset Placemaking Plan policy HE1 and H3 and the National Planning Policy Framework (February 2019).

PLANS LIST:

This decision relates to the following plans:

OS Extract	20 Aug 2019	085-005_P3	SITE LOCATION & PLANNING APPLICATION BOUNDARY
Drawing	20 Aug 2019	3951_010	PROPOSED LOWER TIER TEMPORARY OFFICES
Drawing	20 Aug 2019	3951_S_01D	PROPOSED LOWER TIER SITE PLAN
Drawing	22 Aug 2019	3951_S_02	PROPOSED LOWER TIER BLOCK PLAN

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was

unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Community Infrastructure Levy

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

Item No: 05
Application No: 19/00772/FUL
Site Location: Land At Entrance To Manor Farm Bath Hill Wellow Bath



Ward: Bathavon South **Parish:** Wellow **LB Grade:** N/A
Ward Members: Councillor Neil Butters Councillor Matt McCabe
Application Type: Full Application
Proposal: Erection of two storey detached dwelling
Constraints: White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE2 AONB, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Mr Graham Wilkins
Expiry Date: 20th December 2019

Case Officer: Christine Moorfield

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

REPORT

REASON FOR COMMITTEE

This application is brought to committee by the Chair of the Planning Committee. The Chair considers that as this is a new build in the green belt it needs to be assessed by the committee. It is noted that the applicant has gone a long way to meet the officer but the impact needs to be thoroughly considered.

BACKGROUND

This application is for the erection of a detached dwelling on a site adjacent to a former farm yard to the north of Manor Close on the northern edge of Wellow.

Wellow is a settlement washed over by the Green Belt. Policy GB2 in the adopted Placemaking Plan allows residential development in the villages washed over by the Green Belt provided the scheme lies within the Housing Development Boundary (HDB) and is limited to infilling. This site lies just within the HDB.

RELEVANT PLANNING HISTORY

17/01807/FUL - WD - 21 June 2017 - Erection of 5 no. dwellings and associated works.
17/05256/PA02- Unacceptable as submitted but more information required.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

PARISH COUNCIL: OBJECTION

The proposed new dwelling lies within the Green Belt, the Cotswold AONB and the Wellow Housing Development Boundary. A previous application for this site 17/01807 was for a much larger development that extended outside the HDB and subsequently withdrawn. The HELAA Call for Sites in 2018 assessed this site but considered it to be unsuitable.

New buildings in the Green Belt are considered to be inappropriate. It is doubtful that an exception of 'limited infilling' could be considered as the proposal is not in an extensively built up frontage area nor is it surrounded on 3 sides by developed sites or roads. There do not appear to be any other 'very special circumstances' that would apply to this proposal.

The Design & Access statement mentions the fact that there had been development on this site but there appears to be no evidence to support this claim.

A site visit by the Case Officer is considered essential due to the fact that the submitted plans do not accurately show the close proximity of the new dwelling to the Manor Close properties, especially Nos. 30, 32, and 34. The approximate distance is estimated to be around 5 metres.

It is considered that the proposed dwelling would cause harm to the Manor Close residents in terms of loss of light, increased noise, smell and most importantly that of overlooking. Due to the fact that the Manor Close houses are situated at a lower level they would lose a great deal of privacy and that is considered to be unacceptable. (B&NES Placemaking Plan Adopted July 2017 - Policy D6 Amenity)

The proposal is considered to be too large for its plot and therefore conspicuous in the Green Belt (Policy GB1 Visual Amenity of the Green Belt). It is considered that even if a design of smaller proportions were to be submitted it would still constitute overdevelopment of the small site. The access is via a single track and certainly oil tankers and emergency vehicles would have difficulty accessing the property. The proposed stone wall could restrict the access of large vehicles as the track is fairly narrow.

B&NES Drainage Team: No objection subject to conditions

Applicant has indicated that surface water will be disposed of via soakaways. No further information has been provided.

The geology at this location is Fullers Earth (mudstone) which is unlikely to be suited for soakaways. Underlying the Fullers Earth is Limestone which is generally suitable for soakaways. The soakaway structure may need to be taken down to the limestone to be viable. Soakaway testing will be required at the location and depth of the proposed soakaway structure.

Therefore a condition in respect of ground investigations and as necessary remediation is necessary.

B&NES Public Rights of Way Team: Comments

The proposed dwelling is accessed along a public footpath our reference BA25/11. It is an offence against the landowner to drive a mechanically-propelled vehicle along a footpath without lawful authority. The Public Rights of Way Team requests that conditions be applied if the application is approved.

B&NES Highways: NO OBJECTION

Following my previous highway consultation response, dated 14th August 2019, the planning officer has confirmed that the site does lie within the adopted Housing Development Boundary. Given this, the earlier "in principle" highway objection to the scheme is overcome.

Given the scale of the proposed development, the presence of a 20mph speed limit on Bath Hill at this location and a lack of road traffic accidents (resulting in personal injury), on the road, the highway authority would not object to the use of the established farm access being used to serve a single residential dwelling.

In summary, the highway authority no longer objects to the planning application, although conditions in respect of Parking provision being attached to any approval given.

B&NES Landscape Officer: No objection subject to conditions

In response to the information submitted the Landscape officer commented as follows:

The development proposals would involve the construction of a two storey, three bedroomed detached house.

The site lies within the Green Belt and the Cotswolds Area of Outstanding Natural Beauty and in past landscape development management consultation responses I have objected to the development because of the materials proposed and the lack of screen planting. However I consider that the proposed change in materials together with the proposed tree and hedge planting would provide adequate mitigation for the developments adverse landscape impact.

I therefore have no objection to the proposals subject to conditions being applied to any future planning permission for the development with regard to the submission, approval and implementation of detailed hard and soft landscape proposals.

The amended plans have not resulted in any further comments being made.

B&NES Contaminated Land Officer: No objection subject to condition

Taking account of the sensitive nature of the proposed development (residential), it is recommended that a condition in respect of reporting of unexpected contamination is attached to any permission granted.

In addition an advisory note in respect of a Desk Study and Walkover is necessary.

Wessex Water: Comment

There are currently no surface water drainage plans available to view. Surface water must be disposed of via the SuDS Hierarchy which is subject to Building Regulations.

One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution.

B&NES Trees- The following comments are based on a desk top assessment.

The application is supported by an Arboricultural report dated 27th November 2018 which incorporates an arboricultural impact assessment and heads of terms for an arboricultural method statement based on the information available to the Arboriculturalist at the time.

In general the contents of the tree survey are agreed and no objection to the proposed removal of the Eucalyptus tree to accommodate the proposal is raised. The report also includes tree works to a Cherry identified as T13 within the tree schedule. Both trees are offsite so their retention or removal of the tree is not within the applicants' gift.

Whilst I have no objection to the works it highlights that the position of the building and occupants will be in conflict with these trees which is also referred to within the 11.7 of the Arboricultural report.

The applicant is advised that whilst they are able to abate the nuisance of overhanging branches or roots growing across the boundary, equally they also have a duty of care. The removal of roots or pruning of branches may shorten the life of the tree or lead to instability. The applicant may be liable for any consequences resulting from their actions.

Therefore conditions in respect of the need for a Detailed Arboricultural Method Statement with Tree Protection Plan and compliance with the statement and plan are necessary.

B&NES Ecology: No objection subject to conditions

An updated Ecological Method Statement was submitted in response to concerns raised by the council's ecologist. In the light of this additional information no objection to the proposal has been raised although conditions in respect of Implementation of Ecological Method Statement, submission of an Ecological Mitigation Follow-up Report and Restricted External Lighting.

12 Letters objecting to the proposal have been received. The main issues raised are as follows:

- o No further housing needed in Wellow as adequate has been /is being built within 3 miles of the village.
- o This is green belt land
- o Site is next to the Conservation Area.
- o Extensive biodiversity exists; including protected and priority species. There are breeding slowworms, dormice, spotted and green woodpeckers, bumblebees, hedgehogs, badgers and bats using the area for feeding and as routes to roosts and nesting sites.
- o Extra light at night will adversely affect the bats.
- o This is not an infill site as it does not comply with the criteria stipulated for such plots.
- o The restrictive design of this two storey house, with a large number of access steps, makes it unsuitable for occupation by disabled or elderly people.
- o The design and materials are poor for this location.
- o The small garden space means it is unlikely to appeal to families.
- o The entrance at Bath Hill is not suitable for extra vehicle movement (in particular cars) given its proximity to another driveway, the 20mph pinch point and the lack of visibility due to the high banks and hedging there.
- o Impact on highway safety.
- o The proposed building will undoubtedly overlook a number of bungalows in Manor Close, impacting both light and privacy.
- o The building plot proximity to Manor Close bungalows is far too close.
- o Possible damage to adjacent trees.
- o No buildings on the site historically.
- o Historic permission restricted conversion of barns on adjacent site. The proposal is contrary to historic permission restrictions.
- o In addition in the draft HELAA 2018 document for BANES Council, on page 126 the retained land shown as WELL03 was assessed and deemed to be unsuitable for development as it is all located in Green Belt.
- o Providing drainage will be an issue as will dealing with run off
- o There is NO access road from Farm Lane to this proposed site
- o The track in from Bath Hill is also used by the Horler Family and their patrons to access their stabling facility. They have full right of way over this track from Bath Hill this must be protected.
- o The access from Bath Hill is only suitable for single lane traffic (as well as being over a footpath which runs along it).

- o Two parking spaces not enough the lane will get blocked.
- o Contrary to policy CP6 Environmental Policy.
- o Loss of hedgerow unacceptable
- o Details of the boundary treatment required.
- o Inadequate notification
- o Contrary to Policy D2. The proposed development does not respect local characteristic and architectural styles.
- o Site must be viewed by officers to appreciate the limitations of this site.

POLICIES/LEGISLATION

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

Development Plan for Bath and North East Somerset comprises:

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

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

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

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

D1: General urban design principles
 D2: Local character and distinctiveness
 D.3: Urban fabric
 D.5: Building design

D.6: Amenity

GB1: Visual amenities of the Green Belt

GB2: Development in Green Belt villages

NE2A: Landscape setting of settlements

NE3: Sites, species and habitats

NE6: Trees and woodland conservation

ST7: Transport requirements for managing development

SCR1: On-site renewable energy requirement

SCR5: Water efficiency

SU1: Sustainable drainage policy

LCR9: Increasing the provision of local food growing

National Policy:

The National Planning Policy Framework (NPPF) was published in 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The main issues in respect of this proposal are as follows:

- o The principle of the development;
- o Impact on the green belt and rural setting;
- o Impact on amenity;
- o Highways and parking;
- o Other matters such as drainage ecology

The principle of the development

The site which is a small triangular shaped plot is located just within the Housing Development boundary for Wellow.

Housing Development Boundaries continue to be defined for those villages washed over Green Belt villages in which infilling for housing development would be acceptable in principle. However, given the findings of the Court of Appeal Judgment the principle of development on the application site also needs to be considered in the context of NPPF, para 89 (now para 145). The matter rests on whether the proposal constitutes limited infilling in a village i.e. irrespective of the defined HDB whether the site is in the village and the proposal represents limited infilling.

The assessment needs to be made as to whether the proposal represents limited infilling in the context of the NPPF.

There is no definition of 'limited infilling' in the NPPF, para 302 of the Placemaking Plan defines 'infilling' as: The filling of small gaps within existing development e.g. the building of one or two houses on a small vacant plot in an otherwise extensively built up frontage. The plot will generally be surrounded on at least three sides by developed sites or roads.

This proposal for a single dwelling would undeniably fill a space between Manor Barn Farm and the development at Manor Close with Orchard Lea at a distance to the North West. Whilst the site is not within 'an otherwise extensively built up frontage' it does sit in a location with development in the form of houses and roads be they at a short distance away on at least three sides.

Therefore, in principle this site is appropriate for residential development. However, there are other considerations that need to be taken in to account in respect of this Proposal.

Design and impact on the green belt and rural setting

Wellow is a small linear village extending east-west along Bull's Hill, the High Street and West End, following the contours of the hillside. The village extends down Mill Hill to connect with the river. It enjoys a rural setting within the Cotswolds AONB.

The High Street comprises small cottages clustered around The Square and large buildings in generous plots. Many of the larger plots have been sub-divided. In the broad vicinity of the application site a modern scheme (Manor Close) has replaced former farm yards at the bottom of Bath Hill further contributing to the village's relatively dense grain.

The application site itself is on the north edge of the settlement with open agricultural land to its north. From the centre of the village the site is approached from Bath Hill. To the immediate south of the site is Manor Close which is a relatively densely developed small estate of bungalows. To the North and West are Orchard Lea, Bath Hill House and Weavers Farm Bungalow which are all residential properties set in large plots. The lane is rural in character edged by trees walls and high hedges once you have passed the entrance to Manor Close.

To the East of the site is Manor Farm Barn is a barn converted into a house and to the North East of the site are farm buildings associated with Manor Farm. The site is set away from Wellow village centre but has a road and residential development on three sides and at a distance on the north side (fourth side).

A Landscape and Visual Assessment was carried out, of this site and adjacent land by the council, as part of a larger proposed site and in association with a HELAA. This assessment concluded that it may be possible to develop a small portion of the western end of the site in the form of a single detached dwelling or a terrace of smaller dwellings. This area being the area which now forms this application site. It was highlighted that any development must maintain the current line of the Public Rights of Way and avoids encroachment within the Root Protection Areas of the existing trees. It would also need to include substantial planting on the sites northern boundary in order to mitigate adverse impacts on the visual amenity of the Green Belt and the Natural Beauty of the AONB.

Therefore, no objection in principle to development in this specific section of the larger site was raised by this assessment (on landscape and visual grounds) providing that the proposal would not have an adverse impact on the landscape/townscape character of the area or on views.

When this scheme was first submitted concerns were raised by Officers in respect of the impact the proposal would have on the rural setting and in order to address these concerns additional information has been submitted. Further concerns were raised by Officers in respect of the design of the proposed dwelling and in order to address these concerns the design of the dwelling has been changed and amended. Information in respect of the character of the surrounding area and village of Wellow has been submitted. The proposed materials have been changed from those initially submitted to a schedule of materials which reflect the palette of materials used within the village. In order to address concerns in respect of the impact the development may have on views towards Wellow from the North East tree and hedge planting is proposed to the North East to provide adequate mitigation for the developments landscape impact. Subject to conditions being applied to any planning permission in respect of the need for the approval and implementation of detailed hard and soft landscape proposals the scheme is seen to be acceptable.

The design of the proposed dwelling is relatively simple. The dwelling is modest in mass and bulk with a pitched roof form and due to the topography of the site the dwelling is set down thus keeping the overall height of the property low. The fenestration details are simple and the property is orientated so that it looks out primarily to the North East. Given the limited views of the development as a two storey dwelling the simple form and appearance is considered to be unobtrusive and appropriate in this rural setting.

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

The proposed development does not represent inappropriate development in the green belt and it would not be harmful to openness or the purposes of including land within the green belt. The proposal accords with policy CP8 of the adopted Core Strategy and policy GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Impact on amenity

The proposed dwelling will be in close proximity to the bungalows in Manor Close and it is noted that these properties have small garden areas being close up to the boundary with the proposed site.

The site is at a slightly higher level than the bungalows and given the restricted size of the site the development has to sit in relatively close proximity to the bungalows in Manor Close.

The agent has addressed this relationship in the design of the proposal by setting the floor level of the property down.

The built form will start 5m within the site, the dwelling elevation being 7.25m from the rear southern boundary. The adjacent properties have garden areas that are 5m in depth. The built form closest to the site will be a small amenity area on the south side of the dwelling below ground level. The roof form slopes away from the properties in Manor Close. The maximum height of the proposed dwelling will be 6.5m high. Given that the dwelling is set down in the site the ridgeline of the proposed dwelling will be 2.7m higher than the properties in Manor Close and the ridge line will be at a distance of 16m from these adjacent properties.

Therefore the largest element of the scheme will be located on the North side of the bungalows in Manor Close at a distance of 16m. The impact that this built form will have on the amenity of these properties it not considered to result in a loss of light or be excessively overbearing given the existing relations ship between the properties. A fence and hedge are proposed along the boundary between the properties in Manor Close and the site. A close board fence of 1.8m height is indicated. Behind this fence planting is indicated. At present the boundary to the site is heavily vegetated with a mature hedge. This hedge rises substantial at the rear of the gardens of the properties in Manor Close. It should be noted that the applicants are able to erect a fence of this height along this boundary without the need for planning permission. Whilst a fence in this location at a higher level than the gardens of the properties will have an impact on their outlook the existing hedge is seen to have a similar impact on the light at present enjoyed by these residents. This boundary treatment is not considered therefore to warrant refusal of this application.

The lower floor of the proposed dwelling has been created below the existing ground level and as such the two storey element of the scheme will only be readily visible from the northern/north eastern (open countryside) side.

Given the limited size of the site and the need for parking provision the proposed dwelling has limited amenity space. However in the absence of standards in respect of amenity space and given the open outlook from the site to the North East and West this limited amenity space is not seen to be a matter that would warrant refusal of this application.

There are no windows in the southern elevation of the proposed dwelling at first floor level which would result in the overlooking of adjacent properties. The roof lights to the side element closer to Manor Close are in the roof slope and therefore would not result in overlooking.

Whilst it is recognised that the proposed dwelling is in close proximity to the neighbours in Manor Close the impact that the proposal will have on the amenity of the adjacent residents is not seen to justify refusal of the proposal on this basis.

Therefore, given the design, scale, massing and siting of the proposed development the proposal is not considered to cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, or other disturbance. The proposal is seen to accord with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Highways and parking

Given the scale of the proposed development, the presence of a 20mph speed limit on Bath Hill at this location and a lack of road traffic accidents (resulting in personal injury), on the road, the highway authority would not object to the use of the established farm access being used to serve a single residential dwelling.

The highway engineer no longer objects to the planning application, although conditions in respect of parking provision are considered necessary and should be attached to any approval given.

There is no objection to the proposed parking levels that would serve the development, and information has been submitted with the application to demonstrate that the visibility splays at the access point are appropriate for the local speed limit of Bath Hill.

As a footpath is routed close to the site, the PROW officer has recommended an informative be attached to any permission to ensure the footpath is retained not damaged. The applicants have confirmed that they own the access to the site. The vehicular movements associated with this single dwelling are likely to be low and the PROW is of sufficient width for pedestrians not to be impacted on by vehicles. The access is straight and therefore, it is unlikely that there will be a conflict between pedestrians and vehicles as any approaching vehicle will be in clear sight of any pedestrians.

Concerns have been raised that the proposal will result in a conflict between users of the access. The proposal is of a modest scale and the Highway Engineer considers the use of this access by the occupiers of a single unit will not have a detrimental impact on highway safety.

In summary, whilst the highway engineer did object to the proposal, it is accepted that as a site within the HDB the scheme would not be refusable on the grounds of being in an isolated location remote from services, employment opportunities and being unlikely to be well served by public transport, which is the key aims of Policy ST.1 of the Bath & North East Somerset Placemaking Plan (adopted July 2017).

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

Other matters drainage /ecology/trees/Conservation Area

The site is adjacent to the Conservation Area but not within it. There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of conservation areas. Given the proximity of the Conservation Area it is necessary for the impact on the

setting of the Conservation Area to be considered. In this location particularly given the nature of the development in Manor Close which is in close proximity to the site, the proposal as amended is seen by virtue of its design, scale, massing, position and materials to at least preserve the character and appearance of the setting of the Conservation Area. In this respect the proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

In the light of comments from Wessex water and the Councils drainage engineer conditions and informatives in respect of drainage needs must be attached to any permission and the applicant has agreed to a pre commencement condition in respect of this matter.

Concerns were raised in respect of the identification of the site and in the light of these concerns a new identification and address was allotted to the application as agreed with the agent and subsequently neighbours were re-notified.

An updated Ecological Method Statement was submitted in response to concerns raised by the council's ecologist. In the light of this additional information no objection to the proposal has been raised although conditions in respect of Implementation of Ecological Method Statement, submission of an Ecological Mitigation Follow-up Report and Restricted External Lighting.

The tree survey submitted is considered reasonable but in order to ensure the protection of trees adjacent to the site pre commencement conditions are considered necessary in respect of the need for a Detailed Arboricultural Method Statement with Tree Protection Plan and compliance with the statement and plan are necessary.

Sustainability check list-The details submitted indicate a Tracks 2 and 4: Percentage CO2 reduction from all measures of 19.08% the requirement being at least 19% $(A-B)/A*100$.

The unit has an amenity area and therefore, has provision for the storage of bins.

Where new dwellings are proposed rainwater harvesting facilities are required. A condition requiring the provision of rainwater butts for rainwater harvesting within the site is necessary.

Food growing provision is also required and given that the proposed dwelling will have a small garden space food growing is possible within the site.

In respect of the above the proposal is seen to comply with policies SCR5: Water Efficiency and LCR9: Increasing the Provision of Local Food Growing.

It should be noted that the agent has agreed to pre commencement conditions as considered necessary.

In summary the site is primarily just within the housing development boundary. The built form has been designed to minimize the impact on the adjacent neighbours through its orientation mass, bulk and scale and landscaping has been proposed to reduce the visual

impact on this relatively modest building as seen from the open countryside to the north. The proposal subject to conditions is recommended for permission.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

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

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

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

4 Ground investigations (precommencement)

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with BRE Digest 365 have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

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

5 Reporting of Unexpected Contamination (Compliance)

In the event that unexpected contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Unexpected contamination may be indicated by unusual colour, odour, texture or containing unexpected foreign material.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 and 15 of the National Planning Policy Framework.

6 Landscaping scheme (Prior to first occupation)

No occupation shall commence. Until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: to ensure the provision of an appropriate landscape setting to the development in accordance with policies NE2, NE6 and GB1 of the Bath and North East Somerset Local Plan.

7 Implementation of landscaping scheme (Compliance)

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

Reason: to ensure that the landscape scheme is implemented and maintained in accordance with policies NE2, NE6 and GB1 of the Bath and North East Somerset Local Plan.

8 Implementation of Ecological Method Statement (compliance condition)

The development hereby approved shall be carried out only in accordance with the measures described in the Updated Ecological Method Statement v2 dated 8th August 2019. All such measures and features shall be retained and maintained thereafter for the purposes of providing wildlife habitat.

Reason: to avoid harm to protected species including reptiles; avoid net loss of wildlife habitat, and to provide biodiversity gain in accordance with NPPF and Local Plan Policies NE3 and D5e.

9 Ecological Mitigation Follow-up Report (pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist and based on site visit/s and follow-up inspection, confirming and demonstrating with photographs, completion of all measures described in the Ecological Method Statement, has been submitted to and approved in writing by the Local Planning Authority. All such measures and features shall be retained and maintained thereafter for the purposes of providing wildlife habitat.

Reason: to avoid harm to protected species, avoid net loss of wildlife habitat and to provide biodiversity gain in accordance with NPPF and Local Plan Policies NE3 and D5e.

10 External Lighting (Bespoke Trigger; remains in force)

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

Reason: to avoid harm to bats and other wildlife and in accordance with policy D8

11 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

12 Water Efficiency (Compliance)

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

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

13 Arboricultural method statement (Pre commencement)

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, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

14 Development in Compliance with Arboricultural Method statement.(bespoke trigger)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. A signed certificate of compliance with the statement for the duration of the development shall be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion and prior to the first occupation of the dwelling.

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan.

PLANS LIST:

010, PL01A, PL02B, PL03D, PL04D, PL05D, PL06B, PL07D PL08C and PL09

Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at

www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Advisory Note - Desk Study and Walkover

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

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

The applicant is advised that should the proposals require new connections to the public foul sewer, notes and application forms can be found on the Wessex Water website.

There are currently no surface water drainage plans available to view. Surface water must be disposed of via the SuDS Hierarchy which is subject to Building Regulations. One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution.

The applicant is advised that it is an offence against the landowner to drive a mechanically-propelled vehicle along a footpath without lawful authority.

Community Infrastructure Levy

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

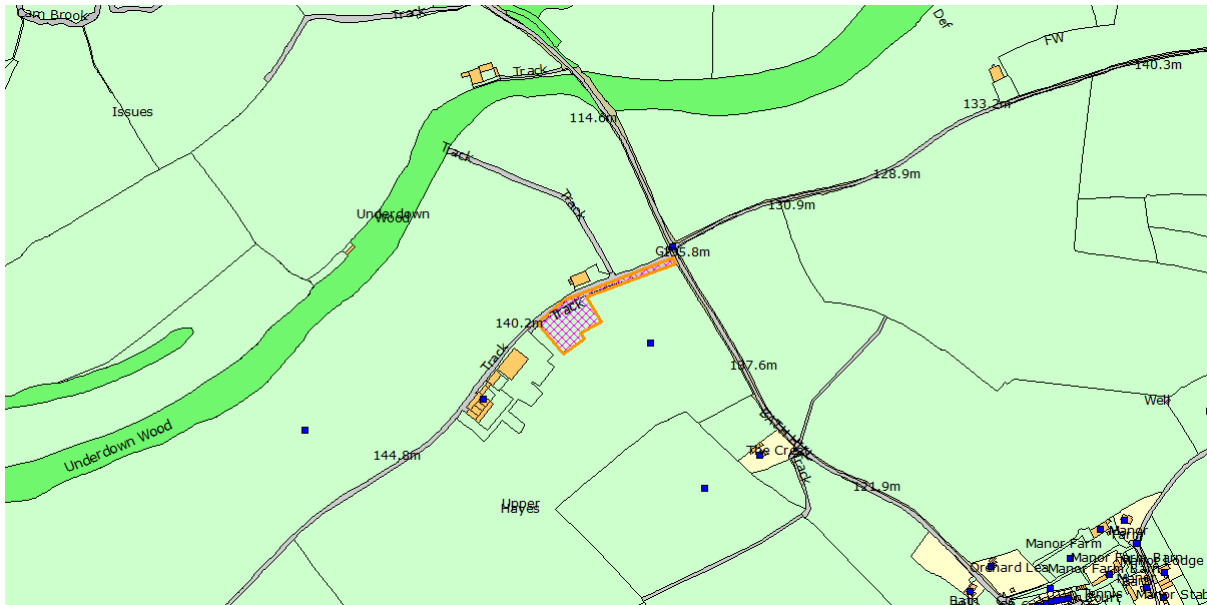
Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Permit/Consent Decision Making Statement

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

Item No: 06
Application No: 19/04187/FUL
Site Location: Parcel 3573 Bath Hill Wellow Bath



Ward: Bathavon South **Parish:** Wellow **LB Grade:** N/A
Ward Members: Councillor Neil Butters Councillor Matt McCabe
Application Type: Full Application
Proposal: Erection of a Farmhouse (with agricultural tie).
Constraints: White Ox Mead Air Strip 3km buffer, Agric Land Class 3b,4,5, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones,
Applicant: Rex & Jean Horler
Expiry Date: 24th December 2019
Case Officer: Chloe Buckingham
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

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

Approval for a building has been granted in the past and the applicant should be given the opportunity to put their case in the public domain.

DESCRIPTION OF SITE AND APPLICATION:

The site is located close to the village of Wellow but outside of the housing development boundary within designated Green Belt land in the open countryside.

The existing farm house associated with the agricultural holding is located within the centre of Wellow. In 2004 an agricultural dwelling was permitted on the site without the ancillary holiday accommodation units, however this dwelling has not been built to meet the need of the agricultural holding. The Council acknowledge that trenches have been dug on site however it has not been confirmed that development started within the life of the permission i.e. with the submission of a lawful development application.

The application relates to the erection of a two storey farm house with an agricultural tie.

Relevant Planning History:

DC - 03/02484/OUT - APPROVE - 6 February 2004 - Agricultural dwelling

DC - 05/02118/RES - PERMIT - 12 August 2005 - Two storey agricultural dwelling.

DC - 16/02151/FUL - WITHDRAWN - 17 March 2017 - Erection of a two-storey farmhouse (with agricultural tie) and 6 no. attached single-storey holiday accommodation units.

DC - 18/04094/FUL - WITHDRAWN - 5 February 2019 - Erection of a Farmhouse (with agricultural tie) & 6 Units of Holiday Accommodation as Farm Diversification.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS:

Wellow Parish Council: Support;

It is considered that the proposal satisfies the criteria for Policy RE4 Essential dwellings for rural workers (B&NES Adopted Placemaking Plan 2017) and is therefore acceptable development in the Green Belt. The case for a worker to live on site due to the fact that the suckler herd calve throughout the year was deemed strong and could also deter or reduce farm theft from the nearby barns.

The proposed dwelling is fairly modest compared with the 5 bedroom farmhouse that received consent in 2007 and without the 6 holiday units the proposal has a much decreased impact upon the landscape.

To mitigate the impact on the landscape character and Green Belt, a garden designed to reflect the rural setting would be preferable.

In terms of sustainability the proposed solar panels and other energy saving measures are welcomed especially if the panels are of the in-roof type thus lessening the visual impact on the landscape. Also, that a ground or air source heat pump system is installed rather than an oil-fired system.

Highways: No objection subject to one condition.

Contaminated Land: No objection subject to one condition and an advisory.

Drainage and Flooding: No objection.

Landscape: Objection- not acceptable in current form.

Ecology - comments from 2016 - No objections subject to conditions

Fox Rural Consultants: Objection.

Third party comments: 1 support comment received. The main points being:

The unpredictable nature of calving cows needs round the clock care. Beef animals are unpredictable and dangerous to work with.

POLICIES/LEGISLATION

POLICIES:

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

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

Relevant Core Strategy Policies:

- o CP6 - Environmental Quality
- o CP2 - Sustainable construction
- o CP8 - Green Belt

Supplementary Planning Documents: Existing Dwellings in the Green Belt SPD (October 2008)

Relevant Placemaking Plan Policies:

- o D1 General urban design principles
- o D2 Local character and distinctiveness
- o D3 Urban Fabric
- o D4 Streets and Spaces
- o D5 Building Design
- o D6 Amenity
- o D8 Lighting
- o ST1 Promoting sustainable travel
- o ST7 Transport Access and Development Management

- o GB1 Visual Amenities of the Green Belt
- o GB2 Development in Green Belt Villages
- o GB3 Extensions and Alterations to buildings in the Green Belt
- o HE1 Historic Environment
- o NE3 Protected Species
- o NE5 Ecological networks
- o NE6 Trees and Woodland
- o RE4 Agricultural Worker's Dwellings
- o RE6 Re-use of Rural Buildings

LEGAL FRAMEWORK

- o Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK, FEBRUARY 2019

NATIONAL PLANNING PRACTICE GUIDANCE

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

DESCRIPTION OF APPLICATION:

It is noted that permission was given in 2005 for a two-storey agricultural worker's dwelling under application 05/02118/RES. Policy RE4 of the Placemaking Plan (2017) restricts new rural worker's dwellings in the countryside to a size which is relative to the functional requirements of the business. Within the original application an independent rural consultant was appointed to look at the viability of the business and the need for a dwelling of this size. It was considered in the previous rural assessment that there was no essential need for the provision of an agricultural worker's dwelling at The Hayes.

The applicant has submitted a supplementary agricultural appraisal prepared by Killens to try to overcome the previous issues.

PRINCIPLE OF DEVELOPMENT- GREEN BELT AND RURAL WORKER'S DWELLING:

Paragraph 145 of the NPPF (2019) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are (amongst other things) buildings for agriculture and forestry. Paragraph 83 of the National Planning Policy Framework (NPPF) states that local planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses.

Paragraph 79 of the NPPF goes on to explain that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more circumstances apply including where

a) "there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside"

Policy RE4 of the Placemaking Plan explains that new dwellings will not be permitted outside a Housing Development Boundary in the open countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside and where it can be demonstrated:

- i) there is a clear functional need for the worker to live on the holding;
- ii) the business is financially viable
- iii) the need for the accommodation is for a full time worker;
- iv) the functional need could not be fulfilled by another existing dwelling in the holding or other existing accommodation in the area or through the re-use of an existing building in the holding;
- v) such dwellings are sited within a hamlet or existing group of buildings and are restricted in size relative to the functional requirements of the business; and
- vi) occupancy will be restricted to rural workers.

Fox Rural Consultants have submitted an assessment of the need for the agricultural workers dwelling.

As explained within the report submitted by Fox Rural Consultants, the most frequent reason for a functional need for a rural worker to be permanently based on a site is so that there is somebody experienced to be able to deal quickly with emergency animal welfare issues that are likely to arise throughout the majority of the year and during the middle of the night eg) calving cows.

It has been explained that during the farming year, the majority of livestock husbandry duties involving housed animals would be routine such as handling, sorting, feeding, checking, and treating, which in any case would be carried out during the working day, with a check first and last thing. However, during calving time there will be need for extra vigilance and frequent observation, which will require some attendance outside normal working hours. In some cases, calving will need to be assisted, and where necessary a vet might need to be called out. There will also be after birth care for calves in some cases which again might well involve out of hours presence.

Although there is calving throughout the year it must be noted that during 2017 there were only 4 months where there was more than 6 calvings in a month. The report by Fox Consultants refers to a recently dismissed and comparable BANES appeal case namely, New Barn Farm, Norton Lane, Whitchurch, Bristol BS14 0BU (Ref: APP/F0114/W/17/3168256), which was as a result of a refusal of an application for an agricultural worker's dwelling (16/02942/OUT). Whilst the current application must be assessed on its own merits, the New Barn Farm is a material consideration in so far as it relates to the application of the policy. In the New Barn Farm case the appellant's farming partnership ran a herd of c80 plus suckler cows and c200 ewes and there were 2 family dwellings in a nearby village c1mile away. The inspector noted that there was a core

period of calving and lambing and although he recognised that there was lambing outside this and calving throughout the year his view was that there was no functional need to be on site throughout the year due to the situations not being sufficiently "numerous or frequent". Below is paragraph 17 of the inspector's decision.

"Accordingly, while I accept that there will be times where a worker may need to be present on site outside the Core Period to attend to animal welfare needs, there is little evidence which would demonstrate that these situations are sufficiently numerous or frequent that they would require a permanent on-site presence. Furthermore, it is clear from the evidence that the farm business has operated successfully for a considerable period of time without the need for a worker to be permanently based on site. The appellants have not provided any information which would indicate that this arrangement has impacted negatively on either animal welfare or the efficient running of the farm. I am therefore not persuaded that there is an essential need for a worker to be permanently present on site throughout the year on animal welfare grounds."

Comments received with this application have explained that the unpredictable nature of calving cows needs round the clock care and that beef animals are unpredictable and dangerous to work with. However, the Fox Consultants' report explains that in the case of Weavers Farm, and looking at the level of calving over the whole year, there is no functional need for there to be somebody permanently based within convenient access of where the cows calve, due to such occurrences being insufficiently numerous or frequent when looking across the year.

The report goes on to explain that; 'Where sites are isolated and a good drive away from where the farmer/stockman lives, some farming businesses station a touring caravan to be stationed close to the calving area which can prove a useful facility, if say it is considered prudent to check on a cow during the night due to her showing signs of imminent calving that evening. It should also be noted that suckler cows are hardy beasts and frequently calve unaided and without any complications.'

The report explains that; 'Despite an all year-round functional need being in doubt, it would certainly be prudent for there to be somebody within convenient access of where the cows calve. This does not translate to the cows needing to be within 'sight and sound' of somebody however, that person should ideally be within easy walking distance or a short journey in a vehicle. Lastly it should be emphasised that up to 90 cows have been calving at Weavers Farm for some time with nobody living beside the buildings at The Hayes.'

The independent rural consultant has also explained that security is always an issue with farms or indeed any rural based business with facilities and stored equipment, especially when there is nobody living onsite. It can be a factor when considering the functional need, but only limited weight can be given other than in exceptional circumstances. There are ways of making sites more secure, and in this case the applicants have the option to store the more valuable/vulnerable equipment on land or in buildings close to where they live. Therefore, it is not considered that there is a functional need for there to be somebody living on site beside the buildings at The Hayes.

The report explains that the management of the cattle enterprise would justify at least two full time workers. An agricultural workers dwelling cannot be considered essential unless the enterprise on which the proposed essential need is based is likely to continue into the

foreseeable future, which in turn is reliant on the enterprise being able to survive financially. A commonly utilised viability benchmark is a requirement to meet the cost of the required worker(s) based on the minimum agricultural wage with ideally surplus to enable reinvestment. The accounts for the years ending 2016 and 2017 which have been viewed as a part of the report indicated a level of profit that would cover such a requirement; in this respect the application is acceptable.

Criteria iv) of Policy RE4 is in relation to whether there are any suitable existing dwellings or if there are any buildings available to re-use. The report explains that there are three dwellings that are owned by members of the partnership. All three dwellings are from c900m to 1000m from the farm buildings at The Hayes, which equates to a 2-minute drive or a 12-minute walk using standard figures. Therefore, if a check last thing showed that there was a cow that was likely to calve on a particular night then due to the proximity of the dwellings there would be a range of options available to the person responsible, which would include staying with the cow, or going home and setting an alarm with a view to taking another check later. These dwellings are considered within easy/convenient access for the purpose of monitoring cows close to calving. In addition, two of the dwellings are adjacent to land which could potentially be used as calving paddocks, with buildings that could potentially be made available during inclement weather. As such it is considered that the proposal does not comply with policy RE4 of the Placemaking Plan (2017).

CHARACTER AND APPEARANCE:

The farmhouse is a detached two-storey three bedroomed house, with access, parking, garaging/carport for three cars and associated hard and soft landscaping. The site lies at approximately 140m AOD at the top of the ridge which separates the Cam Brook Valley to the north from the Wellow Brook Valley to the south.

The proposed dwelling lies within the Green Belt and is on the boundary of the Cotswolds Area of Outstanding natural Beauty which runs along the Bath Hill Road approximately 175m to the east of the site. A public footpath runs along the track just to the north of site (PROW BA25/38) though views from it to the site are mostly screened and filtered by the intervening hedgerow. However, clear and open middle distant views to the site are possible from a footpath to the south west of the site (PROW BA25/13 see figure 1). Framed views from gated access points on the west side of Bath Hill to the field in which the dwelling would be situated are also possible (see figure 2). Finally distant views from footpaths and dwellings on the rising southern slope of the Wellow Brook valley to the south of the site may also be possible.

It is considered that the proposed dwelling and its associated hard and soft landscaping would have an appearance and form that has more in common with a substantial detached suburban residence than a traditional rural farmhouse and the proposed mix of natural stone, render and timber cladding is also not considered to complement the rural character of the area. Furthermore, the raised rooflights on the single storey element serving the dining room are considered to be awkward and to further detract from the rural character of the area. The scheme is not considered to conserve or enhance local landscape character, features, local distinctiveness and views.

It is considered that the siting, design and materials proposed for the proposed dwelling would prejudice rather than enhance the visual amenity of the Green Belt; the extensive

garden proposed would have an adverse impact on local rural landscape character and Green Belt Policy; and the proposed development would neither conserve nor enhance local landscape character, landscape features, local distinctiveness or views or adequately mitigate any adverse impact on landscape. The scheme would therefore, be contrary to policies GB1, NE2B, NE2, D2, D4 and D5 of the Placemaking Plan (2017).

PLANNING OFFICER'S ASSESSMENT OF HIGHWAY IMPACTS:

It is noted that it is important that the access route to the property is of a suitable standard and that width is allowed for passing traffic. The arrangements shown in Drawing L5789 /104 have been considered, and it is considered that this would be an acceptable layout.

A condition has been recommended requiring that the access amendment scheme shall be implemented as part of any development, and that this should be completed before the property is occupied. Had permission been recommended such a condition could have been imposed.

RESIDENTIAL AMENITY:

There are not considered to be any significant negative implications regarding residential amenity for the proposed property or for any neighbouring dwellings due to the distance between the site and neighbouring properties. Furthermore, the amount of outside amenity space leftover for all dwelling is also considered sufficient. Whilst the scheme is compliant with Policy D6 of the Placemaking Plan, this is not seen to overcome the issues as identified above.

ECOLOGY:

No information is submitted in relation to ecology for this proposal. The site is located on improved agricultural land. From aerial photography, it appears not to support or lie immediately adjacent to habitats or features with ecological value, such as trees, hedgerows, ponds or unimproved grassland. The land is however likely to be used by wildlife including, potentially, nesting birds and reptiles. Whilst it is not considered that the risks to wildlife are significant it would be appropriate for any development here to utilise precautionary working methods during site preparation and clearance, eg reduce vegetation in stages and remove, and to incorporate features and habitat into the new development for example through provision of new wildlife-friendly planting, and incorporating features to benefit wildlife such as bird and bat boxes. Sensitive lighting would also be expected. Had permission been recommended conditions dealing with sensitive lighting and wildlife protection and enhancement could have been imposed.

SUSTAINABILITY:

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

Policy SCR5 explains that all dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency being 110 litres per person per day.

Rainwater harvesting or other methods of capturing rainwater for use by residents eg) water butts will be required for all residential development. Had permission been recommended a condition securing compliance could have been imposed.

SUSTAINABLE CONSTRUCTION:

The application has a completed sustainable construction checklist which is compliant with Policy CP2 of the Core Strategy (2014).

CONCLUSION:

This application is contrary to development plan policy for the reasons set out above. The development offers some public benefit including the provision of an additional dwelling to housing supply as well as construction sector benefits but given the scale of the development these benefits are only afforded very limited weight. The application is contrary to the development and there are no overriding material considerations indicating that a decision other than refusal ought to be taken. It is recommended therefore that permission be refused.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 There is no functional need for a worker to be on site throughout the year due to the situations requiring attendance not being sufficiently numerous or frequent. Furthermore, there are three dwellings within the ownership of the applicants which are in close proximity to the site; had a functional need been established it is considered that these would have fulfilled that need. The scheme is contrary to criteria i) and iv) of Policy RE4 of the Bath and North East Somerset Placemaking Plan (2017) and paragraph 79 of the National Planning Policy Framework (2019).

2 The siting, design and materials for the proposed dwelling would have an adverse impact on the visual amenity of the Green Belt; the extensive garden proposed would have an adverse impact on local rural landscape character and visual amenities of the Green Belt; and the proposed development would neither conserve nor enhance local landscape character, landscape features, local distinctiveness or views or adequately mitigate any adverse impact on landscape. The scheme would therefore, be contrary to policies GB1, NE2B, NE2, D2, D4 and D5 of the Bath and North East Somerset Placemaking Plan (2017).

PLANS LIST:

This decision relates to plan references;

L5 789 103A and L5 789 104 received 24th September 2019.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Community Infrastructure Levy

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