

Bath & North East Somerset Council

MEETING:	Development Control Committee	AGENDA ITEM NUMBER	<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div>
MEETING DATE:	13 June 2007		
RESPONSIBLE OFFICER:	David Trigwell, Assistant Director Planning and Transport Development (Telephone: 01225 394125)		
TITLE:	APPLICATIONS FOR PLANNING PERMISSION		
WARDS:	ALL		
BACKGROUND PAPERS:			
AN OPEN PUBLIC ITEM			

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BACKGROUND PAPERS

List of background papers relating to this report of the Head of Planning Services about applications/proposals for Planning Permission etc. The papers are available for inspection at Trimbridge House, Trim Street, Bath BA1 2DP.

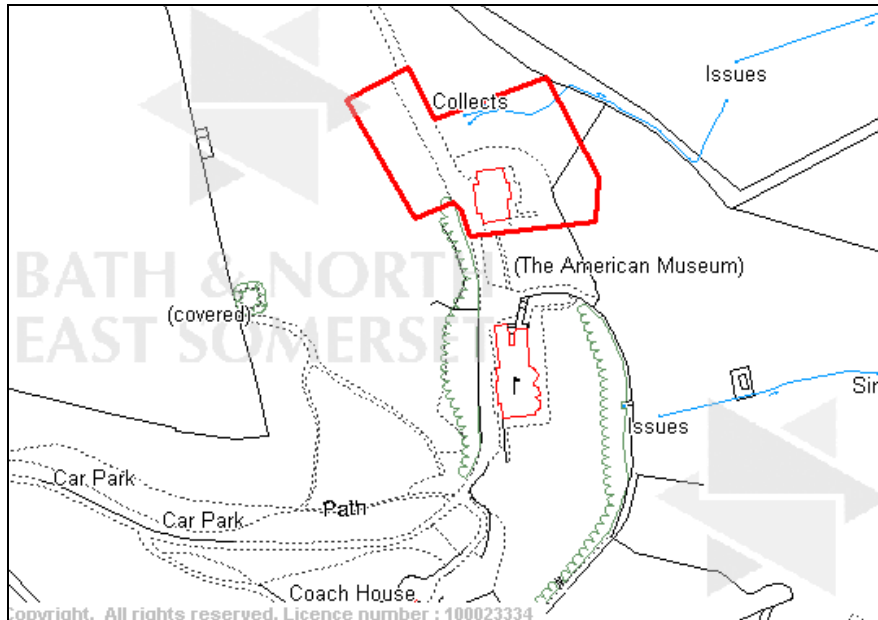
- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this 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 Health and Consumer Services
 - Transport, Access and Waste Management
 - Planning Policy, Environment and Projects
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Health and Safety Executive
 - (v) British Gas
 - (vi) Historic Buildings and Monuments Commission for England (English Heritage)
 - (vii) Royal Fine Arts Commission
 - (viii) Department of Environment, Food and Rural Affairs
 - (ix) Nature Conservancy Council
 - (x) English Nature
 - (xi) National and local amenity societies
 - (xii) Other interested organisations
 - (xiii) Neighbours, residents and other interested persons
 - (xiv) 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 Local Plan (adopted June 1997), or the Bath and North East Somerset Local Plan (including waste and minerals policies) to be modified 2006

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.

REPORT ON APPLICATIONS TO BE DETERMINED

Item No: 01
Application No: 06/03038/FUL
Site Location: American Museum In Britain, Claverton Manor, Claverton Hill, Claverton



Ward: Bathavon North **Parish:** Claverton **LB Grade:** I

Application Type: Full Application

Proposal: Erection of new education building adjacent to New Gallery, with external works to existing staff park and associated tree works and landscaping.

Constraints: Area of Outstanding Natural Beauty, Bat Zone, Greenbelt, Parks and Gardens of Historic Interest, Historic Parks and Gardens,

Applicant: Mr Julian Blades

Expiry Date: 24th October 2006

Case Officer: Clive Smith

RECOMMENDATION

Authorise the Head of Planning Services to PERMIT subject to condition(s)

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

This is a major application of local importance which raises significant planning policy issues in a sensitive context.

DESCRIPTION OF SITE AND APPLICATION:

The American Museum in Britain occupies the Claverton Manor Estate which is situated high up the western Avon Valley side above Claverton Village beyond the eastern outskirts of Bath. The Grade 1 listed Manor and other buildings sit in an extensive

woodland setting interspersed by formal landscaped gardens including an Arboretum. The Manor was acquired for the American Museum in Britain in 1959 and houses an extensive collection of the Decorative Arts from early American culture and opened to the public in 1961. The main vehicular access to the site is via the Avenue and lane which connects the University on the plateau of Claverton Down with Claverton Village. Warleigh Woods occupy much of the eastern Avon Valley side.

Approximately 100 m. to the north of the Manor is located the New Gallery building which was constructed in 1986-1988 and a staff car park extends north westwards from the New Gallery into the wooded slope. To the south of the Manor lie The Arboretum, George Washington Garden and Stables and Cutting Garden. The Visitor Car Park and entrance off the lane lie well west of the Manor in a wooded setting.

This is one of three concurrent applications relating to the American Museum site; the other two (extension to the existing Orangery Restaurant (06/03035/FUL) and formation of an Alternative Staff Car Park (06/03039/FUL)) are under consideration at present.

This application seeks permission for a new educational building sited 2 - 6.5 m. north of the existing 1980s Gallery Building. The proposed educational building would only be attached to the side of the Gallery by a single wall and short roof at the Gallery's ground floor level but there is no link proposed between the Gallery and the new building which would function as a free-standing building. The proposed development would result in the loss of part of the existing woodland trees as set out in the arboricultural and landscape submissions.

The educational building would be set on three levels into the valley side comprising: a lower walkway terrace below the projecting main educational floor above; a ground level similar to the ground floor level of the Gallery housing the main educational rooms, office, plant room and toilets and an upper level equivalent to the first floor of the Gallery housing a central covered lobby with open air veranda and terrace (part comprising a 'reflecting pool') around this lobby partially sheltered by glass canopies. A new walkway at the upper level on the western side of the building would also be formed providing access to the car park and woodland trails and on the northern side there would be steps to the middle level.

The proposed building would be some 11 m. high (some 4 m. lower than the Gallery) and would be set at an angle facing east-north-east compared with the existing eastward facing Gallery and project some 6-7 m. forward of the eastern (valley side) elevation of the Gallery. The footprint of the new development comprising the new building and associated walkways (but excluding the link to the Gallery) would be approximately 23x33 m.

The proposed educational building is of modern design capped with flat glass roof canopies and incorporating extensive areas of glazing on the upper levels of the eastern elevation; the middle level glazing would be externally curtained by pivoting timber shutters and the upper level glazing would have oak louvres. The northern side wall would be faced in random coursed split faced stone. The building would incorporate energy and carbon efficiency measures and some sustainable materials as set out in the submitted Sustainability Statement.

The existing apron and grass bank fronting the Gallery would be re-landscaped into a formal terrace linked by steps to the lower level walkway fronting the new Educational Building.

The existing staff car park to the west of the proposed Educational Building would be retained with improvements to the gravel surface and surface drainage.

The application is supported by a Design Report, Sustainability Statement, External Lighting Proposals, CAD visualisations, Landscape Design and Management Strategy (revised April 2007), Arboricultural Implications and Method Statements and Tree Protection Plan, Preliminary Ecological Appraisal and 10 Year Projects Report.

CONSULTATIONS & REPRESENTATIONS

ENGLISH HERITAGE: Recommend that the issues below are addressed and recommend that the application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

The proposal site is set within Claverton Manor which is included in the Register of Parks and Gardens of Special Historic Interest at Grade II. The Scheme needs to be considered in terms of the impact on the setting of the listed building and the registered park.

It is noted that the new education building is proposed in a similar location to that previously approved. It is considered that in the light of the previous permission the principle of a new building in this location does not raise concerns. Clarification of the treatment to the south boundary terrace and a full understanding of the evening and night-time impact is an important consideration.

The Landscape Management Plan is an important element of the current proposals and the future management and development of the site as a whole. If the Council is minded to approve the application we are keen to see that there are adequate mechanisms in place to ensure that the landscape improvements are undertaken in a timely and appropriate manner.

Clarification is required of the timescale for removal of car parking once the new car park is in use.

ENGLISH NATURE: No objection

HISTORIC BUILDINGS TEAM: The proposed building is an improvement on the previously approved scheme. It is recommended that if this application is approved, detailed conditions are attached to control the tree and landscaping works in order that the setting of the listed building is not adversely affected by the development.

Summary of full response of Historic Buildings Team:

Claverton Manor is an exceptional Grade I listed building of particular merit for its architectural and historical qualities and also for its setting on the hillside, being widely visible from various vantage points in the surrounding countryside and across the valley. It is the setting of the building which is affected by the proposal for an educational building within its grounds.

The existing large Gallery Building unfortunately competes visually with Claverton Manor. The proposed building has an institutional feel to it which is probably appropriate for its use, although it does not relate architecturally to the manor house itself or adjacent Gallery Building. However it has been sensitively designed using materials which will be visually subservient and sit comfortably in the landscape. It is important that the landscaping and tree planting associated with this proposal are appropriately detailed and implemented to minimise the impact of the proposed building.

The previous permission involved a sizeable extension to the east side of the existing Gallery and substantial earthworks to reduce the visual impact. It is considered that the revised proposal is an improvement on the previously approved scheme and, providing the landscaping is appropriately detailed, will be less harmful to the setting of the listed building.

HIGHWAY DEVELOPMENT OFFICER: The Traffic Statement (submitted January 2007) identifies the different sort of visitor (tourist, local, educational etc) and discusses the various traffic scenarios, and I am happy to accept the applicant's stance that a proportional increase in traffic movements should be expected, but this is unlikely to be in excess of the levels experienced in previous years.

I do not raise any objection therefore to the application.

The intention is to use the existing staff car park by contractors during the construction process. An alternative staff car park is proposed under application 06/03039/FUL and this should be secured before this application is implemented.

ARCHAEOLOGICAL OFFICER: The proposed works could still affect the remains of the earlier Claverton Manor House and gardens and a 'watching brief' condition is recommended.

ECOLOGICAL OFFICER: This application impacts directly upon a site of Nature Conservation Importance and may impact upon protected species and I advise the following information and measures would be required:

- (i) a thorough badger survey of the areas subject to construction activity;
- (ii) a detailed impact assessment of the woodland habitat to be lost through all construction related activities and through additional recreational pressures;
- (iii) The provision of adequate impact mitigation strategy for woodland, tree and protected species impacts.

Ideally the survey information should be required prior to determination but could be secured by appropriate conditions or a Section 106 agreement. Any approval should also be subject to a condition to control the timing of tree and wood clearance to avoid the bird nesting season. In addition the mitigation measures set out in the Preliminary Ecological appraisal submitted should be secured.

SENIOR URBAN DESIGNER, HERITAGE AND ENVIRONMENT GROUP:

No objection; summary of comments set out below:

1. An innovative building is in line with the subject matter to be contained within it.

2. The Brief aims to make the education building feel more like a building close to nature and less assertive than the manor - the pavilion building form is in line with this and appears an appropriate response to the site setting.
3. Use of the site topography in the layout and arrangement of proposals appears positive.
4. Palette of materials proposed is good such as green oak, course rubble and split faced stone.

SENIOR LANDSCAPE OFFICER, HERITAGE AND ENVIRONMENT GROUP: Summary of key points in original comments:

1. As with the previous approval it is crucial that appropriate woodland management is secured by means of a Section 106.
2. The scheme is more sensitive to the surroundings than the previously approved scheme.
3. It is essential that compensatory tree planting for the trees to be lost is provided and that the adjacent woodland is properly managed.
4. Further plans are required to demonstrate that the proposals will not have an adverse impact on veteran trees.
5. Given the very special character of this site in terms of high landscape and ecological value then if the development is justified in the Green Belt excellent landscape (including woodland management) mitigation should be secured.

CLAVERTON PARISH COUNCIL: Support the American Museum's Planning Applications. However the Parish Council has some concerns about visual impact and request a condition for screening trees to be planted. In addition, having in mind a likely increase in attendances with accompanying vehicles the Museum's management should insist that visiting vehicular traffic should approach the Museum only from The Avenue (Claverton Down) direction.

The Parish Council is aware that each of the proposals contained in the application are outside the permitted development area and appreciate that other applications to Bath and North East Somerset Council seek to vary these areas. The Parish Council, while fully supportive of the Museum and its activities, is always disappointed to see enlargement of permitted development areas in this Area of Outstanding Natural Beauty.

In view of the nature and location of the proposals, the Parish Council urge that these matters are considered and decided by the full Planning Committee.

THE WOODLAND TRUST: We would recommend that careful measures are implemented to ensure that the fully mature veteran tree near the car park is not damaged by construction operations. In order to avoid any disturbance to the wildlife and the tree we would recommend that any artificial lighting be kept to an absolute minimum.

LOCAL RESIDENT: One letter received making the following representations:

1. The proposed building is a very modern design and is not in keeping with the rest of the Museum site. It will be situated next to the New Gallery which although 'new' is of a Classical design and blends in well with the estate. As the Museum is a listed building and is in the Green Belt, I find it difficult to believe that such a structure in the planned form would be an asset.

2. Some trees will obviously have to be removed in order to build and the provisions in the plans for replacing them and the extensive screening required are sketchy and not particularly detailed.

3. Whilst the work of the Museum is supported - it is one of the attractions of Bath and its events are well subscribed, rigorous consideration should be given to this application. The estate is very prominent in the Limpley Stoke Valley and any inappropriate development would certainly detract greatly from the setting.

PLANNING ISSUES

RELEVANT PLANNING HISTORY: The existing New Gallery Building with Exhibition Hall was permitted in 1983 (ref 868/A).

Planning application 00/02274/FUL for extension of existing lower level to south, east and north, with further new accommodation to north to create further exhibition space and ancillary facilities, external works and landscaping was permitted on 5th August 2002 subject to conditions and a completed legal (Section 106) agreement relating to required landscape management, woodland management and ecological mitigation measures prior to the commencement of development. To date this planning permission has not been commenced.

A temporary educational building in the staff car park was granted temporary planning permission in December 2003 but expired on 31st December 2006 (ref 03/02453/FUL).

The creation of a pathway in backwoods to create a visitor trail was permitted on 12th March 2004 (ref 03/02205/FUL).

PLANNING POLICY: National Planning Policy Guidance set out in: PPS1 (Delivering Sustainable Development); PPG2 (Green Belts); PPS7 (Sustainable Development in Rural Areas); PPS9 (Biodiversity and Geological Conservation); PPG13 (Transport) and PPG14 (Development on Unstable Land) and PPG15 (Planning and the Historic Environment) is considered particularly relevant to the determination of this application and regard has been had to this advice in considering the main planning issues set out in this report.

The Development Plan applicable to this site comprises the Regional Planning Guidance for the South West (2001) (RPG10); the Joint Replacement Structure Plan (2002) and the Wansdyke Environs of Bath Local Plan (1990).

RPG10 policies relevant to the consideration of this application are: VIS 1 (Expressing the Vision); VIS 2 (Principles for Future Development); SS 9 (Bath); SS 20 (Rural Land (including Urban Fringe) Uses); EN 1 (Landscape and Biodiversity); EC 1 (Economic Development); TCS 1 (Tourism); TRAN 1 (Reducing the Need to Travel) and TRAN 7 (The Rural Areas).

Joint Replacement Structure Plan (JRSP) policies relevant to the consideration of this application are: 1 (Sustainable Development); 2 (Locational Strategy); 6 (Bath); 16 (Green Belt); 17 (Landscape); 18 (Nature Conservation and Bio-diversity); 45 (Recreation in the Countryside); 46 (Tourism) and 59 (Transport in New Developments).

The Wansdyke Environs of Bath Local Plan (WEBLP) was adopted in 1990 and its policies and proposals are considered largely out of date and overtaken by National, Regional and Structure planning policies referred to above and published since the WEBLP was adopted. Notwithstanding the age of the WEBLP the site is identified in the WEBLP Proposals Map as located within the Green Belt and Cotswolds Area of Outstanding Natural Beauty which still applies today. Regard has been had to policies WEB 1 (Functions), WEB 15 (Green Belt), WEB 17 (Area of Outstanding Natural Beauty), WEB 45(a) (Tourist Facilities), WEB 59 Access Requirements) and WEB 63 (Parking and Servicing) but these policies have been largely overtaken by the more up-to-date National Planning Policy and Regional/Structure Development Plan policies referred to above.

In view of the location of the site in the Green Belt the application has been advertised as a Departure from the Development Plan.

The Bath and North East Somerset Local Plan (as proposed to be modified) (2006) (BNSLP) is at a very advanced stage towards adoption and its policies and proposals are significant material considerations in this case. In the BNSLP the site is identified as located within the Green Belt, an Area of Outstanding Natural Beauty and a Park and Garden of National Historic Interest. It lies within the Bathford to Limpley Stoke Valley Landscape Character Area.

The Claverton Conservation Area has recently been extended to include the Claverton Manor (American Museum) and the Historic Park and Garden, and includes the site of the proposed educational building.

In the above context the following BNSLP policies are relevant to the consideration of this application: IMP.1 (planning obligations); D.2 (general design and public realm considerations); ES.5 (foul and surface water drainage); ES.14 (unstable land); GB.1 (control of development in the Green Belt); GB.2 (visual amenities of the Green Belt); NE.1 (landscape character); NE.2 (Area of Outstanding Natural Beauty); NE.4 (trees and woodland conservation); NE.9 (locally important wildlife sites); NE.10 (nationally important species and habitats); NE.11 (locally important species and habitats); NE.12 (natural features); BH.1 (World Heritage Site and its setting); BH.2 (listed buildings and their settings); BH.6 (development within Conservation Areas); BH.9 (Parks and Gardens of Special Historic Interest); T.1 (overarching access policy); T.24 (general development control and access policy) and T.26 (on site parking and servicing provision).

GREEN BELT: Having regard to advice in PPG2 the proposed educational building is inappropriate development in the Green Belt. PPG2 states that inappropriate development should not be approved except in very special circumstances and that very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness and any other harm is clearly outweighed by other considerations. The relevant up-to-date Development Plan and local planning policy framework broadly follows the PPG2 advice.

Guidance on the handling applications for inappropriate development is set out in a Government Direction which came into force in early 2006 (The Town and Country Planning (Green Belt) Direction 2005. Under this Direction inappropriate development in the Green Belt meeting either of the following criteria requires referral to the Secretary of State if the Local Planning Authority is minded to approve the proposals:

- (a) the construction of a building or buildings with a floor space of more than 1,000 sq.m.;
- or
- (b) any other development which, by reason of its scale or nature or location would have a significant impact on the openness of the Green Belt.

The application form states that the proposed floor area is 505 sq.m. but the Direction states that floorspace means the total floor space in a building including the external walls. Notwithstanding this, estimates of the main enclosed areas on the ground and upper levels indicate that the proposed floorspace (excluding walkways and terrace) would be some 600 sq.m., well below the 1000 sq.m. threshold set in criterion (a) of the Direction.

The existing Manor and 1980's Gallery Building are situated high up the valley side above Claverton Village and are prominent, particularly from westward views in winter across the Avon Valley. It is considered that the proposed building sited next to the Gallery would also be sited in a prominent location in the Area of Outstanding Natural Beauty. However the landscaping proposals and design approach referred to elsewhere in this report will soften the visual impact of the proposed building in the surroundings. Notwithstanding the high quality design and comprehensive landscape proposals it is considered that, on balance, for the purposes of the Green Belt Direction Assessment, in this very sensitive location, the proposed building would have a significant impact on the openness of the Green Belt. Given this conclusion if Members are minded to approve this application it is considered that the application be referred to the Secretary of State in accord with the 2005 Direction to determine whether she is satisfied that the application can proceed to be determined by the Local Planning Authority or not. Members are reminded that the scheme approved in 2002 was also referred to the Secretary of State.

Notwithstanding the conclusion arrived at above the degree of harm of the proposed building on the Green Belt is assessed below.

The existing Gallery Building is constructed in Bath stone with slate roof but is considered to be an undistinguished building in an otherwise outstanding landscape setting and does not complement the existing design and setting of the fine Manor to the south. The proposed new Educational Building next to the Gallery would be a completely different, lighter much more contemporary design with significantly more glazing partially shielded by oak louvres and shutters. It would have a more horizontal emphasis and would appear as a less solid adjunct to the comparatively monolithic Gallery. Overall it is considered that the proposed building is of high quality and appropriate design and materials which does not repeat the deficiencies of the Gallery. Although it would be sited slightly forward of the Gallery it would read in the wider landscape as a much less imposing, lighter in appearance and subservient building to the much more imposing and solid Gallery Building. During dusk and night-time excessive illumination from the building could significantly increase its visual intrusion in the surroundings and illumination controls are considered necessary to ensure that the building is not obtrusive at dusk and night.

Considerable negotiations have taken place to secure appropriate tree protection, enhanced landscaping and woodland management to compensate for the significant number of woodland trees that would be removed resulting from the development and proposed construction. The latest revised proposals show that, notwithstanding the loss of woodland trees in and around the proposed building, existing woodland trees to the east of the proposed building would be retained and further new planting is proposed to the

south of the proposed Education Centre and in front of the Gallery. It is considered that these landscaping proposals, when mature, will significantly soften the impact of the new Educational Building in the surroundings and enhance the landscape setting of the existing Gallery. Landscape Officers are broadly satisfied with the revised landscape management proposals subject to conclusion of negotiations over minor details.

As well as the existing trees neighbouring the proposed building the 120 acre Estate includes 100 acres of woodland including a considerable tract of woodland stretching northwards along the upper valley side to Bathampton and other pockets of woodland south and west of the Manor. Landscape Officers recommend that enhanced woodland management be secured by a Section 106 Agreement to enhance the wider landscape setting of the proposed developments and such an Agreement would be a considerable positive benefit arising out of the proposals for this part of the AONB. The applicants have indicated their willingness to enter into such an Agreement.

Overall, subject to appropriate conditions and legal agreement, it is considered that the revised landscaping proposals will significantly reduce the impact of the proposed development on the wider landscape and AONB and in the immediate surroundings and will deliver landscape setting enhancements to the existing buildings and improved woodland management.

It is considered that the harm to the openness of the Green Belt arising from the proposed development, whilst material, would be considerably reduced by the proposed high quality design and landscape proposals referred to above.

Apart from the proposed education building the subject of this application the nature of the development and any other proposals are relevant considerations in the assessment of impact on the openness of the Green Belt.

The Highway Development Officer accepts the applicant's submissions that a proportional increase in traffic is to be expected but this is unlikely to be in excess of the levels experienced relating to the operation of the site in previous years. So whilst there may be an increase in car and coach traffic arising from the new educational facility above the existing historic low levels, the increase in traffic is not expected to exceed the previous (more successful) operation of the attraction in the Green Belt. In these circumstances it is considered that the proposals would not have a potentially more significant impact on the Green Belt compared with its previous operational use in terms of on-site activity, parked vehicles and transport movements.

Other concurrent applications propose smaller developments: an extension to the Orangery Restaurant and replacement staff car park elsewhere within the Estate. These applications are currently undetermined but it is considered that the impacts of these other developments (in addition to the proposed education building) on the Green Belt would be relatively minor and cumulatively not significant.

Very Special Circumstances

On 5th August 2002 planning permission was granted, subject to a Section 106 Agreement, for an extension to the Gallery to create further exhibition space and ancillary facilities. This permission has not been implemented to date and, unless development is

begun by 5th August 2007, would expire on this date. As stated above, an application was referred to the Secretary of State as a Departure from the Development Plan but was not called in. A Section 106 Agreement secured woodland and ecological management. It is understood that funding difficulties have stalled the implementation of the proposed extension.

This planning permission allowed an extension of 1440 sq.m. of additional floorspace to the existing 920 sq.m. Gallery. The extension comprised two main elements: an east wing built out from the basement level to the valley side with an open terrace over and a north wing in the existing open space between the gallery and woodland beyond. Although larger than the current proposal the bulk of the permitted extension was set at a lower level to the Gallery but projected some 14m. forward of the Gallery and included substantially high stone retaining walls. The main elevational design approach was very simple including an upper level faced with timber cladding and a lower level of frameless glazing both divided by thick oak beams and pillars.

It is considered that the current proposed design is of much higher quality compared with the 2002 scheme. In terms of the overall impact in the surroundings the difference is considered more marginal for long views across the valley but greater from shorter views in terms of the substantial retaining walls and projection forward of the Gallery compared with the scheme permitted in 2002. Overall it is considered however that the permitted 2002 proposal would be deemed more harmful to the Green Belt than the current proposals. The applicants have not indicated to date any intentions to implement the 2002 planning permission. The prospects of this 'fall-back' permission being implemented is of some relevance to the consideration of very special circumstances but is not considered decisive on its own given the lack of implementation to date.

However the very special circumstances under which the extension was granted permission in 2002 are considered similar to the circumstances applying to this application for a similar educational use/facility. It is also significant that PPG2 advice applying today also applied when this previous application was considered.

In support of the current application the applicants have referred in summary to the following in their 10 Year Projects Report in terms of the significance and value of the American Museum:

- The Museum receives some 10,000 educational visits each year, mostly School parties using its resources to support areas of National Curriculum Study;
- Displaying the most important collection of American Applied Arts and textiles outside the United States;
- Mounting significant temporary exhibitions concentrating on specific aspects of American decorative arts;
- Providing an extensive education programme for all ages covering American history and Art, Craft and Design;
- Offering tours of the grounds to garden and other horticultural groups;

- Running an annual series of 5-6 lectures including speakers from the USA;
- Organising about 16 adult workshops a year in various crafts ranging from Shaker box making to quilting;
- Holding 5-6 special weekend events and historical re-enactments each year. Themes include native American culture and the US Civil War;
- Holding 2 special children's craft weekends a year;
- Making the Lecture Hall available for use by local groups;
- Vital to the success of all the above activities are the 135 local residents who assist in both guiding and running the retail outlets.

It is considered that the American Museum is an important and very special visitor attraction and facility of significant local importance and with an educational, economic and recreational value which is specially and particularly suited to the outstanding historic Claverton Manor and Estate.

Unfortunately visitor numbers have declined from a high in 1976 of 108,774 to a low of 35,407 in 2005. The Trustees are concerned over the long term viability of and the decline in performance of the Museum. The post-Lottery project review has identified various areas where additional accommodation or physical alterations to existing buildings will be needed to overcome shortcomings in the ability of the Museum to continue succeeding as a visitor and educational attraction.

In their 10 Year Projects Report the applicants state that it is essential for school visits that classroom working can be accommodated and this has only been possible by doubling up on the use of the Orangery Tea Room which is far from satisfactory with no dedicated educational materials, storage, no staff facilities, no areas for creative work or individual aids or related outdoor space. A temporary classroom located near the New Galley has been used for the last two seasons but does not address the shortcomings of the Museum's facilities and is only temporary. As well as the need for a permanent educational facility to address these deficiencies the project fits in closely with Heritage Lottery Fund criteria.

The applicants point out that it is important for the facility to be located as close as possible to the core buildings of the Museum as otherwise time is wasted moving children around the grounds and they need to be close to existing toilet facilities, a kitchen, and the education resources of both house, collection and gardens. To assist in adult education the applicants point out it is desirable that these facilities are also located close to the Museum's archives, conservation work rooms and library.

The applicants have also given consideration to alternative locations such as the woodland west of the New Gallery and the kitchen garden but both have accessibility issues and are more remote from the Museum's assets and would have additional impacts.

Having regard to the very special assets of the American Museum as a special educational resource and visitor attraction supported by local volunteers in a bespoke environment which contributes significantly to the conservation of outstanding historic buildings, garden and landscape it is considered that there are no alternative sitings outside the Green Belt and more remote from the Museum which would secure the exceptional educational benefits and enhanced facilities.

Overall it is considered that the very special assets and educational resource of the American Museum in this location and the very special benefits that the proposed new educational facility would bring are very important and positive benefits which resonate with the benefits identified in allowing the previous scheme in 2002. The combination of factors set out above is considered to contribute to very special circumstances which outweigh the specific harm to openness of the Green Belt and also the harm by definition by reason of inappropriateness.

However whilst the information and considerations above would amount to very special circumstances to justify a grant of planning permission, in Green Belt terms it is necessary to consider whether there is any other harm that would be caused by the scheme. This is assessed below.

CLAVERTON CONSERVATION AREA: An extension to Claverton Conservation Area was recently approved to include Claverton Manor and Estate. The Claverton Conservation Area Character Appraisal sets out the special interest features which contribute to the character and appearance of the Conservation Area including: the exceptional setting in the Cotswold AONB; the association with Claverton Manor and the gardens of American Museum and the superb views east across the Avon Valley. In the appraisal it is noted that the mature parkland trees provide an attractive backdrop to the village and the proximity of open countryside with undulating hills and wooded slopes emphasises the diminutive scale of the settlement. The Appraisal acknowledges that the Manor and its park have an historic connection with the village and form an important collection of historic buildings in a fine parkland setting; the field to the east of the Manor completes the connection with the village and is important to its setting.

The proposed educational building would be sited in a prominent position but would be located next to the existing Gallery which is already a prominent feature in the landscape. It is considered that the proposed new educational building would be read in the wider landscape above Claverton Village in association with the existing Gallery and that open parkland and woodland would still remain the dominant setting for both the Village, Claverton Manor and the proposed development. The proposed building would not impinge significantly on the field above and east of Claverton Village. The proposed landscaping would further soften the appearance of the building in the Conservation Area and wider landscape.

Much of the character of Claverton Conservation Area is set by the use of Bath Stone and traditional construction in the buildings. The proposed building would be of contemporary design as described elsewhere in this report. However this design approach is considered to be of high quality and in this particular, relatively isolated, location next to the unremarkable Gallery and separate from the Village the proposed design approach is considered acceptable and would not harm the character and appearance of the Conservation Area.

Overall it is considered that the proposed development would preserve the character and appearance of Claverton Conservation Area.

SETTING OF LISTED BUILDINGS: The proposed new educational building would be sited on the northern side of the existing Gallery Building away from Claverton Manor is located to the south of the Gallery. Having regard to the existing relationship of the Gallery with Claverton Manor and the separation between the proposed new building and Claverton Manor it is considered that the proposed development would not adversely affect the setting of Claverton Manor. Other listed buildings on the Estate and in Claverton Village are sited even more remotely from the site of application and it is considered that the setting of other listed buildings would not be adversely affected by the proposed development either.

PARK AND GARDEN OF HISTORIC INTEREST: It is considered that the proposed development would not adversely affect the existing park and garden of historic interest or its setting as the development would be primarily within the area covered by the existing woodland.

WORLD HERITAGE SITE: In the well-wooded valley-side setting it is considered that the proposed development would not adversely affect the setting of Bath as a World Heritage Site.

AREA OF OUTSTANDING NATURAL BEAUTY (AONB): As referred to in other sections of this report the special need for this proposal is accepted (similar to the special need accepted under the previous permission in 2002).

Subject to conditions securing appropriate landscaping, tree protection and illumination control it is considered that the impact of the proposed building on the scenic qualities of this part of the AONB would be limited. The attractive landscape would still dominate the character of the area and the proposed building next to the existing Gallery would not, particularly once proposed landscaping has matured, be visually intrusive in this setting.

A Section 106 Agreement to secure wider woodland management in the Estate would be a positive benefit to the AONB.

Overall it is considered that this major development in the AONB is acceptable on the grounds of exceptional circumstances and that the impact on the scenic qualities of the AONB would be limited subject to conditions.

HIGHWAY SAFETY/TRANSPORT: The site is accessed by the lane which links Claverton Village with Bath University (via The Avenue). The applicant's Traffic Statement states that annual visitor numbers have declined from a minimum of 70,000 between 1970 -1989 (including a peak in 1976 of 109,000) to a low of 35,000 in 2005. The Statement says that the major bulk growth is likely to be visitor and school groups attending by coach. A regular bus service does serve Bath University and this could be used by some of the more active groups and the Statement says that the availability of these services could be published on the applicant's promotional media. It is considered that such promotional arrangements can be secured by condition.

Notwithstanding this it is considered that many visitors will arrive by private transport to this attractive location outside of Bath. The Highway Development Officer accepts the agent's submissions that a proportional increase in traffic movements should be expected but this is unlikely to be in excess of the levels experienced in previous years and raises no highway objection to the proposal.

Claverton Parish Council submit that the Museum management should insist that visiting vehicular traffic should approach the Museum only from the Avenue (Bath University) direction. Such controls would need to be considered and administered by the Local Highway Authority and cannot be secured by the applicants. However any promotional media could encourage visitors to approach from this direction.

Overall, having regard to the Highway Development Officer's comments, it is considered that the proposals are not objectionable on highway safety grounds.

On transport location grounds the site is not considered to be attractively accessible via public transport. However the Museum is an established visitor and tourist attraction in a bespoke attractive location and the disadvantages of this location in transport sustainability terms are outweighed by other educational and tourism benefits reported elsewhere in this report.

BUILDING SUSTAINABILITY: The applicants have submitted a Sustainability Statement in late April 2007. Key aspects of the design of the building include:

1. It is intended that the improved carbon efficiency measures will better by a minimum of 10% the current Building Regulations' requirement for carbon emissions;
2. All the timber products used will be from responsibly managed and renewable sources and from the UK wherever possible;
3. The building will be predominantly naturally ventilated;
4. Underfloor heating is used throughout the building served from an air source heat pump. The pump will also be used to generate hot water;
5. Rainwater will be harvested to service toilets.

It is considered that the sustainability attributes of the proposed building are welcome and acceptable.

ILLUMINATION: The Sustainability Statement includes references to a lighting system utilising Dark Sky Technology minimising pollution to the night sky. All external lights will be low level and cover glass to light fittings will be low level. Overhanging eaves to the glass pavilion at ground level will limit upward lighting. Motorized timber shutters to the glazing at the lower level of the building provide a blackout facility to the education suites. These shutters will be controlled via daylight sensors.

Subject to appropriate conditions to secure the proposed illumination safeguards it is considered that the illumination from the proposed development would not be excessive and would not intrude significantly in the evening or night-time valley setting.

ECOLOGY: A preliminary Ecological Appraisal was submitted and this has identified, amongst other matters, signs of badger foraging and loss of trees. The Report recommends several mitigation measures. English Nature have no objection to the proposals. However the Council's Ecological Officer recommends further surveys and

assessments as set out in her comments. Given the localised nature of the proposed development it is considered that any ecological impacts can be managed and mitigated by appropriate conditions and/or Section 106 Agreement.

ARCHAEOLOGY: The Archaeological Officer recommends a 'watching brief' condition and this is accepted.

DRAINAGE /SITE STABILITY: The steep valley sides around Bath (including the Limpley Stoke Valley), where Jurassic limestone is underlain by clay are characterised by landslipped strata. Springs and small streams drain these valley sides. The Gallery Building built in the 1980s has been successfully built with a piled foundation design to take into account these site and drainage conditions. The agent points out that the proposed building would have a similar piled foundation and drainage design. In these circumstances it is considered that the proposed building is capable of being constructed, in conformity with Building Regulations, without causing site stability or drainage problems. An advice note advising that the responsibility for site stability rests with the developer is considered appropriate.

LANDSCAPE/TREE PROTECTION/WOODLAND MANAGEMENT DETAILS: Extensive negotiations have taken place to secure appropriate landscaping, tree protection and woodland management measures to mitigate as far as practicable the effects of the proposed development in this environmentally sensitive setting.

Landscape Officers have verbally confirmed that the previous Section 106 agreement attached to the 2002 permission can be modified to secure appropriate woodland management with appropriate triggers and monitoring mechanisms. It is understood that the applicants are willing to enter into such an agreement to secure enhanced woodland protection and management. Landscape Officers have also confirmed that other tree protection and landscaping measures can be secured by appropriate conditions. This approach is considered necessary and acceptable.

CONCLUSION

The proposed development is inappropriate development in the Green Belt and would harm the openness of the Green Belt. However it is considered that very special circumstances exist for the reasons set out in this report to outweigh clearly the harm by reason of inappropriateness, Conditions and a Section 106 Agreement are necessary to mitigate the effects of the development and to provide positive benefits to this part of the AONB. The proposed development is considered to preserve the character and appearance of Claverton Conservation Area and would not have an adverse effect on the settings of listed buildings in the area or the Park/Garden of Historic Interest or the setting of the World Heritage Site.

The proposed development is unlikely to generate more traffic visiting the site than previous historic levels and there are no highway safety objections.

The proposal will provide significant educational benefits and assist in sustaining, and be of some benefit to, the local economy.

If Members are minded to approve this application, the application is recommended to be referred to the Secretary of State for decision whether the application can be determined

at local level in accordance with The Town and Country Planning (Green Belt) Direction 2005.

CONDITIONS

A. That the Secretary of State be informed that the Council is minded to grant permission as very special circumstances apply and these would outweigh the harm the proposal would otherwise cause to the Bristol/Bath Green Belt.

B. If the Secretary of State is satisfied that the application can proceed to be determined by the Local Planning Authority, Authorise the Planning and Environmental Law Manager to enter a Section 106 Agreement to secure long term landscape management and ecological management and;

C. Subject to the prior completion of the above Agreement, authorise the Assistant Director, Planning and Transport Development to PERMIT subject to the following conditions (or such Conditions as he may determine):

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

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

2) 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 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 the interests of visual amenity.

3) No site works or clearance shall be commenced until protective fences which conform with British Standard 5837:2005 have been erected around any existing trees and other existing or proposed landscape areas in positions indicated on the approved plans. Until the development has been completed these fences shall not be removed and the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the site.

4) Prior to the commencement of any form of site works or clearance the Local Planning Authority shall be given not less than two weeks notice in writing of these works to ensure

that appropriate measures of landscape protection required under condition 3 have been implemented in accordance with the approved plans or conditions.

Reason: To ensure that adequate protection is given to the areas to be landscaped and the existing trees and planting to be retained within the site.

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

Reason: In the interests of the character and appearance of the Conservation Area and Area of Outstanding Natural Beauty.

6) No external illumination shall be installed within the site unless in accordance with the details hereby approved or in accordance with details previously submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of the visual amenities of the Area of Outstanding Natural Beauty.

7) The building hereby permitted shall not be occupied until measures to control the illumination from within the building which would be visible from outside of the building have been installed, with appropriate controls and screens to operate between dusk and dawn strictly in accordance with the details hereby approved; such installation shall thereafter be maintained in operational condition when the building is internally illuminated.

Reason: To safeguard the character and appearance of the Area of Outstanding Natural Beauty.

8) No development shall commence until details, arrangements and a programme for provision of staff car parking have been submitted to and approved in writing by the Local Planning Authority and the staff car parking shall be provided in accordance with the approved details and programme.

Reason: In the interests of highway safety.

9) No development shall commence until measures, details and a scheme to encourage visitors to use public transport to visit the development have been submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented in accordance with the approved scheme.

Reason: To promote use of more sustainable forms of transport in connection with the development.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no lines, mains, pipes, cables or other apparatus shall be installed or

laid on the site other than in accordance with drawings first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the existing and proposed trees, vegetation and open spaces on the site.

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

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

12) Other additional or amended conditions as approved by the Assistant Director, Planning and Transport Development arising from further consultations or any further negotiations including ecological management (where not covered by the Section 106) construction management/Arboricultural Method Statement and further specific landscaping or tree protection details.

Advice Note:

The question of stability has been a material planning consideration and resolution of this issue does not necessarily imply that the requirements of any other controlling authority would be satisfied. The granting of planning permission does not give a warranty of support or stability.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The Local Planning Authority has determined the application on the basis of information available to it but this does not mean that the land is free from instability. The Local Planning Authority's consideration has been solely on the basis of the development proposed and this consideration might be different in relation to any amended development which might be proposed in the light of any subsequently identified stability problems.

REASONS FOR APPROVAL:

1. Very special circumstances apply in this case which clearly outweigh the harm by reason of inappropriateness of the development in the Green Belt and any other harm to justify permitting this development and to warrant a determination other than in accordance with the Development Plan.

2. The development would not have an adverse effect on the scenic qualities of the Cotswolds Area of Outstanding Natural Beauty subject to conditions and a Section 106 Agreement.

3. The proposed development would preserve the character and appearance of the Claverton Conservation Area and would not have an adverse effect on the settings of listed buildings in the area or the Park/Garden of Historic Interest or the setting of the World Heritage Site.

4. The proposal will provide significant educational benefits and assist in sustaining, and be of some benefit to, the local economy.

The following policies of the Development Plan are relevant to the decision to grant planning permission: VIS 1, VIS 2, SS 9, SS 20, EN 1, EC 1, TCS 1, TRAN 1 and TRAN 7 of Regional Planning Guidance for the South West (2001) (RPG10); 1, 2, 6, 16, 17, 18, 45, 46 and 59 of the Joint Replacement Structure Plan (2002) and WEB 1, WEB 15, WEB 17, WEB 45(a), WEB 59 and WEB 63 of the Wansdyke and Environs of Bath Local Plan (1990).

Item No: 02
Application No: 06/00872/FUL
Site Location: Manor House, Battle Lane, Chew Magna, BS40 8PT



Ward: Chew Valley North **Parish:** Chew Magna **LB Grade:** IISTAR

Application Type: Full Application

Proposal: Change of use of the Manor House to a single dwelling; change of use and extension of coach house and cottage to form two dwellings; conversion of convent building to form five dwellings; alterations to site access and formation of new access drive and car parking area.

Constraints: Conservation Area, Greenbelt,

Applicant: Michael Wilson Restorations

Expiry Date: 10th July 2006

Case Officer: David Audsley

RECOMMENDATION

Authorise the Head of Planning Services to PERMIT subject to condition(s)

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

This application is being referred to Committee at the request of Councillor Hanney.

DESCRIPTION OF SITE AND APPLICATION

The application site is located towards the western edge of the village of Chew Magna, between Battle Lane and Dark Lane and to the north of Winford Road [B3130]. Vehicular and pedestrian access to the site is presently from Battle Lane.

The estate comprises the Manor House which is a Grade 2* listed building at the northern end of the site, a coach house and stables listed grade 2 located to the north east of the Manor House, and a cottage and large modern convent building to the south east. The buildings are together set in extensive grounds stretching from the Winford Brook southwards towards Winford Road and there is also a wooded garden to the north of the Manor House, on the opposite side of the Winford Brook. The convent has now closed and the site and buildings are currently vacant; the application site has a total area of 2.95 hectares.

The western part of the estate, adjacent to Dark Lane, is occupied by the modern buildings of the former Sacred Heart Primary School which has recently closed , but this does not form part of the current application site.

The application seeks full planning permission to change the use of the Manor House to a single dwelling; change the use of the Coach House and Cottage to form two new dwellings within the curtilage of the Manor House; change the use of and convert the modern former convent building to five new dwellings, and change the use of the surrounding open land to residential garden.

The application also proposes the demolition of a number of existing structures and outbuildings, the erection of a new garden room for the cottage, a garage and conservatory extension for the coach house and the demolition of the northern end of the convent building and its replacement with new covered parking bays.

Vehicular access to the five new dwellings in the modern convent building would be provided via a new driveway through an avenue of trees from an existing access, formerly serving the primary school, at the junction of Dark Lane and Winford Road; alterations would be made to the junction of Dark Lane and Winford Road and the existing access to the site realigned with one of the gateposts relocated. Vehicular access to the Manor House, Cottage and Coach House would be from the existing Manor House access from Battle Lane.

The Applicant has submitted the following documentation in support of this proposal;- Planning Statement August 2002 and updated Planning Statement February 2006; Landscape Report of the Manor House July 2002; Historical Report August 2001; Conservation Issues Report May 2004; Arboricultural Report June 2001; Archaeological Evaluation Planning Report February 2002; Chew Magna Manor Historical Assessment January 2002; and Transport Assessment September 2002.

CONSULTATIONS & REPRESENTATIONS

CHEW MAGNA PARISH COUNCIL [original comments]:

The Parish Council accepts the proposal provided that the concerns and requests set out below are satisfactorily addressed:

1. We would like to reiterate our request that the developers install a pavement to extend the existing footway along the Winford Road from Broadcroft into Dark Lane, and ensure safe pedestrian access from Dark Lane to the car park/ Battle Lane by installing a footway [as adopted highway] behind Manor Lodge and in the grounds adjacent to the car park to join with the pedestrian access to the car park shown for the proposed convent-building houses.

2. The present path and steps leading from the Sacred Heart church/ school car park to Dark Lane are not shown on the proposed curtilage plan and appear to have been subsumed into the curtilage of the convent-building houses. This path is used not only by those currently accessing the Sacred Heart school but also by other pedestrians in the village as a means of safely crossing from Dark Lane to Battle Lane avoiding the narrow road which has no pavement. Whilst there could be problems adopting the path and steps as they exist [it is clearly unsuitable for the disabled] we would like to see this path and steps into the car park retained and maintained for public use until or unless the alternative footway behind Manor Lodge is provided.

3. We reserve comment on access arrangements via Dark Lane and changes at the junction between Winford Road [B3130] and Dark Lane until details of the realigned junction and visibility splays promised in the Planning Statement are provided. This aspect of the proposals is a major concern to parishioners who attended the exhibition we held on the planning application.

4. Boundary walls and those within the Estate contribute to the character of the area and must be retained and restored.

5. Conversion of convent building to five houses:

- a) details of external finishes and materials for the convent building and new garaging needs to be specified;
- b) there is insufficient parking provision for five houses;
- c) we are concerned that the proposals for the south elevation show a breach in the existing wall to provide that dwelling with a view over the orchard.

The Parish Council has learnt that the Sacred Heart school will close at the end of the summer term, which allows for an opportunity for an improvement to the setting for the Manor House.

CHEW MAGNA PARISH COUNCIL (further comments): Thank you for your letters of 19 & 20 September enclosing the plan detailing access proposals for the 5 convent dwellings from the entrance to the Manor House estate at Dark Lane.

The Council would wish to ensure maintenance of good visibility at the junction between Dark Lane and the B3130 via landscaping and maintenance of the verge is a condition of any permission.

The Council would also like to draw attention to the opportunity now provided by the closure of the Sacred Heart School on the estate site, to enable the developer Michael

Wilson Restorations to further improve and enhance the setting of the Manor House and would like officers to investigate this.

ENGLISH HERITAGE: The change of use of the Manor House is welcomed in principle. However there are potential concerns with regards to its setting as a consequence of the other residential conversions within the grounds. The use of the Manor House as single family dwelling is more likely to be secured if the other buildings remain in the same ownership as the Manor House thus ancillary to it. Subject to mechanisms being put in place to ensure that the proposals do not jeopardise the reuse of the Manor house as single dwelling there are no objections raised to the scheme.

The landscape curtilage with the footpath to the river for the residents of the new houses within the convent block is of concern as it could have an adverse impact on the privacy of the Manor House.

HIGHWAYS DEVELOPMENT OFFICER (original comments):

Access

There is no objection to the proposed use of Battle Lane as shown, this has been common to previous applications and is historical in operation of the Manor House. Previous concerns of the Highway Authority have related to the access via the avenue of trees. This is now proposed as a 'private drive' to serve 5 dwellings and as such now complies with the design guide. As a route not to be maintained at public expense there is no highway objection. Previous discussions have included the need for the access to the bin store to have an adopted turning area. As this will now only serve the 5 dwellings it is considered that this area should not now be adopted.

Parking

The proposed allocation for parking is given in 6.32 of the planning statement and is a combination of garages, car ports and forecourt parking. Whilst the overall level of parking will be acceptable the arrangements are considered 'messy' and inconsistent. For example why does the Manor House have two spaces by the Cottage and why a 6 space carport for the 5 dwellings in the convent? There is however no objection to the overall provision although it is considered that parking for the convent should be more formally laid out and identifiable within the forecourt area.

Highway Works

As indicated above we still await detail of the works but on the basis that they will be along the lines of previous proposals there is no overall objection but the works will need to be conditioned to be approved in advance and will need to be subject to a Section 106 Agreement for construction.

School Access

The application does not indicate that the existing pedestrian link used by school children from the 'dust bowl' to the school. Clearly if this link were not achievable this would result in major safety issues and its continued availability should be clarified prior to any approval/consent being granted.

Overall there is no highway objection subject to the provision of a Section 106 Agreement in respect of the off-site highway works and conditions.

HIGHWAY DEVELOPMENT OFFICER (further comments in relation to revised plans):
The revisions to the access arrangements at Dark Lane have arisen from the closure of the Sacred Heart School. This has further impacted on the footway links to the area known as the 'dust-bowl', the school having a right of way to this area. As the school has closed, the Diocese, which owns the 'dust-bowl', has effectively closed any pedestrian right across the area as its use was linked with the school. There is no longer a need for the developer to provide a footway across the Manor House site, and in fact it is not contractually possible. Equally, the footway from the junction to the existing footway on Winford Road has been removed from the proposal as it could not be justified in terms of planning criteria. Whilst this is unfortunate in not now providing a pedestrian link to the village centre the reasoning behind the change is understood.

The revisions to the access (other than that to the walls) generally fall within the highway (there is a small area of land which appears to be required to be dedicated as highway) and the works will need to be secured and covered by a Section 106 Agreement. This could also deal with the dedication issue. My only concern relates to the area of land at the junction shown as 'landscape treatment to new verge'. If this were to be soft planting I would require costs of on-going maintenance to be covered. In discussing this with the applicant's agent it has been agreed that this be hard landscaped, final surfacing to be agreed, with appropriate bollards being provided to avoid use of the area for parking.

There is no objection to the proposal subject to a Section 106 Agreement in respect of the Highway Works and dedication of land and a parking condition.

HISTORIC BUILDING TEAM: Detailed listed building and conservation area comments are set out in the report on the listed building consent application reported elsewhere on this agenda.

ENVIRONMENTAL HEALTH OFFICER: No objection subject to conditions

LANDSCAPE OFFICER: No objection subject to conditions.

ARBORICULTURAL OFFICER: no objection subject to conditions.

ARCHITECTURAL LIAISON OFFICER: Recommendations to improve security are made in particular lighting of footways.

OTHER REPRESENTATIONS/ THIRD PARTIES

LOCAL RESIDENTS: One letter has been received which requests a footway between the Manor House and the High Street adjacent to the Sacred Heart Church.

One letter has been received which in principle supports the development subject to environmental management of communal space, traffic control, drainage and the preservation of heritage features.

PLANNING ISSUES

POLICY CONTEXT: The Development Plan for the area comprises Regional Planning Guidance for the South West [RPG10 2001], the Joint Replacement Structure Plan [2002] and the Keynsham and Chew Valley Local Plan [adopted 1992].

In the Local Plan, the entire site is located within the Green Belt, and parts of the site are designated as a County Nature Conservation Site [Winford Brook] and a Site of Local Landscape/ Nature Conservation Interest [garden to north of Manor House and the avenue of trees in front of the building]. The relevant policies of the Local Plan are KCV22, KCV24, KCV25, KCV28, KCV31, KCV31A, and KCV51.

The Bath and North East Somerset Local Plan as proposed to be modified was approved for development control purposes in November 2006. In the Proposals Map, the site is designated as Green Belt and as a Park and Garden of Local Interest, and the Winford Brook is designated as a Site of Nature Conservation Interest. Land to the north of the Manor House adjacent to the Winford Brook is also designated as floodplain.

The entire site is located within the Chew Magna Conservation Area following the extension of the conservation area in 2002. The policies most relevant to the proposal are as follows:

D2 and D4: Design;
HG6: Housing Development in R3 Settlements;
HG12: Residential Conversions;
ET9: Re-use of Rural Buildings;
GB1: Green Belt;
NE9: Locally Important Wildlife Sites;
NE14: Flood Risk;
BH2 and BH4: Listed Buildings;
BH6: Conservation Areas;
BH10: Parks and Gardens of Local Interest;
T24: General Highway Criteria;
T26: Parking and Servicing.

RELEVANT PLANNING HISTORY: The site has been the subject of recent comprehensive development proposals also incorporating the former Sacred Heart Primary School to the west of the current application site and the school playing fields on the west side of Dark Lane.

These proposals sought to change the use of the Manor House to a single dwelling; convert the cottage and coach house to ancillary accommodation and garaging; demolish the convent building and redevelop the site with a single 5-bedroom dwelling; redevelop the primary school site with nine dwellings; and build a replacement primary school and four affordable houses on the school playing field.

The relevant applications [refs 02/01986/FUL, 02/02237/OUT and 02/02106/LBA] were submitted in August 2002 and withdrawn in November 2004 in the light of concerns as to the principle of substantial new development in the Green Belt and the financial justification for the proposals.

There is a concurrent application for listed building consent (06/00874/LBA) for the development now proposed which is reported elsewhere on this agenda.

GREEN BELT: The site is located within the Green Belt where there is a strong presumption against inappropriate development. Paragraph 3.8 of PPG2 states that the re-use of buildings within the Green Belt is not inappropriate development provided that:

- i) it does not have a materially greater effect than the present use on the openness of the Green Belt;
- ii) strict control is exercised over the extension of re-used buildings and associated uses of land which might conflict with the openness of the Green Belt;
- iii) the buildings are of permanent and substantial construction and are capable of conversion without major reconstruction;
- iv) the form, bulk and general design of the buildings are in keeping with their surroundings.

The provisions of PPG2 are reflected in Policy GB.1 of the emerging Local Plan which is permissive of, inter alia, re-use of existing buildings in accordance with Policy ET.9 of the Local Plan.

The current application essentially proposes the conversion of the existing buildings to residential use, and the substantial new development previously proposed in the grounds has been deleted from the proposals. The extensions proposed are of very modest scale in relation to the size of the existing building and are smaller in terms of both floor area and volume than the buildings which are proposed to be demolished. Careful consideration has been given to the visual impact of the proposed access and parking arrangements, and strict control will be exerted over further new development within the grounds in the form of planning conditions removing permitted development rights and a Management Plan to be enforced by means of a Section 106 Agreement.

The buildings are clearly of permanent and substantial construction, and, having a history of residential occupation in connection with the previous convent and boarding school uses, are readily capable of conversion to residential use in a manner which is sympathetic to their character and appearance.

There is no objection in principle, therefore, to the proposed development on Green Belt grounds.

PRINCIPLE OF USE: Although the site is located outside the Housing Development Boundary for Chew Magna, there is no objection in principle to the conversion of these buildings to residential use as the proposed development satisfies the requirements of Policy ET.9 of the Local Plan relating to the conversion of buildings to other uses.

Policy ET.9 requires applicants to demonstrate that every reasonable attempt has been made to secure a business re-use before residential use is considered, but in this particular case an employment use would be highly inappropriate in view of the residential character of the buildings, the environmental sensitivity of the site and access and servicing constraints.

Residential use is also considered appropriate in locational terms in view of the proximity of the site to services and community facilities in the centre of the village and the residential character of the site's surroundings.

HIGHWAYS/ ACCESS: The proposed access and car parking arrangements are acceptable to the Highways Officer, subject to clarification of detailed arrangements for the dwellings proposed in the convent building.

The alterations proposed to the site access and the junction of Dark Lane and Winford Road are acceptable and need to be secured by means of a Section 106 Agreement.

The main highway issue of concern to the Parish Council is the lack of provision within the development for a footway for pedestrians along the north side of Winford Road. A footway had been a feature of previous development proposals which incorporated new housing and a replacement school on the school site and on the playing field to the west of Dark Lane. These proposals do not form part of the current application and the development now proposed would not result in any material increase in pedestrian movements along Winford Road vis-a-vis the permitted use of the site; the provision of a footway could not therefore be reasonably justified having regard to central government advice concerning planning gain. It should also be pointed out that, following the closure of the Sacred Heart School, the applicant no longer has a right of access across the 'dust bowl' car park which separates the application site from Winford Road.

There is therefore no objection to the current proposal proceeding without provision for a footway along Winford Road. It is anticipated, however, that the applicants will be putting forward further development proposals in respect of the school site, which remains within their ownership, and further consideration will be given at that time to the provision of pedestrian links across the site.

LISTED BUILDING: The Manor House is listed Grade 2* and the Coach House is listed Grade 2, as noted above. The development is subject to a concurrent application for Listed Building Consent (06/00874/LBA) reported elsewhere on this agenda.

The conversion of the Manor House back to single family occupation is to be welcomed in listed building terms and the details of the conversion have been the subject of lengthy negotiations with the Conservation Officer.

There is no objection in principle to the conversion of the outbuildings and convent building to residential use, and the details proposed are sympathetic to the character of the buildings and make only modest changes to their external appearance.

There is concern that the severance of the estate into separate ownerships would harm the setting of the listed building and potentially prejudice the future occupancy of the main house as a single dwelling. This issue has been the subject of ongoing negotiations with the applicants and can be resolved by means of a Section 106 Agreement which will restrict the subdivision of the site to an acceptable degree.

The listed building aspects of this development are considered in more detail in the report on the application for listed building consent.

TREE AND LANDSCAPE ISSUES: The main tree and landscape issues arise from the formation of the new access drive and car parking area to serve the houses proposed in the convent building.

The proposed access drive, which will pass through the treed avenue to the south of the Manor House, was of concern to the Arboricultural Officer, but following negotiations a 'no dig' construction methodology has been agreed which will not be harmful to the trees and can be secured by condition.

The proposed car park would be located in an open part of the site, to the south of the walled garden, but will be of an informal appearance and would not harm the visual amenities of the site or the setting of the listed building, subject to satisfactory surfacing and landscape treatment.

The proposed alterations to the junction of Dark Lane and Winford Road and to the site access are modest in scale and will have little impact in visual terms; the small area of surplus highway on the eastern side of the site access requires a satisfactory landscape treatment and provision for this will be made within the Section 106 Agreement.

It is imperative that the landscape character and quality of the estate be maintained and it is proposed that a Management Plan be secured through the Section 106 Agreement, which will also prevent undue severance of the site, as noted above. The removal of permitted development rights in relation to buildings, walls, fences and other structures is also necessary to protect the character of the estate and this can be secured by condition.

CONSERVATION AREA: The site is located within the Chew Magna Conservation Area and the buildings and estate make an important positive contribution to the character and appearance of the Conservation Area.

The conversion of the Manor House, outbuildings and convent building to a beneficial residential use in a sympathetic manner would, it is considered, enhance the Conservation Area. The access and car parking proposals are also considered to be acceptable, and the Management Plan to be secured by means of the Section 106 Agreement will ensure that the landscape setting of the development is protected and enhanced.

SECTION 106 AGREEMENT: A Section 106 Agreement is required to secure the following matters:

1. Prevention of severance of curtilage: it is necessary to prevent severance of the estate from the Manor House, except in respect of the walled garden area, which is to become a communal amenity area for the dwellings proposed in the convent building, and the cottage and coach house in respect of which separate leases may be granted.
2. Off-site highway works: the alterations to the junction of Dark Lane and Winford Road and the site access need to be carried out prior to the first occupation of any dwelling, offered for adoption and provision made for the maintenance of the landscaped area adjacent to the site entrance.
3. Management Plan: a Management Plan in respect of the estate needs to be submitted and approved, prior to the occupation of any dwelling, to include details of existing landscaping including a full tree survey, future landscaping proposals, a tree management plan and a management and maintenance regime for the estate.

CONCLUSION

The proposed development is considered to be satisfactory and it is recommended that permission be granted subject to the prior completion of a Section 106 Agreement to secure the items set out above and appropriate conditions.

CONDITIONS

A. Authorise the Planning and Environmental Law Manager to enter into a Section 106 Agreement to prevent severance of the estate and secure off-site highway works and a Management Plan;

B. Subject to the prior completion of the above agreement, authorise the Assistant Director of Planning and Transport to PERMIT with the following conditions:

1) The development hereby approved 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 and to avoid the accumulation of unimplemented planning permissions.

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

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

3) No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority; such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

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

Reason: To ensure that the landscape scheme is implemented and maintained.

5) No site works or clearance shall be commenced until protective fences which conform with British Standard 5837:2005 have been erected around any existing trees and other existing or proposed landscape areas in positions which have previously been approved in writing by the Local Planning Authority. Until the development has been completed these fences shall not be removed and the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for arboricultural or landscape works.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the site.

6) Prior to the commencement of any form of site works or clearance the Local Planning Authority shall be given not less than two weeks notice in writing of these works to ensure that appropriate measures of landscape protection required under condition 5; have been implemented in accordance with the approved plans or conditions.

Reason: To ensure that adequate protection is given to the areas to be landscaped and the existing trees and planting to be retained within the site.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no lines, mains, pipes, cables or other apparatus shall be installed or laid on the site other than in accordance with drawings first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the existing and proposed trees, vegetation and open spaces on the site.

8) No dwelling shall be occupied until the means of vehicular access and turning area have been constructed in accordance with the approved plans.

Reason: To ensure a satisfactory means of access to the development.

9) The dwelling(s) shall not be occupied until space has been laid out within the site in accordance with the approved plan(s) for the parking and turning of vehicles and such area(s) shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

10) Details of the surfacing of the access drive and car parking area shall be submitted to and approved by the Local Planning Authority prior to the commencement of work.

Reason: In the interests of visual amenity.

11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension or enlargement (including additions or alterations to the roof(s)) of the dwelling(s) hereby approved shall be carried out without the prior written permission of the Local Planning Authority.

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

12) Details of the surfacing of the access drive and car parking area shall be submitted to and approved by the Local Planning Authority prior to the commencement of work.

Reason: In the interests of visual amenity.

13) No development shall take place within the application site until a programme of archaeological work has been undertaken in accordance with a detailed written scheme of investigation which has previously been submitted to and approved in writing by the Local Planning Authority, and the completion of the approved programme of work has been confirmed in writing by the Local Planning Authority.

Reason: To ensure that archaeological deposits and structures are investigated and recorded to an appropriate professional standard.

14) Details of the rebuilding of the stone wall and relocation of the gatepost at the site entrance shall be submitted to and approved by the Local Planning Authority prior to the commencement of work.

15) No site works including clearance or demolition shall commence until a Tree Protection Plan in accordance with BS 5837:2005 has been submitted to and approved by the Local Planning Authority.

Reason: To safeguard the existing trees and their root systems.

16) No site works including clearance and demolition shall commence until full details of construction and an Arboricultural Method Statement in accordance with BS 5837:2005 has been submitted to and approved in writing by the Local Planning Authority for the construction of any parking areas or hard surfacing within the Root Protection Areas.

Reason: To safeguard the existing trees and their root systems.

17) Details of the external appearance and construction, including foundation design of the bin store shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on the building.

Reason: In the interests of visual amenity and tree protection.

18) There shall be no external illumination of the site other than in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

19) Prior to the commencement of development details of a Construction Management Plan for all works of construction and demolition shall be submitted to and approved by the Local Planning Authority. The Management Plan shall comply with the guidance contained in the Council's Code of Construction Site Noise practice note and the BRE Code of Practice on the control of dust from construction and demolition activities. It shall also include details of the provision for a temporary car park within the site for construction vehicles and construction workers. The details so approved shall be fully complied with during the construction of the development.

Reason: In the interests of residential amenity

20) No materials arising from demolition, construction or other work shall be burnt on the site.

Reason: In the interests of residential amenity.

REASONS FOR GRANTING APPROVAL:

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the policies set out below at A.

A. Policies KCV22, KCV24, KCV25, KCV28, KCV31, KCV31A and KCV51 of the Keynsham and Chew Valley Local Plan and policies D2, D4, HG6, HG12, ET9, GB1, NE9, NE14, BH2, BH4, BH6, BH10, T24 and T26 of the Bath and North East Somerset Local Plan as proposed to be modified.

2. The proposed development would result in the satisfactory reuse of existing buildings and would preserve the character, appearance and setting of the listed buildings. The proposal would not detract from the character or appearance of the Chew Magna Conservation Area, would not be detrimental to highway safety and would not be harmful to any other interests of acknowledged importance.

Item No: 03
Application No: 06/00874/LBA
Site Location: Manor House, Battle Lane, Chew Magna, BS40 8PT



Ward: Chew Valley North **Parish:** Chew Magna **LB Grade:** IISTAR
Application Type: Listed Building Consent (Alts/exts)
Proposal: Alterations to facilitate the change of use of Manor House, associated buildings and conversion to residential use
Constraints: Conservation Area, Greenbelt,
Applicant: Michael Wilson Restorations
Expiry Date: 17th May 2006
Case Officer: Bob Sutcliffe

RECOMMENDATION

Delegate to Consent

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

This application is being referred to Committee at the request of Councillor Hanney.

DESCRIPTION OF SITE AND APPLICATION

The Manor House and its estate is located in the North Western part of the village of Chew Magna bordered by Winford Road to the south and Battle Lane to the east.

The earliest reference to a Manor at Chew Magna dates back to c1062 when it was one of several manors granted to Giso, Chaplain to Edward the Confessor, as part of the Bishopric of Bath and Wells.

Very little is known about the occupants of the Manor before 1656 when Sir Richard Vickris a Sheriff of Bristol and eminent merchant rebuilt the Henry VIII and Elizabeth I house. The present house predominantly dates from the C19th during the ownership of John Norton built on an extensive scale incorporating features of the late C15th and early C16th from the previous build as well as incorporating many C16th and C17th features from other buildings, some of which, for example overmantel panels, may be of Germanic origin. From 1940 the house became the Sacred Heart High School.

Built of coursed squared rubble sandstone, with limestone dressing, plain clay tiled roofs and built to an irregular plan in Tudor Gothic style with French "Chateau" style features, to substantial proportions, the building is listed Grade II(Star) in recognition of its special architectural and historic interest.

The proposals seek to utilise the principal Manor House as a single unit of residential accommodation, the change of use of the ancillary Coach House and Cottage each to an individual dwelling and the change of use of the 1960's convent building, bordering Battle Lane, to five residential units.

The Manor House would be physically separated from the adjacent school site by estate railings and new gate piers would be added at the end of an existing avenue of trees, creating an access off Dark Lane/Winford Road serving the residential units within the current building. The Manor House would be accessed separately from Battle Lane.

CONSULTATIONS & REPRESENTATIONS

ENGLISH HERITAGE: The change of use of the Manor House is welcomed in principle. There are however potential concerns with regards to its setting as a consequence of the other residential conversions within the grounds. The use of the Manor House as a single family dwelling is more likely to be secured if the other buildings remain in the same ownership as the Manor House and thus ancillary to it. Subject to the mechanisms being put in place to ensure that the proposals do not jeopardise the reuse of the Manor House as a single dwelling there are no objections raised to the scheme.

The landscape curtilage with the footpath to the river for the residents of the new houses within the convent block is of concern as it could have an adverse impact on the privacy of the Manor House.

CHEW MAGNA PARISH COUNCIL: The Council has no objections to these plans but would like to be assured that the proposed entrance to the site is wide enough to allow access for emergency vehicles.

The Council would wish to ensure maintenance of good visibility at the junction between Dark Lane and the B3130 via landscaping and maintenance of the verge by a condition of any permission.

The Council would also like to draw attention to the opportunity now provided by the closure of the Sacred Heart School on the estate site, to enable the developer Michael Wilson Restorations to further improve and enhance the setting of the Manor House and would like officers to investigate this.

PLANNING ISSUES

RELEVANT PLANNING HISTORY: Application reference 02/02176/CA granted consent in September 2003 for the demolition of existing school buildings and structures

POLICY CONTEXT: BH2 and BH6 of the Bath and North East Somerset Local Plan. (At the Council Meeting on the 12th October 2006 the BANES LP (including minerals and waste policies) as proposed to be modified was approved for Development Control purposes.

NATIONAL POLICY: PPG15 - Planning and the Historic Environment.

LISTED BUILDING/CONSERVATION AREA; The principal Manor House (Grade II(star)) dominates the site in terms of its mass, scale, detailing and the manner in which it is located in a raised and elevated position. The Coach House, Cottage and Convent Building are therefore diminutive.

In an effort to retain this historical hierarchy and to protect the principle building from excessive sub-division, negotiations have been ongoing to retain the Manor House as a single unit of accommodation.

The earlier submission advocated utilising the open courtyard area located between the Coach House and Cottage as an open parking area. This was felt to be problematic in terms of the setting of the Manor House with elevated views down onto a substantial area of parked cars from the main entrance and the upper floors. To resolve this issue it is now proposed to add a covered parking facility in the form of a covered parking area to be added to the north elevation of the existing Convent block. In addition this issue is further alleviated by the provision of an access off Dark Lane to service the Convent block with the Manor retaining its established historic access off Battle Lane.

Whilst the proposed alterations to the Manor House are minimal in terms of the scale of the building, there was concern regarding subdivision of rooms on the first and second floor levels.

At first floor level it is proposed to subdivide a principal room to form a bathroom and dressing room. The principal of dividing the room is of concern, however following negotiations this issue has now been resolved by, where possible, giving over complete rooms for bathroom and dressing room provision. At second floor level because of the architectural hierarchy of the building, the proposed sub-division is less critical

The existing Convent building is set down below the elevated position of the Manor House. Architecturally this is a long 1960's linear block of 3 storeys incorporating substantive areas of glazing with tile hanging to the walls above, with a hipped tiled roof, set up on the bank running parallel to Battle Lane. The building provided new quarters for the sisters and gave more room for the expansion of the school. The Coach House underwent a complete transformation at the same time to provide a modern dining room.

The proposal involves the retention of the envelope of the building, but radically altering the interior plan form to provide five houses.

The extension of the building will retain its existing form with alterations at ground floor level to rationalise the glazing so that it relates to the new interior plan form. The adaptation of the fenestration to form an architectural rhythm is in keeping with the fundamental design of the building and in this case is considered acceptable.

As noted above the Coach House was substantially altered in the 1960's which has resulted in the interior being largely devoid of any significant historic architectural features. It is considered that the proposal to convert the Coach house to a single dwelling will, in this case, bring some architectural gain to the building particularly in the context of the rear elevation.

Currently this rear elevation has a number of unsatisfactory flat roofed attachments, an external staircase and 1960's type fenestration. This will be enhanced through the removal of the inappropriately detailed 1960's detailing.

A garage extension containing a garden room of conservatory-type build will be added to the rear, but the proposal to introduce a large modern conservatory incorporating glazed roofing has been omitted following negotiations.

The garage extension has been designed to be diminutive to the main Coach House, being only single storey, set low. Incorporating masonry walls and a pantile roof and a raised coping surmounted by a traditional finial, the design is considered to be acceptable.

The Cottage is located immediately adjacent to the Convent block. The interior of this small building is largely devoid of historic architectural detailing.

It is proposed to form a new staircase entrance at the current entry point at first floor level leading down to a living, kitchen and store, bedroom and bathroom accommodation at first floor level and a further bedroom and bathroom in the converted roofspace.

There was concern regarding the removal of the chimney breast at first floor level which in turn will result in the loss of the exterior chimney stack, however this aspect of the scheme has now been modified with both the chimney breast and the external stack being retained.

The issue of curtilage is a some concern. The setting of the Manor House is an essential part of its character, and in this context the economic viability as well as the character of the building itself could suffer if the wider curtilage is split up into a series of curtilages relating to each unit of accommodation, and in addition the future use of the Manor House as a single family house is more likely to be secured if the buildings remain in the same ownership as the house. It is considered that the best approach in achieving a satisfactory outcome would be through a Section 106 agreement attached to the planning application.

CONCLUSION

The proposal to retain the principal Manor House as a single family home is welcomed as this will avoid unsatisfactory sub division into a number of residential units which has the potential to threaten its integrity. In addition the conversion of the associated curtilage buildings to residential units will ensure their maintenance in a manner which does not threaten the setting or future use of The Manor House as a single family house.

CONDITIONS

The application be submitted to the Secretary of State for determination confirming that the proposed works have the support of the Development Control Committee subject to the following conditions:

1) The Works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To Comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) Unless otherwise indicated on the approved drawings, all existing external and internal architectural details, including fireplaces, skirtings, cornices, doors and windows and their architraves shall be retained.

Reason: To safeguard the character and appearance of the building.

3) All new joinery work shall match exactly the materials, finish, dimensions and profiles of the existing original joinery work.

Reason: To safeguard the character and appearance of the building.

4) Notwithstanding any details submitted, samples of the roofing materials and of the materials to be used in the construction of the external walls shall be approved by the Local Planning Authority before any work is commenced.

Reason: To enable the Local Planning Authority to be satisfied with the completed appearance of the building in the interest of visual amenity.

5) Notwithstanding any details submitted, prior to the commencement of development, details of all new external joinery and glazing design shall be approved in writing by the Local Planning Authority. These details shall include depth of reveal, materials and full working drawings including both horizontal and Vertical sections, to a scale of not less

than 1:10. At no time shall the approved joinery be altered without the prior approval, in writing, of the local Planning Authority.

Reason: To enable the Local Planning Authority to be satisfied with the completed appearance of the building.

6) At no time shall any flues, vents, meter boxes or other fixtures be attached to the exterior of the building other than those approved as part of this permission, without the prior approval in writing of the Local planning Authority.

Reason: To enable the Local Planning Authority to be satisfied with the completed appearance of the building.

7) Full details of the treatment to be given to the eaves, soffits and verges shall be submitted to and approved by the local Planning Authority prior to the commencement of development on site. Such details shall include precise construction information and materials shall be implemented in strict accordance with these details.

Reason: in the interests of protecting the character of the Listed Building.

8) The position of meter units located externally and internally shall be submitted to and approved by the Local Planning Authority and shall once agreed be implemented and maintained in strict accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the character of the Listed Building.

9) Before work commences, a sample panel of stonework measuring not less than one metre square, shall be made available on site for the approval of the Local Planning Authority. Work shall not commence until such approval has been given in writing. The stonework of the external walls shall be in accordance with the approved plans and shall match the approved sample in respect of type, colour, size and bedding of stone, type of pointing and mortar mix.

Reason: In the interests of visual amenity.

10) The precise mix of the pointing mortar shall be submitted to and approved by the Local Planning Authority prior to the commencement of any pointing on site. Such details shall include mix and finished colour and shall once agreed be strictly complied with.

Reason: In the interests of protecting the character of the Listed Building.

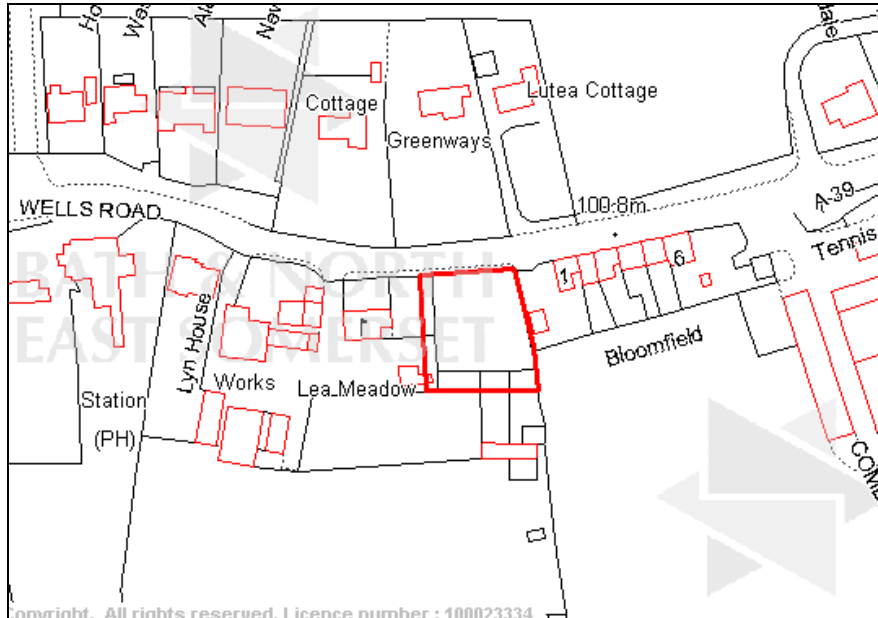
11) Notwithstanding the details of the walls and gate piers to the entrance off Winford Road on the application drawings, full details at a scale of 1:20 shall be submitted and approved in writing by the Local Planning Authority.

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

FOOTNOTE: Drawings 112.30/PLA 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210 date stamped 2nd March 2006. Drawing 26266TTW_11 date stamped 31st August

2006 and drawings 112.30/PLA 215F, 216E, 217B, 218C, 219B, 220A, 221A, 222A, 223A, 224A, 225A, 226A, 227B, 228A, 229C, 240, 241, 242 date stamped 19th March 2007.

Item No: 04
Application No: 06/04367/FUL
Site Location: Lea Meadow, Wells Road, Hallatrow, BS39 6EN



Ward: High Littleton **Parish:** High Littleton **LB Grade:** II
Application Type: Full Application
Proposal: Erection of 4 new terraced building on land east of Lea Meadow
Constraints: Forest of Avon, Housing Development Boundary,
Applicant: St8 (Hallatrow) Ltd
Expiry Date: 5th March 2007
Case Officer: Chris Beak

RECOMMENDATION

Authorise the Head of Planning Services to PERMIT subject to condition(s)

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: Objection in principle from the High Littleton Parish Council and a number of objections from nearby residents.

DESCRIPTION OF SITE AND APPLICATION:

The application site is an area of land located to the eastern side of Lea Meadow and to the southern side of Wells Road (A39). Lea Meadow is a grade II listed building. Across the site frontage is a substantial wall approximately 3m in height behind which is the application site. The site has an area of 0.093hectares with a depth of 30m.

The site is located within the Housing Development Boundary for Hallatrow. The site itself is within a group of mixed properties including the immediately adjacent Bloomfield Terrace with the surrounding development being mainly of a two storey character.

The proposed development would incorporate a terrace of four 3 bed dwellings. The dwellings would be accessed from the rear via an access road which would link with the access to a previously approved residential development on a site to the west. The proposed development would incorporate the private garden between the proposed dwellings and the existing substantial wall to the Wells Road frontage.

CONSULTATIONS & REPRESENTATIONS

HIGH LITTLETON PARISH COUNCIL: Object in Principle on the Grounds that the proposed development would adversely impact upon the character of the adjacent building. The Parish Council indicate that the building is within the curtilage of the listed building consent would be required.

The Parish Council considers that the proposed development would have a negative effect upon the Listed Building's Architectural merit. The development would affect the openness of the garden setting. The proposed development would obscure views of and detract from the principal elevations of the main subject building and be out of character with the listed building and its setting.

HIGHWAY DEVELOPMENT OFFICER: This seeks further development on the Cam Valley Creamery site adjacent to Lea Meadow at Hallatrow. Parking is proposed at two per dwelling which is considered to be realistic for this area and is in line with the rest of the development. Access is to be from the highway proposed to be constructed as part of the existing consents. The current development would not be acceptable on its own without the improvements.

The proposals for car parking and turning are very tight and could be better orientated, this however would be an issue of convenience rather than highway safety and no highway objection is raised on this point. The scheme includes cycle parking.

There is no highway objection subject to the provision of a supplemental legal agreement to secure the necessary works to Wells Road and conditions requiring the retention of the proposed parking provision, surfacing details of the proposed private drive and details of surface water disposal.

ENVIRONMENTAL HEALTH OFFICER: The development site should be the subject of a preliminary risk assessment in respect of ground contamination.

OTHER REPRESENTATIONS / THIRD PARTIES

Local Residents

5 letters outlining support for the proposal have been received from local addresses. These raise the following comments

- 1) The site should be developed to provide more housing. The site has been an eyesore too long.

- 2) No objection subject to the principle of development subject to the necessary road improvements being undertaken before work on the construction of the development.
- 3) The area has been derelict for several years and the building of much needed houses will be an improvement.
- 4) The proposed development is seen to be in keeping with the surrounding area.
- 5) The writer is relieved to no that the access will be via the shared access road and the wall would be retained.
- 6) Disappointment is expressed that there has been delays in commencing the previously approved road works.

In addition 4 letters outlining objection to the proposal have also been received. These raise the following issues:

- 1) The development has been incremental and would affect the setting of the listed building.
- 2) The development would be clearly visible from their property and reduce evening light into the property.
- 3) The development would result in the removal of mature trees.
- 4) The development further reduces employment opportunities and would increase highway dangers.

PLANNING ISSUES

RELEVANT PLANNING HISTORY:

05/02051/LBA - Extension and minor alterations and repairs Consent

Planning permission has also been granted for the development of 5 detached dwellings on land to the west application no. 05/01848/FUL.

POLICY CONTEXT:

BATH & NORTH EAST SOMERSET LOCAL PLAN (including waste and minerals) as proposed to be modified 2006

The Bath and North East Somerset Local Plan, as proposed to be modified, was approved for development control purposes on 12th October 2006; the following policies are relevant to this application:

HG.4 Housing Development Boundary

T.24 - Highways considerations in Development Control

D.2 - considers design issues and residential amenity

D.4 - considers design issues

PRINCIPLE OF PROPOSED USE:

PRINCIPLE OF RESIDENTIAL DEVELOPMENT: The site is located within the identified housing development boundary for Hallatrow, which is on southern edge of the site. The development of a residential scheme is acceptable in principle as Hallatrow is an R.2 settlement where small scale residential schemes are allowed under policy PG.4. Concern has been expressed that development may be proposed on land forming a paddock to the rear. This is outside of the identified housing development boundary and does not form part of this planning application.

IMPACT ON THE LISTED BUILDING: The High Littleton Parish Council has indicated concern that the proposed development would be within the curtilage of the listed building. The adjacent Listed Building has in the past been the subject of Listed Building Consent to erect a single storey extension, garage and erect a natural stone boundary wall. The plan also indicates the provision of a hedge. The proposed garage would be located between the listed building and the proposed development. The plans submitted with the listed building application also indicated the formation and construction of an access road to the area of land the subject of the current application.

The proposed development would be in the form of a terrace which be with the exception of ground floor bay windows would be set behind the line of the listed building and the adjacent Bloomfield Terrace to the east. Further the existing substantial stone wall would limit views of the proposed development and to the upper floor and roof and in principle the scheme would not have a significant impact upon the setting of the building.

RESIDENTIAL AMENITY: Concern has been expressed by nearby residents within properties within Bloomfield Terrace that the proposed development would impact upon their properties by the creation of shadows and the loss of sunlight. The proposed building would be of 2 storeys in height and positioned approximately 13 metres distant, the adjacent dwellings face south and the proposed relationship between the existing and proposed dwellings and there gardens would be acceptable .

HIGHWAY ISSUES: The proposed development would be accessed via the adjacent development which has already been the subject of a Section 106 agreement for the provision of the access with highway improvements including visibility splays. The Highway Officer has no objection in principle to the proposed form of access but has indicated that the proposed development should be subject to a section 106 agreement. This could be in the form of a supplemental agreement to the existing Section 106 agreement.

CONCLUSION

The proposed development is within the housing development boundary and would the proposal would on balance represent an acceptable form of residential development.

CONDITIONS

A Authorise the Planning and Environmental Law Manager to enter a Section 106 Agreement to secure appropriate off site highway works

B Subject to the prior completion of the above agreement, authorise the Assistant Director Transport and Planning Development to PERMIT subject to the following conditions:

1) The development hereby approved 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 and to avoid the accumulation of unimplemented planning permissions.

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

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

3) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted, which shall not be occupied until the parking spaces have been provided.

Reason: In the interests of amenity and road safety.

4) Detail related to the surface of the private drive shall be submitted to and approved by the Local Planning Authority prior to commencement on site. The surface shall not be loose gravel for a distance of at least 10 metres from the edge at the nearest carriageway.

Reason: In the interest of Highway Safety.

5) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

6) Prior to the commencement of development details of a ground contamination investigation and preliminary risk assessment for this site shall be submitted to and agreed in writing by the Local Planning Authority. In the event that the assessment indicates the need for remedial measures a scheme of remediation shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until such approved measures have been implemented in accordance with the approved details.

Reason: In the interests of health and safety.

Reasons for Granting Permission

The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below.

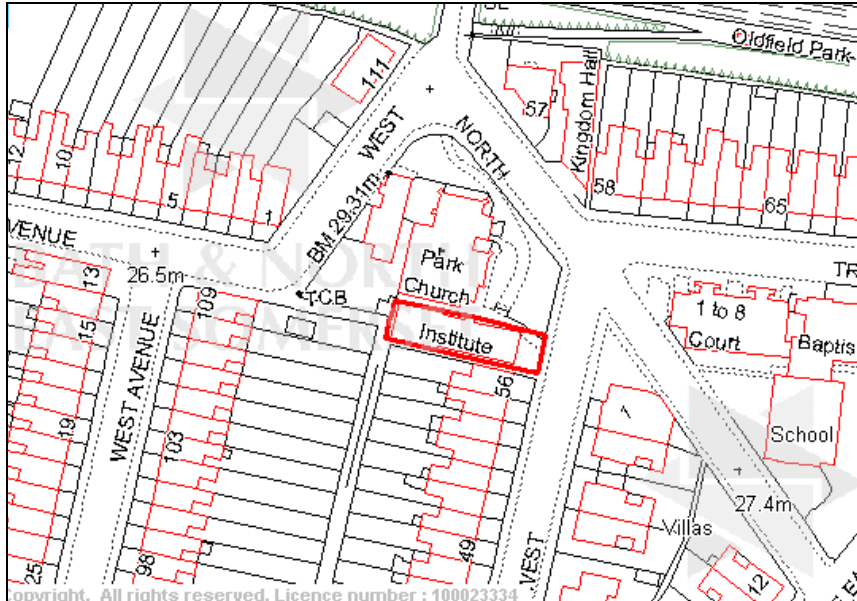
All other material considerations, including the views of third parties, have been considered, and they do not outweigh the reasons for approving the proposed development.

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the character of the area and would not significantly harm any interests of acknowledged importance.

Therefore the proposed development accords with Policies HG.4, T.24, D.2 & D.4 Bath & North East Somerset Local Plan including waste and Minerals as proposed to be modified

FOOTNOTE: This decision relates to drawings PH3/P/01, 02, PH3/E/01, 02, PH3/SL/01 date stamped 21 Dec 2006 and site plan date stamped 8 Jan 07.

Item No: 05
Application No: 07/00287/OUT
Site Location: Oldfield Park Methodist Church Hall, West Avenue, Twerton, Bath



Ward: Westmoreland **Parish:** N/A **LB Grade:** N/A

Application Type: Outline Application

Proposal: Demolition of existing institute building and erection of detached 4 bed dwelling house

Constraints: World Heritage Site,

Applicant: C/o Jeff Parsons

Expiry Date: 3rd April 2007

Case Officer: Lewis Cook

RECOMMENDATION

PERMIT with condition(s)

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: The application is being reported to Committee as it is deemed controversial, in view of 15 letters of support and 6 letters of objection.

DESCRIPTION OF SITE AND APPLICATION:

The application refers to a corner location which is currently occupied by a group of late 19th/ early 20th century buildings. The main building is a Methodist church, which is detached and in a prominent position. There is also a small group of associated residential properties immediately to the west of that. However, the application itself refers to a detached building located at the southern part of the site. This building is single storey, although relatively high, and largely constructed from tin and concrete, and has the appearance of a pre-fabricated construction. It appears that the building was originally used as a Sunday school building, and has been added to over the years. It now fills much of this part of the site.

The site is located between Oldfield Park station and the Moorland Road local centre. The surrounding area is predominantly residential, mostly made up of Victorian-style terrace properties. The building fronts on to Triangle West, the western side of which is made up entirely of terrace properties, and these are divided from the site by a footpath which provides access to the rear of the residential properties. The area also includes a Baptist Church, a Jehovah's Witness Hall and a launderette, all in alternative corner locations. The site is within the Bath World Heritage Site.

The proposal is to demolish the existing building and replace it with a single detached dwelling. The proposed dwelling would be a four bedroom property, of a similar style to the Victorian dwellings in the street. It would be arranged in an 'L' shape and be a maximum of 7.8 metres wide and 11.8 metres deep. It is a maximum of 8.5 metres high, with a pitched roof. The proposal is in outline, with layout, scale, appearance and access all for consideration here. Therefore, only landscaping is reserved for later consideration.

In support of the application the applicant has submitted a Design and Access Statement, as well as an assessment of the availability of other community facilities within the area of the application site.

CONSULTATIONS & REPRESENTATIONS

CONSERVATION OFFICER: The tin building on the site was opened in 1903 to house the expanding Sunday School. The building has been altered somewhat since originally built, although the main building is still the most prominent. The original windows on the flank elevation could also easily be reinstated.

Policy BH.5 of the B&NES Local Plan sets the criteria for dealing with buildings which are considered to be locally important buildings. In the supporting text for this policy are a number of criteria for what would be considered to be locally important buildings. It is considered that the existing building meets three of these in that the style and form of the building are substantially intact, the church is a landmark building within the context of the area and the collection of buildings are a crucial element in how the area developed. As a consequence the building is included on the Draft Local List Supplementary Planning Document, and therefore the proposal should be recommended for refusal.

HIGHWAY DEVELOPMENT OFFICER: The proposal involves one additional dwelling on the site and therefore would generate the need for parking provision in connection with it. Given the location of the site close to local facilities and public transport it is considered that one parking space for such a development would be adequate.

However, the potential parking provision for the use of the existing building should also be taken into account. Whilst the building is currently ancillary to the church it does have the potential to accommodate non-related uses, such as youth clubs and social events etc. Therefore, whilst there is considerable demand for on-street parking it is unlikely that the parking requirements of the proposed dwelling would exceed the proposed use, and no highway objection can be sustained in respect of the submitted layout.

ENVIRONMENTAL HEALTH OFFICER: No comments.

ENGLISH HERITAGE: English Heritage was not formally consulted on the application, but was contacted by an independent third party with a view to listing the building. They have confirmed that non-conformist buildings such as these survive in significant numbers and only those that display a high level of special architectural or historic interest are added to the list. In this case the building is not a particularly interesting or early example of such a building, and as such would not merit listing. However, the church hall is of local interest, and together with the Church, makes a positive contribution to the local townscape.

OTHER REPRESENTATIONS / THIRD PARTIES

Six letters of objection have been received from neighbours of the site raising the following issues:

- No site notice has been erected on site;
- The proposal would add to parking congestion in the area, and parking restrictions should be introduced in the area;
- The proposal would impact on rights of access to the footpath to the south of the site;
- The proposal may impact on the foundations of the neighbouring property;
- Vehicle access may impact on the safety of pedestrians using the footpath at the front of the property;
- The rear access path is gated and locked, should only be used as a secondary access and the applicant has not demonstrated a right of access over it;
- As a community use other alternative community uses should be considered before residential, such as a replacement for the local library;
- As a tin tabernacle building the existing building has considerable merit and should be retained;
- The application is an outline application in the Conservation Area, which is contrary to Council policy;
- It is likely that the proposed building would be occupied by students.

In addition 17 letters of support for the application have been received, raising the following issues:

- The existing building is out of character with the area;
- The building has outlived its useful lifespan and is expensive to maintain;
- The existing building does not qualify for the description of a 'tin tabernacle' and has been previously altered;
- The sale of this site will contribute to the rationalisation of church facilities in the area;
- The Methodist Church is a registered charity and the Charity Commission requires that the best financial use be made of any assets not being used for church work;

RELEVANT PLANNING HISTORY:

Planning permission was granted in 1983 for an extension to the hall.

This application was also submitted as part of a group of three proposals. The other two related to the church building itself and were for the conversion of that building to residential (07/00294/FUL) and conversion to offices (07/00292/FUL). Both applications were refused under delegated powers in April 2007.

PLANNING ISSUES

NATIONAL POLICY: PPS3 'Housing' 2006

BATH LOCAL PLAN: Policies C1 and C2 refer to the need to achieve a high standard of design within the World Heritage Site. Policies H13 and H15 relate to the need for residential development to respect the character of the area and protect residential amenity. Policies T12 and T25 deal with the highway implications of development.

THE BATH AND NORTH EAST SOMERSET LOCAL PLAN (INCLUDING MINERALS AND WASTE POLICIES) AS PROPOSED TO BE AMENDED.

At the meeting of the Council on 12th October 2006 the Bath and North East Somerset Local Plan, Revised Deposit Draft 2006, as amended, was approved for Development Control purposes. The following policies are material considerations.

Policies D.2 and D.4 refer to the impact of development on the character of the area and on amenities of neighbouring properties. Policy CF.1 requires the retention of land in community use unless the loss of the land would not impact on the availability of community uses. Policy HG.4 requires residential development to be on previously developed land or within the built up area of Bath. Policy HG.7 refers to minimum residential developments. Policy BH.1 refers to development within the Conservation Area and World Heritage Site. Policy BH.5 relates to the retention of locally important buildings. Policies T.24 and T.26 deal with the highway implications of any development.

All of the policies referred to above have been modified as a result of the Inspector's comments, in line with those comments, (with the exception of T.24) and as such are material considerations in assessing this application.

PRINCIPLE OF PROPOSED USE: The proposed redevelopment of the site requires the demolition of the existing building and its replacement with a new detached dwelling. Concern has been raised by both neighbours of the site and the Council's Conservation Officer about the removal of the existing building, given its local importance. However, attempts to have the building listed have been unsuccessful and given that the site is outside of the Bath Conservation Area the building can be demolished without permission.

However, policy BH.6 of the B&NES Local Plan sets out the criteria for dealing with buildings on the list of locally important buildings, and the demolition of such a building would be clearly contrary to that policy. Officers are clearly of the opinion that the building has made an important contribution to the historical development of the area and as such merits inclusion on the local list. This view is supported by English Heritage in their comments on the potential listing of the building. The local list at this stage, however, is at an early stage of development, and has not yet been subject to public consultation. Whilst the document, therefore, has some weight in deciding the application that weight is

limited. Therefore, this has to be balanced against the weight given to other adopted planning policies.

Should redevelopment of the site be considered acceptable the proposal site is considered to be a good location for residential development, being within the Bath urban area on a previously developed site. The site also has a good degree of access to public transport and local services with both a railway station and designated local centre within walking distance. The density of the development would be similar to the rest of the relatively high density residential area, which is considered appropriate given the sustainable nature of the site. However, some consideration needs to be given as to whether alternative uses of the site would be more appropriate.

PLANNING POLICY CONSIDERATIONS: Policy CF.1 of the B&NES Local Plan seeks to resist change of use of land last used for community purposes unless that loss does not seriously affect the availability of community facilities in the area, no suitable alternative community uses can be found or the proposal would result in provision of alternative facilities. The applicant has justified the loss of the community facility by stating that the sale of the land will contribute to improvements being made to Southdown Methodist Church (which was subject to planning permission ref. 07/01042/FUL). Whilst this Church is around 1.5 km away from the application site it does have the potential to serve much of the same catchment area and the applicants are of the view that both facilities cannot be maintained simultaneously.

In addition the applicant has identified other community facilities in the area, including two other community halls within 300 metres of the application site. The building is also considered unsuitable for a community use without considerable works to it to make it compliant with the Disability Discrimination Act, to remove the asbestos from the roof and in order to make it economically viable to heat. It should also be noted that at this stage the church building itself is vacant, and although it has been subject of unsuccessful applications, it appears that it would be more viable for a community use. On this basis, and given the appropriateness of the site for residential use, it is considered that on balance the redevelopment of the site for residential use is considered acceptable.

However, there would be potential for converting the existing building to residential use, which does not appear to have been explored by the applicant. There would be practical concerns in doing this, given that the building fills much of the site, not allowing for adequate residential garden and having restricted outlook. Also the shortcomings of the building is likely to make such a development expensive. Whilst Officers are confident that such issues could be overcome, given the weight that can be afforded to the local list at this stage this issue is not considered to warrant the refusal of permission.

IMPACT ON THE CHARACTER OF THE AREA: Firstly, it should be noted that site is not within the Conservation Area and therefore the objections in relation to the Conservation Area (including the need to erect a site notice) are not relevant here. However the site is within the World Heritage Site and any development should be of an acceptable design and compliment the appearance of the area.

The proposed building follows the general pattern of residential development in the street, by following the building line at the front and rear of the existing terrace and being only around 200mm higher than the terrace. It also maintains a front and rear garden of a

similar scale to the neighbouring properties. Although wider than the other properties in the street larger properties are common on corner sites or at the end of terraces. The building is designed in a similar style to the rest of the terrace, with a forward facing bay, similar fenestration, and a pitched roof at a similar angle. The proposed materials include Blue Lias, Bath Stone Ashlar and Clay tiles on the front elevation, with the Blue Lias replaced with render on the other elevation. Again, the front elevation will match the rest of the street, and the side and rear are considered appropriate for the character of the area. Therefore the appearance of the proposal is considered to be in keeping with the existing street scene, and is therefore considered appropriate.

RESIDENTIAL AMENITY: The proposed dwelling would match the building line of the existing terrace and is only directly adjacent to the building to the south, no. 56 Triangle West. Although the proposed building does not extend past the rear elevation of that property, that property is also 'L' shaped, with the recessed area set towards the application site.

Given that the proposed building would be to the north of the neighbours it would not directly overshadow them. The rear element of the proposal would impact on the outlook and access to daylight of any windows in the recessed part of the neighbour. However, this type of relationship is common in the area, and the proposed building would replace a large building which runs all the way along the boundary. As such it is not considered that the impact would be significantly worse than the existing situation. The proposal only includes one window in the south elevation, which serves a bathroom, is shown as obscure glazed and would face directly on to a blank elevation of the neighbouring property, and therefore there is not considered to be an impact on privacy on the neighbouring property.

In relation to the north elevation, this would face on to the open space at the front of the existing church. Whilst there are overlooking windows in this elevation that would not overlook private residential areas, and no objections are raised on this basis.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES: Whilst the B&NES Local Plan would require a maximum of three parking spaces on site per dwelling, given the sustainable location of the site a reduction in the number of spaces usually required is considered justifiable. Furthermore, the existing use of the building has the potential to generate a parking requirement, albeit at specific times.

The applicant has demonstrated that a single parking space could be accommodated on the site, although this would involve the loss of an on street parking space, and much of the front garden. Therefore, it is not considered that such a layout would result in significant highway benefits and would result in a less successful scheme in terms of appearance. On balance, therefore, given the previous use of the site and its sustainable location, the lack of on-site parking is considered acceptable.

SUSTAINABILITY: The development site is in a sustainable location where residents would not have to rely on using private cars, and is therefore considered highly appropriate for residential. The building will also replace an existing building which has particularly poor standards of energy efficiency. Whilst the applicant has not provided details of any energy efficiency methods to be incorporated in the building the proposal would have to meet appropriate building control standards.

REFUSE COLLECTION: The proposal shows refuse storage in the rear garden. Neighbours of the site have raised a concern that the applicants may not have access to the footpath to the side of the building which would allow future residents to access the rear garden. Although the applicant claims to own this area of land it is not included within the application site and does not appear to be a public right of way. Whilst this access should not be relied upon alternative access through the house would be available.

OTHER MATTERS: Objections have been raised about the potential impact of the development on the foundations of neighbouring properties and that the building might be occupied by students. The first of these issues is dealt with under building regulations and in respect of the second the planning system has no control over who may occupy the building as a single dwelling.

CONCLUSION

Whilst concerns have been raised in relation to both the retention of the existing building and an appropriate community use on the site given the information submitted by the applicant it is considered that these concerns would be outweighed by the benefits of the residential use of the site. The proposed building is considered to be of an appropriate design, would not have a significant impact on the amenities of the neighbours of the site or impact adversely on highway safety. Therefore, the application is recommended for approval.

CONDITIONS

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

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

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

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority and as required by Section 92 of the Town and Country Planning Act 1990.

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

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

4) The proposed window in the south elevation; shall be glazed with obscure glass and permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the south elevation; at any time unless specific written permission has first been obtained from the Local Planning Authority.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

6) No development shall take place until a construction method statement has been submitted, to include details of storage of plant and materials and access arrangements for the gated footpath to the south of the site.

Reason: In the interests of the amenities of neighbouring properties.

FOOTNOTE: This decision relates to the following plans:

Drawing No. 2009-01: Site Plan, as received by the Local Planning Authority on 29th January 2007. For the absence of doubt this plan refers to the position of the proposed building and not the roof form;

Drawing No. 2009-05: New residential development A, proposed plans and elevations as received by the Local Planning Authority on 29th January 2007.

REASONS FOR GRANTING PERMISSION

The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

The loss of the building and use from the site is considered to be justified in the particular circumstances. The proposed dwelling is of an appropriate design and does not have a detrimental impact on the character of the area or World Heritage Site, is not considered to have a detrimental impact on the amenities of adjoining occupiers and will not impact on highway safety.

A

Bath Local Plan 1997

H13: Residential development

H15: Residential amenity

T12: Private car parking

T25: New development and highway development control criteria

C1: Bath as a World Heritage Site

C2: Design requirements

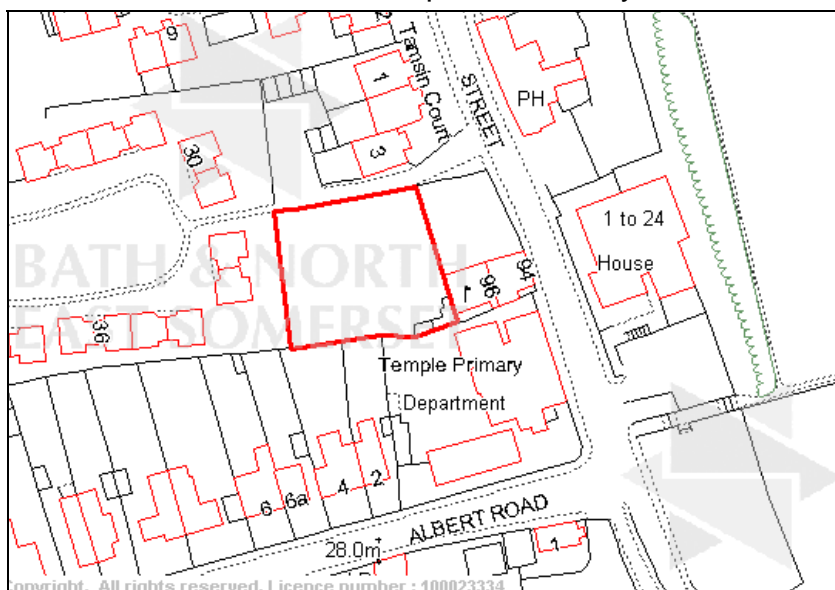
The Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be amended, 2006.

D.2: General design and public realm considerations

D.4: Townscape considerations
 CF.1: Protection of land and buildings used for community purposes
 HG.4: Residential development in the urban areas and R.1 settlements
 HG.7: Minimum residential density
 BH.1: Impact of development on World Heritage Site of Bath and its setting
 BH.5: Locally important buildings
 T.24: General development control and access policy
 T.26: On-site parking and servicing provision

Also relevant is PPS3: Housing

Item No: 06
Application No: 06/04151/FUL
Site Location: Land Behind 94-96, Temple Street, Keynsham, Bristol



Ward: Keynsham South **Parish:** Keynsham Town Council **LB Grade:** N/A

Application Type: Full Application

Proposal: Construction of 14no. apartments with associated external works and car parking

Constraints: Housing Development Boundary,

Applicant: Banwell Associates Ltd

Expiry Date: 27th April 2007

Case Officer: Chris Beak

RECOMMENDATION

PERMIT with condition(s)

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: The application has been reported to Committee at the request of Councillor Inker. In addition a request to present the application was received from 2 former Councillors.

DESCRIPTION OF SITE AND APPLICATION:

The application site is located to the rear of a recently converted and refurbished dwelling towards the southern end of Temple Street. To the south of the site is the Temple Primary School. To the west of the site are single storey elderly persons' dwellings in Sherwood Close and to the north 2 storey residential properties within Tamsin Court. To the east of the site, across Temple Street is St Cadoc House, a three storey residential development. The site has an area of 0.14 hectares (0.34 acres).

The current application proposes the erection of a 3-storey development which would provide 14 2-bedroom apartments. The development is designed with the upper storey built into the roof and car parking for 17 vehicles to be formed below ground level. The proposed development would have two garden amenity areas within the development.

The buildings would be constructed with a mix of render and stone with tiled roof.

CONSULTATIONS & REPRESENTATIONS

KEYNSHAM TOWN COUNCIL: Support

HIGHWAY DEVELOPMENT OFFICER: The proposed development would not provide internal roads which would be to an adoptable standard, however, developments of this nature would normally be run by a management company who would maintain shared spaces such as gardens and access. Subject to confirmation that the proposed development would not be seeking the adoption of the access roads no objection would be raised subject to conditions.

SCIENTIFIC OFFICER (CONTAMINATED LAND): The desk study report Supplied with the application does not provide an adequate preliminary risk assessment and no conclusions have been made to state whether potential risks from contamination exist or not.

The applicant has indicated that this will be provided and is still awaited.

ARCHEOLOGICAL OFFICER: The Council's Archeological Officer has received the archaeological field evaluation report for the above site. Whilst this work revealed that the site lies on the periphery of the medieval town, there were a number of interesting finds including some post-medieval pits and medieval pottery. It is therefore recommend that a suitable condition is attached to any planning permission:

OTHER REPRESENTATIONS / THIRD PARTIES

12 representations outlining objections to the application have been received from nearby local residents. The grounds of objection are:-

- 1) The proposed development represents an over development of the site.
- 2) Impact upon the privacy of the occupiers of nearby dwellings.
- 3) Result in highway dangers.
- 4) Result in an additional hazard for children on their way to the adjacent school site.
- 5) Result in the loss of the trees impacting on the wildlife that lives within.

- 6) If the conifer trees could be retained this would assist in reducing overlooking towards Albert Road.
- 7) The proposed development would impact upon the adjacent school by creating noise and disturbance

Keynsham Civic Society: Combined with the development recently completed there would be a total of 20 dwellings on this site. The development would result:-

- 1) Insufficient parking within the site.
- 2) All vehicles must be able to turn within the site including delivery vehicles and exit in a forward gear. This would reduce the available parking for other vehicles.
- 3) Access to and from the site would be dangerous being in close proximity to a pub and bus stop and close to a blind corner leading to Albert Road. There is also an access road adjacent leading to garages in Tamsin Court.

PLANNING ISSUES

POLICY CONTEXT:

BATH & NORTH EAST SOMERSET LOCAL PLAN (including waste and minerals) as proposed to be modified 2006

The Bath and North East Somerset Local Plan, as proposed to be modified, was approved for development control purposes on 12th October 2006; the following policies are relevant to this application:

HG.4 - Housing within R.1 and R.2 settlement

HG.7 - Residential amenities

D.2 - Considers design issues and residential amenity

D.4 - Considers design issues

T.24 - Highway criteria in Development

BH12 - Archeaology

PRINCIPLE OF PROPOSED USE: The applications proposed development would be located within Keynsham which is identified as a settlement in which development would in principle be appropriate subject to certain safeguards. The proposed density would be 100 dwellings to the hectare and thus well in excess of the generally achieved densities of between 30 and 50 dwellings.

Policy HG.7 of the Local Plan encourages to maximise the use of housing sites (this site would be 'brownfield' development) in appropriate well accessed locations. Although the neighbouring dwellings to the north and west are 2 storey and single storey in height the refurbished former dwelling on the front is 3-storey, as are St Cadoc House and nearby St Keyna Court on the opposite side of Temple Street. The densities to be achieved here are comparable and in your officers' view would maximise the site potential without undue harm to neighbouring properties, or the character of the town or highway safety.

IMPACT UPON RESIDENTIAL AMENITY: The proposed development would be located near the centre of the town where existing development is of a mixed nature. It would be constructed of a reduced site level, thereby reducing the overall height of the proposed development in relation to the surrounding land. The overall heights of the 3 storey elements of the development from the proposed ground level would be 6 metres to the

eaves and 9.5m to the ridge. The existing recently refurbished building scales at 7.8m to the parapet wall and 11.3m to the ridge.

The scheme would contain car parking below ground with a cycle parking and bin storage building located between the existing building and the proposed.

The scheme has been designed to accommodate the upper floor within the roof giving the appearance of two storey buildings. To reduce the impact of overlooking from the upper floors the applicant has utilised Velux style windows and on the lower floors utilised bay windows which would angle views from inside the proposed flats.

The distance from properties in Albert Road would be approximately 20m and to further reduce any impact the developer has indicated a willingness to retain the two significant conifer trees which are located adjacent to the site boundary.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES: The highway officer has indicated no objection to the proposal, the scheme would provide parking at an acceptable level acceptable (1.5 spaces per dwelling for 2 bed dwellings). The submitted information has indicated that turning facilities would be available within the site for refuse vehicles and the amendments provide acceptable levels of visibility at the site entrance from Temple Street.

ARCHAEOLOGICAL ASSESSMENT: The site has been the subject of an archaeological appraisal which has revealed the site lies at the edge of the medieval settlement and as such the proposed development should be the subject of an appropriate watching brief as development is undertaken and a condition to secure this is recommended.

CONCLUSION

This application proposes the development of a residential scheme that would be appropriate in this near to the centre of Keynsham. Other schemes providing similar accommodation are located within the vicinity. The development would be located in relatively close proximity to nearby residential development but on balance the scheme is considered acceptable.

CONDITIONS

1) The development hereby approved 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 and to avoid the accumulation of unimplemented planning permissions.

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

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

3) No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority; such a

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

Reason: To ensure the provision of an appropriate landscape setting to the development.

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

Reason: To ensure that the landscape scheme is implemented and maintained.

5) The dwelling(s) shall not be occupied until space has been laid out within the site in accordance with the approved plan(s) for the parking and turning of vehicles and such area(s) shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

6) The development hereby approved shall not be occupied or the use commenced until space has been laid out within the site in accordance with the approved plan(s) for the parking of bicycles, and that area shall not thereafter be used for any purpose other than the parking of bicycles associated with the development.

Reason: To ensure that sufficient provision is made for the off-street parking of bicycles.

7) The dwelling(s) shall not be occupied until space has been laid out within the site in accordance with the approved plan(s) for the parking and turning of vehicles and such area(s) shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety

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

9) The development shall not be occupied until the approved refuse storage has been provided in accordance with the approved plans and which shall be subsequent retained for use in connection with the development.

Reason: To ensure the satisfactory provision of refuse storage within the development in the interest of future occupiers.

REASONS FOR GRANTING PERMISSION

The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below.

All other material considerations, including the views of third parties, have been considered, and they do not outweigh the reasons for approving the proposed development.

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the character of the area and would not significantly harm any interests of acknowledged importance.

Therefore the proposed development accords with Policies HG.4, T.24, BH.12, D.2 & D.4 Bath & North East Somerset Local Plan including waste and Minerals as proposed to be modified

FOOTNOTE: This decision relates to drawings 1160/1, 2, 3, 4, 5, 6, 7, and site plan date stamped 24 Jan 07

Item No:	07
Application No:	07/00950/FUL
Site Location:	9A St Matthew's Place, Pulteney Road, Bathwick, Bath

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Ward: Widcombe	Parish: N/A	LB Grade: N/A
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Application Type:	Full Application
Proposal:	Erection of four houses following demolition of existing garage (revised scheme)
Constraints:	Conservation Area, World Heritage Site,
Applicant:	St Pier Ltd
Expiry Date:	15th May 2007
Case Officer:	Neil Harvey

RECOMMENDATION

PERMIT with condition(s)

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE:

Objections to the proposal have been received from 5 local residents, contrary to the Officers Recommendation

DESCRIPTION OF SITE AND APPLICATION

The application site is located adjacent to the Kennet and Avon Canal at the rear of Nos 8 and 9 St Matthews Place, and comprises an area measuring 20m by 22m, presently occupied by a range of stone-built workshop buildings which are now vacant but were last used as a motor repair garage. The site slopes downwards towards the north, and access is via an existing access drive, included within the application site, measuring 21m long by 5.8m wide and leading onto Pulteney Road to the north-west.

The northeast boundary of the site abuts the rear boundaries of Nos 8 and 9 St Matthews Place, these houses being located approx 9m from the boundary and sited at a lower level than the site due to the slope of the land. The northeast side boundary of the site abuts the curtilage of No 1 Caroline Buildings.

The proposal is to remove the existing buildings on the site, with the exception of part of a stone wall fronting onto the canal towpath, and to erect a new 'staggered terrace' at two levels which would form four 2 storey dwellings. The new block of buildings would measure a maximum of 17m by 12.5m, with walls a mix of Bath stone ashlar and natural dressed rubble stone, with the roof covering of dark grey natural slate. The houses would have an 'upside-down' layout with the bedrooms on the ground floor and living rooms at 1st floor level. Two of the houses would be single-bedroom units and the remainder would each have two bedrooms.

The building would have a relatively complex design, the roofscape comprising a series of double-pitch roofs which would be stepped down the site to accommodate the slope of the land. The southeast elevation of the building would front directly onto the bank of the canal and would comprise three gable-ended sections each having balconies at first floor level, the design including part of the existing stone wall of the former motor garage building.

On the northwest elevation, facing the rear of houses in St Matthews Place, the design also includes three gable-ended sections, these being clad with timber boarding which would be allowed to naturally weather, and which would be cantilevered out a maximum of 2.5m from the main rear wall of the building.

This elevation would face an open parking area measuring 9m by 14m which would be laid out as a car park for four vehicles, each residential unit being allocated one parking space. On the north-east side of the site the existing pedestrian access lane between Pulteney Road and the Canal would be retained and would remain open to the public.

CONSULTATIONS & REPRESENTATIONS

Urban Designer: Considers that the scheme responds well to its setting and that the choice of materials is positive. Comments that advice given in respect of the previous withdrawn application appears to have been acted on.

Also comments that the existing buildings on the site are of poor quality and detract from the appearance of the site and the area, does not wish to oppose their removal.

Historic Buildings Team: Comments awaited

Highway Development Officer: The proposed use would be likely to generate fewer vehicle movements than the previous use as a motor repair garage. The junction of the access lane onto Pulteney Road is sub-standard in terms of visibility, however as the proposal would be likely to result in fewer vehicle movements than the previous use, no highway objection is raised subject to conditions relating to formation of the parking area and improvement of the access lane. The access lane would be improved by formation of a single shared surface.

Public Rights of Way Team: The track leading from Pulteney Road is not recorded as a PROW and is not adopted highway, but appears to be a route used by the public and so could well be an unrecorded PROW.

Contaminated Land Officer: Sufficient information has been provided to demonstrate that the risk from contamination has been given consideration on site, therefore no objections on grounds of possible contamination of the site.

Archaeologist: The site is within an area of archaeological interest, suggests a 'watching brief' condition.

Economic Development Team: Advises that there is a shortage of small workshop premises within the district and considers that this unit should be retained for employment use.

Bath Society: An interesting design in good materials.

British Waterways: Has no objection to development in this location. As owner of the adjacent canal towpath, British Waterways would expect the developers to enter into a licence agreement with them in respect of windows opening onto the towpath.

In addition British Waterways considers that it has a right of way along the access track which should not be compromised.

Local Residents: Letters of Objection to the proposal have been received from five local residents, the principal reasons for objection being :-

- (a) The proposed development would dominate and overlook adjacent dwellings in St Matthew's Place.
- (b) The access is unsatisfactory for the number of houses proposed and its use would result in pollution and highway safety hazards
- (c) Existing residents use the lane for parking, with usually more cars parked than the two spaces shown on the submitted plans
- (d) Existing residents would suffer noise and disturbance from the occupiers of the proposed development.
- (e) One resident expresses concern that the side wall of their property could be damaged by vehicles accessing the proposed development, and also that a conservatory which they intend to erect could be damaged during demolition and construction work.

PLANNING ISSUES

Planning History

06/04079/FUL - Erection of 4 Dwellings - Withdrawn 28/03/07

06/04081/CA - Demolition of Existing Buildings - Current application

PLANNING POLICY

BATH LOCAL PLAN

- C1 World Heritage Site
- C2 Design Requirements
- C3 Conservation Area
- C6 Demolition in the Conservation Area
- C11 Preservation of Listed Buildings and their Settings
- C12 Development affecting Listed Buildings or their Settings
- E2 Retaining Existing Sources of Employment
- H13 Residential Development
- H15 Residential Amenity
- T25 Highway development Control; Criteria

BATH AND NORTH EAST SOMERSET LOCAL PLAN: At the meeting of the Council on 12th October 2006 the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified was approved for Development Control purposes. The following policies are material considerations :-

- BH1 World Heritage Site
- BH2 Listed Buildings and their Settings
- BH6 Development within Conservation Areas
- BH7 Demolition within a Conservation Area
- ET3 Employment Land

HG4 Residential Development in Bath
T24 General Development and Access Policy

Policy Aspects: The application site lies within a predominantly residential area within the developed area of Bath, and residential development of this site is in accordance with the requirements of Policy HG4.

The site has most recently been used as for employment purposes and a change of use away from such use has to be assessed against the requirements of Policy E2 of the Bath Local Plan and Policy ET3 of the Bath and North East Somerset Local Plan.

Impact on Visual Amenity within the World Heritage Site and the Conservation Area: The proposed development has an interesting and innovative design which, although recognisably modern in appearance, would have an appropriate appearance in this location within the Bath Conservation Area and World Heritage Site, and close to listed buildings.

The design is intended to reflect the 'workshop' character of the area rather than presenting a domestic appearance. Overall it is considered that the design and appearance of the proposed building would fit well into this location, and that the footprint and overall height of the building would not be excessive.

Impact on Local Residents: The residents most affected by the proposed development would be the occupiers of Nos 8 and 9 St Matthews Place, which abut the north-west boundary of the site. The rear windows of the cantilevered upper floor of the proposal would be 16m from the nearest windows in these neighbouring houses.

In respect of No 9 St Matthews Place, the elevation facing this house would include small windows lighting kitchen/dining areas in two of the proposed dwellings, the main lighting of these areas coming from rooflights. The existing houses are at a level approximately 700mm lower than the proposed new dwellings, however in view of the small size of the proposed windows and the separating distance, the effect on these neighbours would not be unreasonable.

In respect of No 8 St Matthews Place, the proposal includes leaving the wall of the existing garage building on the boundary standing to a height of 4.5m to screen the rear windows and garden area of No 8 from overlooking from the new development.

Some residents also express the view that the proposed new building would dominate the houses. While the new building would be higher and have a greater visual impact than the existing garage buildings, it would not be higher than the adjacent houses in St Matthews Place and would not be unduly intrusive or dominant in this location.

The design also includes a pair of double glazed doors on the east side-facing elevation at 1st floor level, having a metal screen in front, which would face towards the garden of the neighbouring dwelling in No 1 Caroline Buildings. Three other smaller windows also formed in this elevation. These would not affect the windows of No 1 Caroline Buildings but would overlook part of the rear garden. While this neighbour objects to such overlooking, this would not be to a greater extent than would commonly be found in urban locations, and is not regarded as unacceptable.

Highway Issues: The vehicle access to the site is a poorly surfaced trackway which is also used for parking by local residents. The proposal includes resurfacing of this track to form a 'shared surface', and although the junction of this track with Pulteney Road is sub-standard, it is considered adequate to serve the proposed development.

Comparison with Previous Scheme: The proposal is based on the earlier scheme, 06/04079/FUL but has been substantially redesigned to seek to overcome the concerns expressed about that scheme. The earlier scheme included an open balcony above the accommodation on the north side of the proposed building, which would have overlooked the rear windows of houses in St Matthews Place, and this is now deleted in the revised scheme. In addition the earlier scheme included sizeable windows at 1st floor level, and two of these, which would have overlooked the rear windows of No. 9 St Matthews Place, are now replaced with much smaller windows. Also the extent of the overhang of the 1st floor on the north side of the building has been reduced on the revised scheme.

These alterations to the proposal would reduce the impact of the proposal on the neighbouring occupiers to a level whereby the scheme is not considered to be significantly detrimental to the amenities of these occupiers.

Economic Development Issues: The Economic Development Team identifies that there is a shortage of small workshops within the district and for that reason considers that this site should be retained for employment uses.

However, the wider planning considerations relating to this site mitigate against renewed use of the workshops. The site is in a residential area and is immediately adjacent to houses, whose residents could suffer from noise and disturbance from any workshop use. In addition the site has no direct highway access, and can only be reached via a narrow track which has a sub-standard access onto Pulteney Road, and which provides an inadequate level of access for a workshop use especially for access by lorries or commercial vehicles.

Also, renewed workshop use would result in the retention of the existing buildings on the site, and although these are stone buildings, they have been much altered over the years and now detract from the appearance and character of this important location, which lies adjacent to the canal and within the Bath Conservation Area and the World Heritage Site, and which also forms part of the setting of nearby listed buildings.

For these reasons it is considered that retained employment use of the site would not represent the most advantageous form of use of the site in this a case, and that the change of use of the site inherent in the application is acceptable.

Sustainability Issues: The application site lies within easy walking distance of Bath City Centre, and so the services and employment opportunities of the City Centre would be available to the occupiers of the proposed dwellings without generating a requirement to use motor cars. The proposal is therefore in accordance with the Council's objectives in respect of sustainable development.

CONCLUSION

The application site is in a location where residential development is acceptable in policy terms, and where continued employment use is not regarded as the most appropriate use of the site. The proposed development represents an attractive design which is appropriate to this unusual location, and which would not detract unreasonably from the amenities of neighbouring occupiers.

CONDITIONS

1) The development hereby approved 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 and to avoid the accumulation of unimplemented planning permissions.

2) Prior to the commencement of development, a sample panel of all external walling materials to be used shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

Reason: In the interests of the appearance of the development and the character and appearance of the Conservation Area.

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement or external alteration to any dwellings hereby approved without the prior written permission of the Local Planning Authority.

Reason: In the interests of the appearance of the development and of the amenity and character of the area.

4) The dwellings hereby approved shall not be occupied until the access lane shown on the approved plans shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety

5) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

6) Prior to the commencement of the development, structural details and calculations for the construction adjoining the towpath shall be submitted too and approved in writing by the Local Planning authority.

Reason: To ensure the structural integrity of the towpath is not adversely affected.

7) Before the dwellings are first occupied, Welcome Packs for new residents shall be issued to purchasers which should include information on bus and train timetables, examples of fares/ticket options, information on cycle routes, and a copy of the Travel Better/ Live Better publication, car share club information etc, to encourage residents to

use public transport. The content of these packs shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

8) No development shall take place within the application site until a programme of archaeological work has been undertaken in accordance with a detailed written scheme of investigation which has previously been submitted to and approved in writing by the Local Planning Authority, and the completion of the approved programme of work has been confirmed in writing by the Local Planning Authority.

Reason: To ensure that archaeological deposits and structures are investigated and recorded to an appropriate professional standard.

9) No development shall be commenced until the details set out in (i) and(ii) below have been submitted to and approved in writing by the Local Planning Authority :-

(i) A report on a further investigation to be carried out on the application site, in accordance with BS10175:2001, which fully and effectively characterises the nature and extent of any contamination and its implications. The report shall include a quantified risk assessment for all relevant receptors.

(ii) A Remediation Method statement, detailing proposals for the removal, containment or otherwise rendering harmless of such contamination.

Following completion of measures identified in the approved Remediation Method Statement a Validation Report and Certificate shall be submitted to and approved in writing by the Local Planning Authority.

In the event that contamination is found that was not previously identified it shall be reported immediately to the Local Planning Authority and works must cease. An investigation and risk assessment must be undertaken, and where remediation is necessary a Remediation Method Statement shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be completed before work recommences unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard public and environmental health.

FOOTNOTE: This decision refers only to Drawings ref 261/S/01, 02, 0304,05 & 06, 261/PH/01, and 261/P/11D,12D, 13D,14Dand 15D, all date-stamped 20th March 2007-05-10

ADVICE NOTE

(1) All construction work is to be undertaken in accordance with the Council's 'Code of Practice with regard to Noise on Construction Sites', a copy of which is attached.

(2) The applicants must contact British Waterways with regard to any requirement for a licence in respect of the proposed windows opening onto the Canal towpath

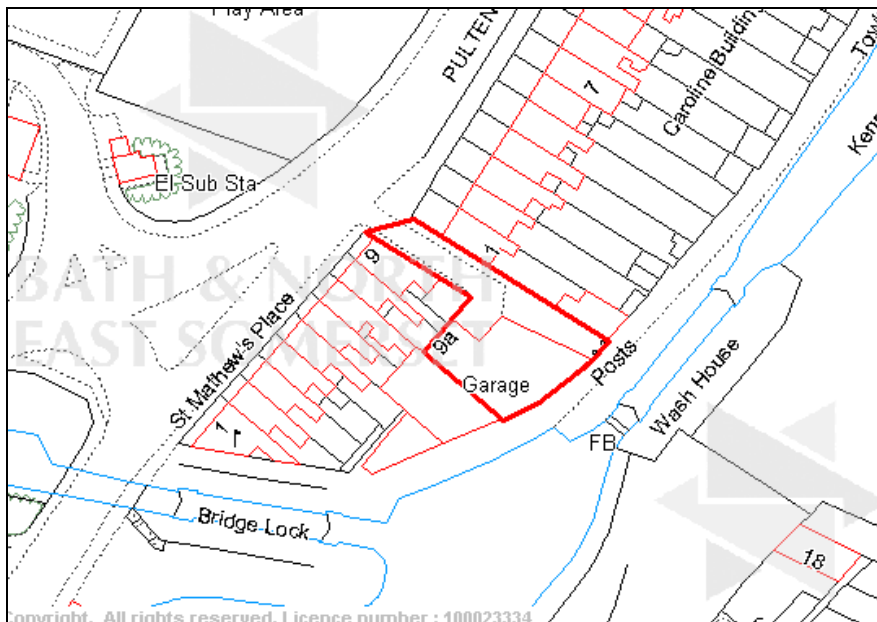
REASONS FOR GRANTING APPROVAL

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

Permission has been granted because the proposed development would not detract from the appearance and character of this location forming part of the Bath Conservation Area and World Heritage Site, and would not unreasonably affect the amenities of neighbouring residential; occupiers.

A Policies C1, C2, C3, C6, C11, C12, E2, H13, H15 and T25 of the Bath Local Plan, and Policies BH1, BH2, BH6, BH7, ET3, HG4 and T24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be amended 2006.

Item No: 08
Application No: 06/04081/CA
Site Location: 9A St Matthew's Place, Pulteney Road, Bathwick, Bath



Ward: Widcombe **Parish:** N/A **LB Grade:** N/A
Application Type: Conservation Area Consent
Proposal: Demolition of existing garage prior to the erection of four houses
Constraints: Conservation Area, World Heritage Site,
Applicant: St Pier Ltd
Expiry Date: 23rd January 2007
Case Officer: Neil Harvey

RECOMMENDATION

CONSENT with condition(s)

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE:

Objections to the proposal have been received from local residents contrary to officers recommendation

DESCRIPTION OF SITE AND APPLICATION

The application site is described in the report into the previous application on this agenda, 07/00950/FUL.

This application refers to the proposed removal of the existing garage buildings on this site to make way for the proposed new development of four dwellings. The existing buildings comprise a range of workshops built in squared rubble stone with some sections of Bath stone ashlar, effectively comprising three adjoining buildings which occupy the west and south sides of the application site.

Two of the buildings have double-pitched roofs covered with asbestos sheeting, while the structure on the east side has a flat roof covered with roofing felt. This range of buildings measures a maximum of 19m by 16.4m, and the highest part of the structure, the gable end on the north-west elevation, is 6.5m above ground level.

The proposal is to remove the whole of these buildings except for sections of rubble stone walls on the south elevation (facing the canal) and the east elevation which fronts onto the access track, both of which would be lowered from their present height and incorporated into the structure of the proposed new building. On the north elevation, a section of the gable end of the one of the existing buildings, abutting the boundary with neighbouring houses, would be retained and reduced to 4.0m in height, intended to act as a screen to prevent overlooking from the proposed new dwellings.

CONSULTATIONS & REPRESENTATIONS

Urban Designer: The existing buildings have a negative contribution to the site and the public realm - has no objection to their removal.

Historic Buildings Team: Comments awaited

Local Residents: Letters have been received from 5 local residents concerning the proposed redevelopment of this site.. None of these referred to any objection to the removal of the existing building, although one resident expresses a view that the best use of the site would be for it to remain in garage use.

PLANNING ISSUES

Planning History :

06/04079/FUL - Erection of four dwellings - Withdrawn 28/03/07

07/00950/FUL - Erection of four dwellings following demolition of existing garage (revised scheme) - current application

Planning Policy

BATH LOCAL PLAN

- C1 World Heritage Site
- C2 Design Requirements
- C3 Conservation Area
- C6 Demolition in the Conservation area
- C11 Preservation of Listed Buildings and their settings
- C12 Development affecting the setting of Listed Buildings or their settings

BATH AND NORTH EAST SOMERSET LOCAL PLAN: At the meeting of the Council on 12th October 2006 the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified was approved for Development Control purposes. The following policies are material considerations :-

- BH1 World Heritage Site
- BH2 Listed Buildings and their Settings
- BH6 Development within Conservation Areas
- BH7 Demolition within a Conservation Area

Visual Amenity/Conservation Area/World Heritage Site: The existing buildings on the site when constructed may well have been attractive vernacular stone buildings, however they have been substantially altered over the years, with one of the buildings now having a flat roof and others reroofed in asbestos material, and large openings formed in the buildings to allow vehicles to be taken into the buildings during use as a garage.

Unfortunately the original appearance and character of these buildings has been lost, and they now make no contribution to the appearance and character of this part of the Bath Conservation Area and World Heritage Site. Their removal would thus not represent a loss to the visual quality of the area.

Policy Aspects: Policy BH7 of the Bath and North East Somerset Local Plan, reflecting Policy C6 of the Bath Local Plan advises that Conservation Area Consent for the demolition of buildings which contribute to the special character and appearance of the Conservation Area will only be granted where the proposed new development will make a similar or greater contribution to the Conservation Area.

In this case, the present buildings do not contribute significantly to the character and appearance of the Conservation Area, and the proposed new building would be of an interesting design which would complement this part of the Conservation Area. The demolition of these buildings on the site would therefore be in keeping with the requirements of Policies BH7 and C6.

CONCLUSION

The removal of the existing garage buildings on this site would not detract from the character and appearance of this part of the Bath Conservation Area and World Heritage Site, and would be compliant with Local Plan Policy Guidance.

CONDITIONS

- 1) The development hereby approved 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 and to avoid the accumulation of unimplemented planning permissions.

FOOTNOTE: This decision refers only to drawings ref 261/S/01,02, 03, 04, 05 and 06, and drawing ref 2613/SU-01, date-stamped 28th November 2007

INFORMATIVE: The applicant/developer is advised to contact the External Works Engineer of British Waterways to ensure that any necessary consents are obtained and that the works to be carried out comply with the British Waterways `Code of Practice for works affecting British Waterways`.

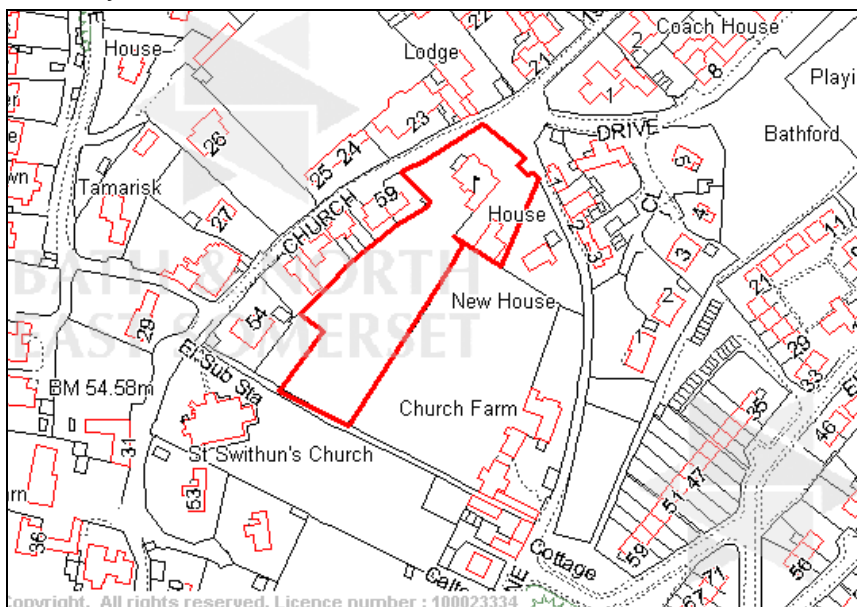
REASONS FOR GRANTING APPROVAL

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

Permission is granted because the proposed demolition would not detract from the character and appearance of this part of the Bath Conservation Area and World Heritage Site.

A C1, C2, C3, C6, C11 and C12 of Bath Local Plan, and Policies BH1, BH2, BH6, and BH7 of the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified 2006.

Item No: 09
Application No: 07/00902/FUL
Site Location: Sycamore House, Church Street, Bathford, Bath



Ward: Bathavon North **Parish:** Bathford **LB Grade:** II
Application Type: Full Application
Proposal: Erection of new garage extension to existing cottage
Constraints: Conservation Area, Housing Development Boundary,
Applicant: Mr & Mrs Jolliffe

Expiry Date:	11th May 2007
Case Officer:	Neil Harvey

RECOMMENDATION

REFUSE

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE:

The Bathford Parish Council supports the application, contrary to Officers Recommendation

DESCRIPTION OF SITE AND APPLICATION

Sycamore House is a large 3 storey house which is a Grade II Listed Building and which stands in a prominent position fronting onto Church Street, occupying a plot measuring a maximum of 55m by 135m.

On the east side of the house is a detached building, formerly a coach house but now referred to as a cottage, which measures 15m by 5.6m and is single storey but has rooms in the roof space lit by rooflights in the north-west facing roof slope. This building is used ancillary to the main house and planning permission for its extension and conversion to form a playroom and accommodation was granted in 2002.

This application refers to the cottage building, and is for the addition of a garage to be built onto the west-facing side elevation of the cottage. The garage would measure 4.0m wide by 7.0m long, with an eaves height of 1.8m and a roof ridge height of 3.7m. The garage would be faced in natural rubble stone with a roof covering of reclaimed clay double roman tiles. The roof would be gable-ended with parapets on the gables, to match the existing cottage building. The garage would project 2.2m beyond the front wall of the cottage.

CONSULTATIONS & REPRESENTATIONS

Parish Council : Bathford Parish Council supports the application

Historic Building Team: Objects to the proposal (see report in respect of Listed Building Consent application 07/00899/LBA, which is the following item on this Agenda).

Local Residents : No representations received.

PLANNING ISSUES

PLANNING HISTORY:

03/01867/LBA - Alterations to main house - Consent 5/9/2003

02/02877/FUL - Extension to main house and alterations to cottage - Permitted 12/02/2002. (this permission included the erection of a car port against the side of the cottage building, although this has not been implemented).

02/02878/LBA - Extension to main house and alterations to cottage - Consent 12/02/2002. (this permission included the erection of a car port against the side of the cottage building, although this has not been implemented).

PLANNING POLICY

BATH AND NORTH EAST SOMERSET LOCAL PLAN: At the meeting of the Council on 12th October 2006 the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified was approved for Development Control purposes. The following policies are material considerations :-

BH6 Conservation Areas
Bh2 Listed Buildings and their settings
D2 General Design and Public Realm Considerations
D4 Townscape Considerations
T24 Highway Development Control Criteria

Listed Building/Conservation Area aspects: The cottage building is included in the listing of the main house and is a building of attractive appearance in itself. The cottage currently has a plain gable end facing towards Church Street, and the proposed garage would be located so it would project 2.2m in front of the front wall of the cottage and the garage would also extend across part of the front elevation of the cottage. This would cause the garage to have rather incongruous and awkward appearance attached top the cottage and would detract from the present simple lines of the cottage building.

Impact on neighbouring occupiers: The only neighbours to be affected by the proposal would be the occupiers of 'The New House', which lies to the south-east of the application site. The proposed garage would be 1.5m from the boundary, which is marked by a hedge about 2.0m high. The closest windows of this neighbouring house would be approximately 10m from the proposed garage, with the existing hedge screening the garage to some extent, and overall the impact these neighbours would not be unreasonable.

Highway Aspects: The proposal would not involve any alteration to the present vehicle access to the site, and the site includes a substantial parking and turning area.

CONCLUSION

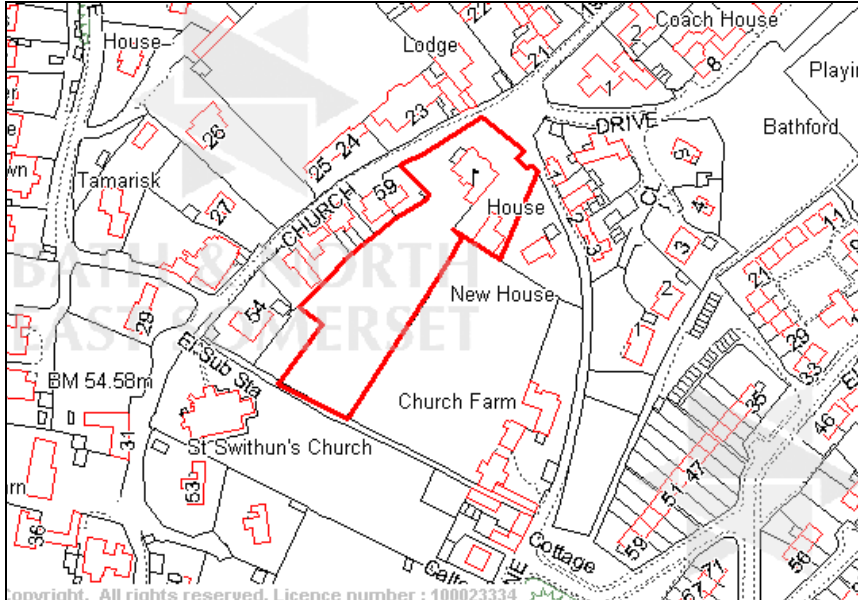
The proposed garage would detract from the appearance and character of the cottage building on this site, which is included in the listing of Sycamore House. Negotiations are continuing to seek to achieve a satisfactory solution and any progress will be reported at the meeting.

REASON(S) FOR REFUSAL

1) The proposed garage, by reason of its position, design and relationship to the existing outbuilding, would be harmful to the character of the coach building and to the setting of Sycamore House, a Grade II listed building, and would fail to preserve or enhance the character and appearance of this part of the Bath Conservation Area, contrary to Policies BH2 and BH6 of the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified 2006.

FOOTNOTE: This decision refers only to the Location Plan and Drawings ref 112/S/01,2 and 3, and 112/P/01,2, and 3, all date-stamped 16th March 2007.

Item No: 10
Application No: 07/00899/LBA
Site Location: Sycamore House, Church Street, Bathford, Bath



Ward: Bathavon North **Parish:** Bathford **LB Grade:** II
Application Type: Listed Building Consent (Alts/exts)
Proposal: Erection of new garage extension to existing cottage
Constraints: Conservation Area, Housing Development Boundary,
Applicant: Mr & Mrs Jolliffe
Expiry Date: 11th May 2007
Case Officer: Jacky Wilkinson

RECOMMENDATION

REFUSE

REPORT

REASON FOR APPLICATION BEING REPORTED TO COMMITTEE
Parish Council support.

DESCRIPTION OF SITE AND PROPOSAL

Sycamore House is a large 3 storey house which is a Grade II Listed Building and which stands in a prominent position fronting onto Church Street, occupying a plot measuring a maximum of 55m by 135m.

On the east side of the house is a detached building, formerly a coach house but now referred to as a cottage, which measures 15m by 5.6m and is single storey but has rooms

in the roof space lit by rooflights in the north-west facing roof slope. This building is used ancillary to the main house and planning permission for its extension and conversion to form a playroom and accommodation was granted in 2002.

This application refers to the cottage building, and is for the addition of a garage to be built onto the west-facing side elevation of the cottage. The garage would measure 4.0m wide by 7.0m long, with an eaves height of 1.8m and a roof ridge height of 3.7m. The garage would be faced in natural rubble stone with a roof covering of reclaimed clay double roman tiles. The roof would be gable-ended with parapets on the gables, to match the existing cottage building. The garage would project 2.2m beyond the front wall of the cottage.

CONSULTATIONS & REPRESENTATIONS

Parish - support.

Bath Preservation Trust - object, the proposed garage is unsympathetic in terms of its position and relationship with the existing cottage, which has a prominent traditional gable. It would dominate the cottage and detract from the character and setting of the listed building.

PLANNING ISSUES

Policy context

BH2, and BH6 of the Bath and North East Somerset Local Plan.

At the Council Meeting on the 12th October 2006 the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified was approved for Development Control purposes.

Planning Policy Guidance Note 15: Planning and the Historic Environment

Relevant Planning History: 02/02877/FUL, 02/02878/LBA - under these consents approval was granted for a lean to car port on the coach house.

Character and Setting of Listed Building: Sycamore House is a late Georgian country house facing the street with a formal garden, gates and walls, all of which is listed Grade 2 and is in a prominent position in the centre of the village of Bathford Conservation Area. To one side there are wide gates to a side service area, with a large hard standing area and a former coach house (now ancillary accommodation). The coach house has an attractive formal gable end to the street scene. The coach house, which was the original garage for vehicles, was converted to accommodation in 2002.

It is considered that the coach house has interest in its own right as a former service building with its simple architectural form. It is a curtilage listed building.

It is proposed to build an enclosed garage to one side of the gable end of the coach house. It would project forward of the building line by approx. 2.2m and wrap over the gable. It would have a stone gable end with cedar garage doors.

It is considered that the garage would over-dominate the existing gable elevation and harm the historic interest of this ancillary building. The setting of the main house would also be affected, and the proposals would also be clearly visible up the wide drive from the street, which would harm the character of the area.

There is ample open parking and permission has been given for a carport. There is no justification for the provision of larger garage than the approved carport which provided a covered space without harming the building. The applicants have been advised that enclosing the carport with painted timber doors would be acceptable.

CONCLUSION

The proposed garage would harm the special interest of the coach house building and the setting of the main house, which makes an important contribution to the character and appearance of the Bathford Conservation Area.

REASON(S) FOR REFUSAL

1) The proposed garage, because of its position, design and relationship to the gable of the existing coach house, would be harmful to the character of the coach house and to the setting of Sycamore House contrary to Policy BH2 of the Revised Deposit Draft Local Plan. It would also fail to preserve or enhance the character and appearance of this part of the Bathford Conservation Area contrary to Policy BH6 of the Local Plan.

FOOTNOTE: This decision relates to drawing(s) justification statement, location plan, 112/S/01, 02, 03, 04.

Item No:	11
Application No:	07/01045/REG03
Site Location:	Mount Pleasant Quarry, Mount Pleasant, Monkton Combe, Bath
Ward:	Bathavon South
Parish:	Monkton Combe
LB Grade:	N/A
Application Type:	Regulation 3 Application
Proposal:	Provision of new bat sump and associated works
Constraints:	Area of Outstanding Natural Beauty, Greenbelt, Major Existing Dev Site,
Applicant:	Combe Down Stone Mines Project

Expiry Date:	18th July 2007
Case Officer:	Chris Herbert

RECOMMENDATION

Authorise the Head of Planning Services to PERMIT subject to condition(s)

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE:

The application is being reported to committee due to its relationship with the project for the stabilisation of the Combe Down Stone Mines.

DESCRIPTION OF SITE AND APPLICATION:

Mount Pleasant Quarry is a disused quarry and industrial site located to the south east of Monkton Combe school on the edge of Bath. The site, now owned by the school, has not been used for a number of years and the floor of the quarry is now covered in scrub vegetation with mature trees around the perimeter. To the east of the quarry are playing fields and to the south are a number of residential properties. To the west and north west is Monkton Combe school.

The application site is at the northern end of the quarry where there is a current entrance to the former Grey Gables mine workings. This entrance is already a SSSI and part of the Bath and Bradford on Avon candidate SAC site for bats.

The site is also located within an Area of Outstanding Natural Beauty and the Green Belt.

The proposed new bat sump would be constructed as part of the bat mitigation scheme for the main stabilisation works and would provide replacement habitat for that being lost at Combe Down. The key features of the proposed development are as follows:

- Re-profiling of the existing ground and construction of a 5m high bund to form a bowl in front of the existing mine entrance;
- Stabilisation of a 15m area within the mine to create a safe area to undertake bat monitoring for a 10 year period; and
- Creation of a bat monitoring area within the mine entrance.

The proposed works need to be undertaken between June and September 2007 in order that the mine is then available for the bats to use over the autumn and winter for hibernation. Any delay in the approval of the proposed works is thus likely to have a significant impact upon the implementation of the overall scheme.

The formation of the bund would involve the importation of up to 6000 tonnes of material with access along Shaft Road and then a private road where the existing quarry access is located at the southern end of the quarry. Existing scrub vegetation would have to be removed in order to access the former mine entrance and vegetation would need to be cleared from around the mine entrance. This will require the removal of one tree because of its proximity to the mine entrance. The mature trees around the perimeter of the quarry will not be affected by the proposed development.

Typical machinery to be used for the works will include mechanical excavators, motorised tippers, delivery lorries and hand tools such as breakers and compactors.

Hours of operation would be limited to 0800 to 1800 hours Monday to Friday and 0800 to 1200 hours on Saturdays. If required HGV movements could be restricted to between 0930 and 1500 hours Monday to Friday and 0900 to 1200 hours on Saturdays.

CONSULTATIONS & REPRESENTATIONS

Environment Agency: No comments received.

Natural England: Need to confirm the location and volume of the cold weather chambers at the Shaft Road complex after the vents are open. Need a timetable of works and how the works will be implemented without harming the bats.

Monkton Combe Parish Council: No comments received.

Highway Development Officer: No comments received.

Environmental Health Officer: Prior to the granting of any permission the applicant should be asked to submit full details of the measures to be implemented to control dust and noise nuisance arising from the works and associated activities. Particular attention must be given to the impact of vehicular movements on and off the site which are likely to be significant and of major concern to local residents.

Ecology Officer: Need to confirm the location and volume of the cold weather chambers at the Shaft Road complex after the vents are open. Need a timetable of works and how the works will be implemented without harming the bats.

OTHER REPRESENTATIONS/THIRD PARTIES: One letter has been received objecting to the proposal on the grounds of the proposed access to the site and its unsuitability for heavy traffic, which would congest and obstruct the road.

PLANNING ISSUES

RELEVANT PLANNING HISTORY: The proposed works would be carried out as part of the bat mitigation scheme for the main mine stabilisation works and would provide replacement habitat for that being lost at Combe Down.

POLICY CONTEXT: The Bath and North East Somerset Local Plan (including mineral and waste policies) as proposed to be modified 2006 has virtually completed its journey towards formal adoption as part of the statutory Development Plan, and as no further amendments are now proposed which have any bearing upon this application, it must be given considerable weight in this case.

Policies GB.1 and GB.2 of the new Local Plan deal with development in the Green Belt.

Policy NE.2 of the new Local Plan deals with development in Areas of Outstanding Natural Beauty.

Policy NE.6 of the new Local Plan deals with development which may affect designated or candidate Special Areas of Conservation

Policies ES.10 and 12 of the new Local Plan deal with air quality and noise.

Policy TP.24 of the new Local Plan deals with transport.

GREEN BELT: The proposed development is small in scale and the proposed construction of the bund would be completed by the end of September 2007. The height of the bund does not exceed that of the walls of the surrounding quarry and the mature vegetation that surrounds the quarry would not be affected by the proposed development. The other works would be underground and thereafter the proposed monitoring regime would consist of visits by one to two people and would be very low key. The proposed development does not require any buildings or fixed plant and machinery. Having regard to its small scale and temporary nature it is not considered to adversely affect the openness of the Green Belt in this location or conflict with the purposes of including land within it. In addition as the proposed development would be contained within the existing quarry and existing perimeter vegetation which forms an effective screen would be retained it is not considered to be visually detrimental to the Green Belt in this location.

AIR QUALITY AND NOISE: The construction period of the proposed development has the potential to adversely affect the amenities of local residents if it is not properly controlled. A noise survey has been commissioned in accordance with the advice of the Environmental Health Officer and the results will be available prior to the Committee meeting, when Members will be advised further regarding the setting of acceptable noise limits in order to prevent the development having an unacceptable impact on local residents. In respect of dust conditions requiring the use of a water bowser in dry weather and the cleaning of vehicles are proposed. Therefore having regard to limited time period of the proposed operations and the proposed conditions it is considered that the proposed development would not have an unacceptable dust or noise impact on the surrounding land and does not conflict with policies ES.10 and ES.12 of the new Local Plan. The proposed monitoring activities proposed following the construction of the bat sump are not considered likely to have any adverse impacts on amenity.

HIGHWAYS: Access to the proposed site would be along Shaft Road and then a short length of private road before reaching the existing quarry entrance. Whilst this route was used by HGVs when the quarry was active the letter of representation received refers to problems caused by such movements and it is considered that it is this element of the proposed development which would have the greatest impact on local residents who live along the proposed route. However having regard to the limited period of the proposed HGV movements; the restricted hours they would be able to access the site (0930 to 1500 hours); the proposed daily limit of 20; and the need for the development to provide suitable alternative habitat for the bats in order for the main stabilisation works to proceed at Combe Down it is considered that the proposed development would not have an unacceptable impact on the highway network and does not conflict with policy TP.24 of the new Local Plan.

LANDSCAPE: The proposed development is located in an Area of Outstanding Natural Beauty. However it is sited within an existing quarry and the proposed works are to enhance an existing mine entrance for use by bats. The proposed bund would not be

visible outside the quarry as it does not exceed the height of the existing quarry walls and the does not impact on the existing mature trees which surround the perimeter of the quarry. One tree would be lost but this is within the quarry and has to be removed because of its proximity to the proposed work. The scrub vegetation that has to be removed from within the quarry to gain access to the site is not considered to have any landscape value. The proposed development is therefore not considered to have any adverse affect on the natural beauty of the landscape of the AONB and does not conflict with policy NE.2 of the new Local Plan.

ECOLOGY: The proposed development would carry out works to a site which is already a SSSI and a candidate SAC, however the aim of the proposed development is to enhance the nature conservation interest of the site by making areas of the Grey Gables mine more favourable for use by bats. However in order to achieve this, the works have to be carried out during the summer months so that the bats can use the site in autumn and winter for hibernation. Because of the international importance of this site for bats it is necessary for the local planning authority to undertake an Appropriate Assessment of the proposed development in order to establish that it will not have a significant adverse effect on the nature conservation value of the site. This assessment is still being carried out but will be available to the committee prior to them reaching a decision on the proposed development. Subject to the receipt of a favourable Appropriate Assessment it is considered that the proposed development would not conflict with the requirements of policy NE.6. In addition because of the need to clear vegetation during the bird nesting season a condition requiring all areas to be cleared to be checked for nesting birds is proposed.

CONCLUSION

It is likely that this proposal can be fully supported. However, planning permission should not be granted until it has been confirmed that the ecological impact of the scheme is satisfactory. In addition, a number of other consultation responses are awaited, and Members will be updated prior to the meeting.

CONDITIONS

Authorise the Assistant Director, Transport and Planning Development to PERMIT subject to the receipt of a favourable Appropriate Assessment of the nature conservation implications and subject to such appropriate conditions as he may determine, but including a Noise Limit and Monitoring condition and the following:

1) Works required to construct the proposed bund and bat monitoring area in accordance with Drawing No. D104703-230-2152 Rev P4 date stamped 11 April 2007 and Drawing No. D104703-230-2157 Rev P3 date stamped 11 April 2007.the approved plans shall be completed by the 30 September 2007 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development does not have an unacceptable impact on local residents.

2) No development shall commence until a nesting bird survey has been carried out on all areas of vegetation to be removed.

Reason: To prevent disturbance to nesting birds.

3) A water bowser will be maintained on site at all times and used in periods of dry weather to damp down operational areas and haul routes.

Reason: To ensure the development does not have an unacceptable impact on the local community.

4) No operations shall be carried out at the site except between the following hours:

0800 to 1800 hours Monday to Friday
0800 to 1200 hours Saturdays

No HGV movements shall take place except between the following hours:

0930 to 1500 hours Monday to Friday
0900 to 1200 hours Saturdays

No operations or HGV movements shall take place on Sundays or public holidays.

Reason: To prevent an unacceptable impact on local amenity.

5) No more than 20 HGVs shall enter the site during any one working day. From the date of this permission the site operators shall maintain daily records of vehicle movements and make them available to the local planning authority at any reasonable time upon request.

Reason: To prevent an unacceptable impact on local amenity and highway safety.

6) No vehicle shall leave the site unless it is in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Reason: In the interests of highway safety.

7) No plant and machinery used on site which requires a reversing warning system shall be operated unless it has been fitted with a bbs-tek backalarm system or another similarly specified product, in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

Reason: To safeguard the amenity of local residents.

8) Within 3 months of the date of this permission a landscaping scheme for the bund shall be submitted for the approval in writing of the Local Planning Authority. The scheme shall be implemented in its entirety in the first available planting season after receiving written approval, unless otherwise agreed in writing by the local planning authority.

Reason: To assist in the integration of the site with the surrounding landscape.

REASONS FOR GRANTING APPROVAL

The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved supplementary planning guidance. This is in accordance with the policies set out below.

All other material considerations, including the views of third parties, have been considered and they do not outweigh the reasons for approving the development. The proposed development would not have an unacceptable impact on the amenities of local residents and any planning objections have been overcome by conditions.

The Bath and North East Somerset Local Plan (including mineral and waste policies) as proposed to be modified 2006

Policies GB.1; GB.2; NE.2, NE.6, T.24, ES.10 and ES.12

FOOTNOTE: Planning Application Boundary for Bat Sump within Mount Pleasant Quarry date stamped 11 April 2007, Drawing No. D104703-230-2152 Rev P4 date stamped 11 April 2007 and Drawing No. D104703-230-2157 Rev P3 date stamped 11 April 2007.

Item No:	12
Application No:	06/03963/FUL
Site Location:	The New Barn, Haycombe Lane, Englishcombe, Bath
Ward:	Bathavon West
Parish:	Englishcombe
LB Grade:	N/A
Application Type:	Full Application
Proposal:	Conversion of existing barn into residential dwelling
Constraints:	Greenbelt,
Applicant:	Mr & Mrs James
Expiry Date:	16th January 2007
Case Officer:	Chris Beak

RECOMMENDATION

PERMIT with condition(s)

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: Objection from Englishcombe Parish Council

DESCRIPTION OF SITE AND APPLICATION:

The application site is located at the western end of Haycombe Lane on land that falls to the south. The application proposes the change of use of an existing barn to a dwelling. The building was rebuilt on the land approximately 6 years ago. The site is located within the Bristol/Bath Green Belt and is in close proximity to a group of residential properties.

The building is constructed from local stone with a clay tiled roof. The main changes to the building to enable residential use would be internal.

The site in the past formed part of a large nursery which included large glasshouses, these have since been removed from the land. The site has an area of 0.078 hectares and the building has a floor space of approximately 300 sq m. Access to the site would be gained by Haycombe Lane and then over a private access to the property.

The application has been supported by a design and access statement, justification statement, a report on potential commercial uses and opportunities and information in respect of marketing of the property.

CONSULTATIONS & REPRESENTATIONS

ENGLISHCOMBE PARISH COUNCIL: The Parish Council opposes the application on the following grounds based on B&NES Local Plan Policies.

The site is within the Green Belt but outside any R1, R2 or R3 settlement

The Green Belt Policy GB.1 permits the re-use of existing buildings only in accordance with policy ET.9, which in turn permits residential conversion only if the applicant has made every reasonable attempt to secure a suitable business re-use. The Council did not consider that this requirement had been met. A copy of the Chairman's comments on the Alder King report on the marketability of the property is attached. He highlights rural properties successfully converted to business use in Englishcombe, Newton St Loe and Priston Parishes and indicates a view that commercial viability could only be tested by actively marketing the property, probably for 6 -12 months.

The application does not comply with either of the housing policies which permit development outside R1, R2, R3 settlements, ie

- o HG9 which provides for a demonstrable and particular need for affordable housing which cannot be met in any other way, and
- o HG10 which provides for new dwellings for essential or agricultural workers.

Additionally clarification is needed as to the currently approved use for the building. We do not believe it has a (generalised) B8 approval but appears to be approved for storage as part of an agricultural or horticultural establishment.

Further comments from Englishcombe Parish Council indicate the Parish Council considered the additional evidence regarding marketing the property for commercial use and remains concerned as to whether this demonstrated every reasonable attempt to secure suitable business re-use.

HIGHWAY DEVELOPMENT OFFICER: The position with regard to traffic generation is one where a comparison between commercial and residential use will result in less traffic as a dwelling than for say B1 use for a building at this size, but this ignores the implication of PPG13 and PPG10. The proposal is clearly one where the Planning Officer will need to consider the conflicting merits of the application.

If the LPA is reminded to permit the application the following conditions are requested.

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

Reason: In the interests of amenity and road safety.

The development hereby approved shall not be occupied until <<No. of spaces>> spaces have been provided within the curtilage of the site.

Reason: In the interests of highway safety.

The driveway between the edge of carriageway and the gates shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Before the access hereby approved is first brought into use the turning space shown on the submitted plan shall be properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept free of obstruction at all times.

Reason: In the interests of highway safety.

Advice Note:

The private road from Haycombe Lane and to the barn is also the route of public footpaths BA11/1 and BA11/6. No gates or barriers should be erected on these routes and they should be kept free of obstruction at all times.

ECONOMIC DEVELOPMENT: The Economic Development officer has indicated that generally there is concern regarding the loss of commercial floor space. The Economic Development Officer further indicates:-

`The application is supported by a statement from Brooks on the marketing of the premises. The Barn has been placed on the market on freehold terms for the past 12 months. During that time there has been what we would consider a reasonable amount of interest in the premises. It is probably fair to say that marketing the property for a freehold

disposal exposes it to a more limited market than if it had been offered leasehold. The evidence presented by Brooks however is significant in that it provides a number of contacts from companies who visited the premises and the reasons they did not pursue their interest. We would consider this to provide a good base for the market testing element.

The shortage and ongoing loss of employment land in and around the city is a significant concern that needs to be addressed. This however should also be considered against how the type of premises and its location serve the market. This assessment would be made through a market testing as outlined above, and whilst 12 months may not be considered an extended period to be marketed there is clear evidence of interest along with reasons as to why this was not progressed. In consideration of these matters we would not raise significant objection to the application.

OTHER REPRESENTATIONS / THIRD PARTIES: A letter signed by 5 local residents has indicated support for the proposal

PLANNING ISSUES

RELEVANT PLANNING HISTORY:

01/02104/FUL Complete walls and roof to form equipment storage barn following demolition of existing storage barn - Permitted.

This application proposed the erection of a building for a storage barn associated with the use of the land. A condition was imposed that restricted the use to be for the storage of machinery, maintenance of the former nursery land and for no other purpose.

POLICY CONTEXT:

NATIONAL POLICY: PPG2: Green Belts

BATH & NORTH EAST SOMERSET LOCAL PLAN (including waste and minerals) as proposed to be modified 2006

The Bath and North East Somerset Local Plan, as proposed to be modified, was approved for development control purposes on 12th October 2006; the following policies are relevant to this application:

GB.1 Green Belt

GB.2 Green Belt

ET.9 Re-use of Rural Buildings

T.24 Highway Development Control Criteria

PRINCIPLE OF PROPOSED USE: The proposed development is located within the Bristol/Bath Green Belt where the development of a dwelling would not normally be permitted. An exception to this would be where the proposed development relates to the re-use of an existing building. Local Plan Policy ET9 indicates it is necessary to demonstrate that the building is both suitable for conversion without the need for substantial rebuilding and that the building would not be suitable for alternative commercial uses.

The building is constructed from masonry and would not require substantial rebuilding to enable a conversion to an alternative use to take place.

However, of greater concern is the proposed suitability of the use of the building for alternative uses. This is of significant concern to the Englishcombe Parish Council. In support of the application the applicant has provided reports prepared by estate agents on the potential for a commercial use. This is supported by a further report by a Bath based agent who had also marketed the property. The information provided indicates the building was marketed for a year and despite some interest being shown no offers were received for the building.

The concern expressed by Englishcombe Parish Council indicates that the market price was not realistic. Observations have been received from the Councils Economic Development Team on the report and these indicate acceptance of the information set out by the reports accompanying this application with no significant objection there would thus not be sufficient grounds to justify refusal of this application based on policy ET.9.

GREEN BELT IMPLICATIONS: The site is located within the Bristol/Bath Green Belt. The building is clearly of a substantial construction and PPG.2 Green Belts indicates that the re-use of buildings inside a Green Belt is not inappropriate development providing:

(a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;

(b) strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (eg because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);

(c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and

(d) the form, bulk and general design of the buildings are in keeping with their surroundings. (Conversion proposals may be more acceptable if they respect local building styles and materials, though the use of equivalent natural materials that are not local should not be ruled out).

In this case the building is of a substantial construction and the proposed future use would not be likely to detract significantly from the openness of the Green Belt subject to the control of garden buildings and extensions by the imposition of conditions removing permitting development rights.

HIGHWAY ISSUES: Concern has been expressed that the proposed development would be outside of a housing development boundary as identified by the development plan. Alternative use of the premises would be likely to result in additional movements over and above the proposed residential use. The building is at the edge of an existing group of residential buildings and on balance the re-use of the building is considered appropriate in this case.

CONCLUSION

The application premises represent an existing building within the Green Belt. Having regard to the advice concerning the reuse of buildings within the Green Belt the proposal is considered acceptable in this case.

CONDITIONS

1) The development hereby approved 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 and to avoid the accumulation of unimplemented planning permissions.

2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension or enlargement (including additions or alterations to the roof(s)) of the dwelling(s) hereby approved shall be carried out without the prior written permission of the Local Planning Authority.

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

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, without the prior written permission of the Local Planning Authority.

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

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

Reason: In the interests of amenity and road safety.

5) The driveway between the edge of carriageway and the gates shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

6) Before the access hereby approved is first brought into use the turning space shown on the submitted plan shall be properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept free of obstruction at all times.

Reason: In the interests of highway safety.

INFORMATIVES

The private road from Haycombe Lane and to the barn is also the route of public footpaths BA11/1 and BA11/6. No gates or barriers should be erected on these routes and they should be kept free of obstruction at all times.

REASONS FOR GRANTING PERMISSION

The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below.

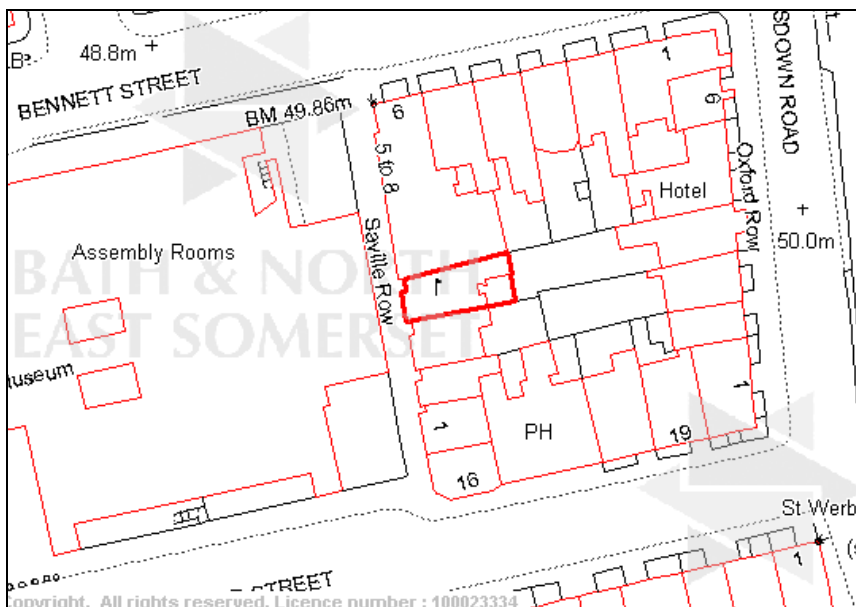
All other material considerations, including the views of third parties, have been considered, and they do not outweigh the reasons for approving the proposed development.

The proposed development would not result in any detrimental impact on the character of the area and would not significantly harm any interests of acknowledged importance.

Therefore the proposed development accords with Policies GB.1, GB.2, ET.9 and T.24 Bath & North East Somerset Local Plan including waste and Minerals as proposed to be modified 2006

Footnote: This decision relates to drawings HL -001, 002 and 03 date stamped 24 Jan 07.

Item No: 13
Application No: 06/04163/FUL
Site Location: 4 Saville Row, Lansdown, Bath, BA1 2QP



Ward: Abbey **Parish:** N/A **LB Grade:** II

Application Type: Full Application

Proposal: Use of ground and first-floor as restaurant with associated kitchen and storage in basement, and use of second and third floor as a residential unit

Constraints: Conservation Area, World Heritage Site,

Applicant: Mr & Mrs L Couvreur

Expiry Date: 30th January 2007

Case Officer: Andrew Ryall

RECOMMENDATION

REFUSE

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: This application is being reported to Committee at the request of former Cllr Sarah Webb. In addition the property is owned by the Council and the Council's Property Services Department supports the application.

DESCRIPTION OF SITE AND APPLICATION:

The application property is situated on the east side of Saville Row which is a pedestrian street and links Bennett Street to the north with Alfred Street to the south within the central part of Bath. Saville Row comprises shops on the ground floor with an associated basement and three floors above the shop. Generally there is residential accommodation on the upper floors within the properties in Saville Row. The west side of Saville Row is dominated by the rear of the Assembly Rooms. No 4 Saville Row is currently vacant and has been for a number of years.

The proposal is to use the ground and first floor as a restaurant with the associated kitchen in the basement. There would also be access to a rear courtyard at ground floor level where three tables and six chairs will be available for customers. The second and third floors would be used as one residential unit. The application forms state that the proposed opening hours of the restaurant would be between 11am to 1am seven days a week. However, within an 'Operational Statement' submitted in support of the application it is stated that 'Normal hours of opening will be 6 days a week, Tuesday to Saturday 12.- 2.30pm for lunch and 6 - 11pm for dinner. Sundays 12 - 2pm for lunch and 6 - 10pm for dinner. Extended opening hours of 6pm - 1am will apply for New Year's Eve.'

It is also stated that 'we may change the 'closed' day from Monday to another day of the week at our discretion.'

The seating capacity would be approximately 30 people and there would be a small bar/reception area for pre-dinner drinks for about 6 people.

It is also proposed to remove an existing ventilator from the rear wall at ground floor level and replace it with a new ventilator at basement level. The new ventilator is shown on the drawings to measure 450 x 450mm and would project from the wall by 10mm.

In addition to the Operational Statement the applicant has also submitted a noise assessment report and details of the proposed ventilation system which is designed to control odour.

These premises form part of a Grade II listed terrace which is situated within the Bath Conservation Area and the World Heritage Site.

CONSULTATIONS & REPRESENTATIONS

CONSERVATION OFFICER: Whilst the Conservation Officer has not specifically commented on this application it will be noted below that Listed Building Consent (ref: 06/01603/LBA) has been granted for the alterations associated with the proposed use.

HIGHWAY DEVELOPMENT OFFICER: No highway objection.

ENVIRONMENTAL HEALTH OFFICER:

Noise:

The noise report has stipulated that in order for the extraction system to meet the required noise level, the exit air velocity would need to be 3 metres per second. With the current design, the exit velocity is 12.5 metres per second which is significantly higher. To reduce the air velocity, the air volume needs to be reduced or the exit area increased. If the exit area is increased then a better attenuator will be required. The applicant needs to speak to their ventilation engineer to see if these changes are possible. Any changes should be checked with the acoustic consultant to see that they would comply with the recommendations of their report.

Odour:

Despite the proposals of fitting carbon filters, I still have reservations as to the suitability of the proposed design. Systems should ideally extract at no less than 1m above the roof ridge. The proposed system will vent out at ground floor level into a restricted courtyard area. This will mean that natural dispersal will be more limited. The use of carbon filters is not 100% effective and should really be used in conjunction with stack height. If the use of carbon filters is proposed, they should be used in addition with fine filtration pre filters. These filters are recommended to be changed every 2 weeks and the carbon filters are recommended to be changed every 4-6 month which is far more frequently than proposed by the applicant. This is to some extent also influenced by the volume of cooking that will take place, so some judgement will need to be made as to what is appropriate. This type of system will require a high level of maintenance.

I would see that a better solution would be to design a system that would have an external flue extracting at roof height, although I would see that this would not be popular with Historic Buildings.'

Following the receipt of these comments a meeting between the Planning and the Environmental Health Officers took place in an attempt to find a solution to the objections. In particular the use of a similar ventilation system to that which is proposed at the application property and used at a restaurant elsewhere was discussed. The Environmental Health Officers were of the opinion that as they were still receiving complaints about the system that was already in use elsewhere (it relied on carbon filters to filter odours but was still allowing unpleasant odours to be emitted) it was highly unlikely to be suitable at the application property. In addition the Environmental Health Officers were still concerned that there would also be noise nuisance. In this regard the Environmental Health Officers have stated:

'I still have reservations that the requirements of the noise report will be met. The noise report has highlighted that the proposed plant would still be operating at + 3db over background level provided that the exit air velocity was reduced to 3m/s and the insertion loss of the attenuator was increased. + 3db would mean that the likelihood of complaints are of marginal significance. It is still not clear if these requirements can be complied with and I have requested that they refer these points back to their ventilation engineer to see whether or not these changes are possible. My fear is that if I don't explore this issue fully and it is left to be conditioned, a system will be put in that is so finely tuned that it will

comply in the first instance, but as soon as any strain is placed on the system it will result in levels of noise output increasing. It then becomes a practical issue of how often cleaning/servicing/ filter change needs to be done to ensure that the right noise level is maintained. All in all, I'm still of the view that there are too many factors that point to this premises being unsuitable for this type of development.'

BUILDING CONTROL: Fire safety issues may necessitate a pre application meeting prior to the submission to Building Control.

OTHER REPRESENTATIONS / THIRD PARTIES: Five letters of objection have been received from local residents, including the adjoining residents objecting to the opening times as stated on the application forms. One letter from another local resident has been received stating that the hours stated on the operation statement submitted in support of the application are suitable rather than those shown on the application forms.

It should also be noted that information about the air extraction system has also been submitted by the Council's Property Services Department in support of the application.

LOCAL MEMBER: Former Cllr Sarah Webb supports this proposal as she believes that the low level extractor will be effective even if the Environmental Health Officers are doubtful, as it has worked elsewhere.

PLANNING ISSUES

RELEVANT PLANNING HISTORY:

03/02338/LBA - Installation of new canopy and extraction system in the kitchen of the restaurant. Refused on 24.09.04 as the proposed installations would be detrimental to the character and appearance of this Listed Building and its Conservation Area context.

03/02359/FUL - Change of use of ground floor, first floor front room to A3 (Restaurant) with ancillary storage to basement and residential to all other levels and installation of kitchen extraction vent to rear wall. Refused on 13.12.04 as the change of use of these premises to a restaurant within the A3 Use Class and the proposed location of extraction equipment would have a detrimental impact on the fabric, interior and setting of the Grade II Listed Building and on the character and appearance of this part of the World Heritage Site and Conservation Area. Also, no information, in terms of a Noise Rating Assessment had been supplied with the application to properly assess the noise impact of the proposal on the amenity of occupiers of adjacent residential properties.

05/03661/CLEU - Use of basement, ground and first floor front room as restaurant and storage (Certificate of Lawfulness for an Existing Use). No decision was made on this application as it was considered to be invalid, however, the evidence submitted with the application was not considered sufficient to justify the issuing of a Certificate of Lawfulness.

06/01603/LBA - Internal and external alterations. Granted on 03.05.06. The alterations relate to the alterations associated with the current planning application.

POLICY CONTEXT:

BATH LOCAL PLAN: Policies C1 and C2 refer to the need to achieve a high standard of design within the World Heritage Site. Policies C3, C4 relate to development in the Conservation Area. Policies C11, C12, C13 relate to Listed Buildings. Policy H15 relates to residential amenity. T.13 relates to central area parking and T.25 relates to highway safety.

BATH & NORTH EAST SOMERSET LOCAL PLAN: At the meeting of the Council on 12th October 2006, the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified 2006, was approved for development control purposes. The following policies are material considerations:

D.2 relates to residential amenity. Policies BH.1 BH.2 BH.4 and BH.6 seek to safeguard the character and appearance of the World Heritage Site, the Conservation Area and listed buildings. Policies ES.10 and ES.12 refer to air quality and noise and vibration. Policy S.9 seeks to retain local need shops.

PRINCIPLE OF PROPOSED USE: The application premises are located outside of the defined City Centre shopping area but consideration must be given to Policy S.9 of the emerging Bath and North East Somerset Local Plan which seeks to retain shops outside of the central shopping area which serve a local need. In this regard it is evident that whilst the premises are currently vacant the ground floor has not been used as a shop for some years. It cannot therefore be argued that a local needs shop is being lost and therefore there is no objection in principle to the use of part of the premises as a restaurant.

LISTED BUILDING/CONSERVATION AREA: Listed Building consent has already been granted for the alterations associated with the proposed use of this building. The Committee should be aware that prior to this consent being granted the Conservation Officer negotiated the removal of the existing external ventilator from ground floor level to the basement level at the rear of the building in addition to the removal of a compressor unit. These negotiations sought to safeguard the appearance of the building. It should also be noted that the Conservation Officer has been asked if any form of external ventilation stack, as an internal one would not be practical, that would allow odours to be taken further up the building before being released would be acceptable. The Conservation Officer has advised that such an approach would be strongly resisted as it would detract from the character and appearance of this listed building.

RESIDENTIAL AMENITY: Local residents have objected to the opening hours of the proposed restaurant as stated on the application forms i.e. 11 am to 1am seven days a week, and in the opinion of Officers such opening hours would be unacceptable. However, if opening hours were restricted to those referred to in the Operation Statement i.e. 6 days a week, Tuesday to Saturday 12 - 2.30pm for lunch and 6 - 11pm for dinner, Sundays 12 - 2pm for lunch and 6 - 10pm for dinner, and open until 1am on New Year's Eve, then in this regard the proposal would be acceptable.

However, it will be noted that the Council's Environmental Health Officer has objected to the proposal due to the potential noise nuisance associated with the use of the proposed ventilation equipment and the likely nuisance associated with odours from the kitchen. Further negotiations with the applicant may (or may not) resolve the noise issue but the Environmental Health Officer is adamant that the only way in which a potential odour

nuisance could be overcome is with a ventilation stack that would discharge odours at roof height. Unfortunately, such an approach would be totally unacceptable to the Conservation Officer so this suggestion has not been put to the applicant.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES: There are no highway safety issues associated with this proposal.

SUSTAINABILITY AND RENEWABLE ENERGY: The application site is considered to be located in a sustainable location on the edge of the City Centre which has relatively easy access to public transport.

REFUSE COLLECTION: Within the Operation Statement it is stated that the storage of rubbish will be in a dedicated covered area at the back of the premises, at basement level and will be brought up to street level for collection at the assigned time. This is considered acceptable for the proposed use in this location.

OTHER MATTERS: The proposed use of the second and third floors as a single residential unit is supported and no objections have been raised in relation to this part of the proposal.

CONCLUSION

Whilst there is no objection in principle to the use of the building as proposed it is evident that to overcome the noise and odour issues raised by the Environmental Officer would require a high level ventilation stack that would be unacceptable to the Conservation Officer due to the harm that would be caused to the character and appearance of this Grade II Listed Building. The applicant has therefore not been asked to pursue this course of action.

In the circumstances the application can only be recommended for refusal due to the potential noise and odour nuisance associated with the use of the premises as a restaurant.

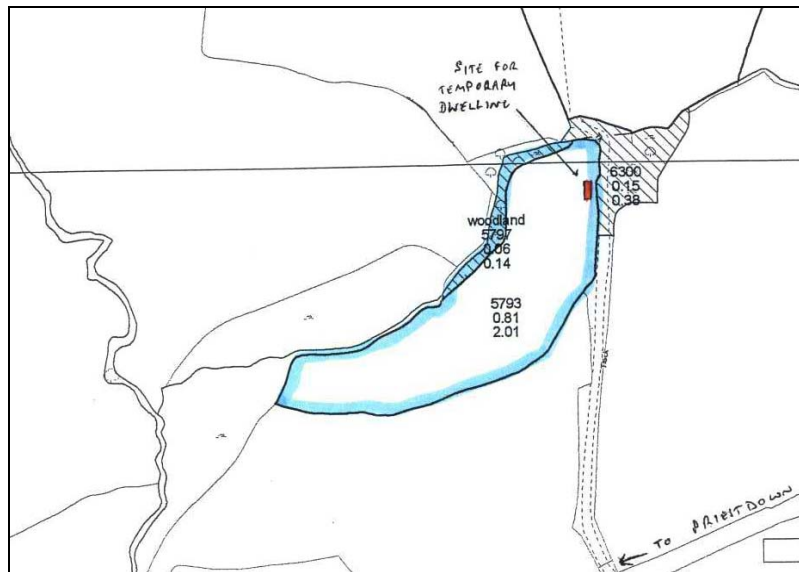
REASON(S) FOR REFUSAL

1) The use of these premises as a restaurant is likely to lead to a noise and odour disturbance to the detriment of the amenity of nearby residents contrary to Policy H15 of the Bath Local Plan, adopted June 1997 and Policies D.2, ES.10 and ES.12 of the Bath & North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified 2006.

FOOTNOTE: This decision refers to the site location plan and drawing no. 6747/VL/01 date stamped 5th December 2006, drawing nos 1138/1 and 2 date stamped 18th January 2007, the Operation Statement date stamped 19th January 2007, the letter from Catering Components Ltd and attachments with details of proposed extraction system date stamped 15th February 2007, Additional information required for Planning Application date stamped 15 February 2007 and the report of Acoustic Consultants Ltd date stamped 13th March 2007.

Item No:	14
Application No:	07/00163/FUL

Site Location: Parcel 5900, Priestdown Lane, Publow, BS39 4HS



Ward: Publow And Whitchurch

Parish: Publow

LB Grade: N/A

Application Type: Full Application

Proposal: Use of land as a site for a mobile home as a temporary dwelling for five years in conjunction with new agricultural business (Resubmission)

Constraints: Greenbelt, Sites of Nature Conservation Imp (SN),

Applicant: Mrs J A Ford

Expiry Date: 2nd April 2007

Case Officer: Chris Beak

RECOMMENDATION

REFUSE

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: This application has been reported to the Committee at the request of Cllr Peter Edwards the ward Councillor for Publow and Whitchurch. Regarding the access and impact on the Green Belt and an objection from the Publow and Pensford Parish Council.

DESCRIPTION OF SITE AND APPLICATION:

This proposal relates to the use of a site within an area of relatively open agricultural land to the north western side of Priestdown Lane approximately 0.7Km north of Publow. The site is within an area of permanent pasture land owned by the applicant of approximately 1 hectare. The proposed agricultural unit would also include further area of land of approximately 4.5 hectares. The permanent pasture land also has buildings providing a stable building and a further post and wire structure providing a chicken run. A parking area exists adjacent to the building which is accessed via an access lane from Priestdown Lane (shared with a public footpath).

The application proposes the stationing of a mobile home which would be positioned in close proximity to the hard standing area (replacing the chicken run). The proposed mobile home would have overall dimensions of 9m x 3m.

The application indicates the accommodation would be provided to support the establishment of an agricultural business on the land which would rear alpacas. The application is supported with an agricultural appraisal which indicate it is anticipated that by the end of the third year the site would contain approximately 24 animals, although the supporting information indicates the land would have a capacity to accommodate up to 70 animals.

CONSULTATIONS & REPRESENTATIONS

PUBLOW PARISH COUNCIL: Object in principle.

The Parish Council have considered this resubmission of the application at their meeting on 12 March 2007. The Parish Council would like to reiterate their comments made on 19 June 2006, that there is poor access to the ground from the Highway and the proposal would have a greatly detrimental impact on the current green belt ruining a beautiful landscape.

The Parish Council feel that in respect of the application for the mobile home there are facilities within the existing stable block e.g. water and would not necessitate the installation of a mobile home or indeed a septic tank.

HIGHWAY DEVELOPMENT TEAM: Objection has been raised to the proposed development as the application site lies outside of an identified housing development boundary and would not therefore be within a sustainable location.

Furthermore, the applicant has not demonstrated that they own or have control over the access lane, which carries a public right of way, between the site and the adjoining adopted Priestdown Lane. It is an offence under S34 of the Road Traffic Act 1998 to take a motor vehicle down a public right of way without a private right or the landowner's permission.

OTHER REPRESENTATIONS / THIRD PARTIES: The applicant has provided 5 letters of support (one letter signed by 3 signatories with different addresses). One letter indicates that the current buildings are not prominent in the landscape and the proposed siting of the mobile home would not be seen.

PLANNING ISSUES

RELEVANT PLANNING HISTORY:

06/01579/FUL Use of land at Priestdown as a site for a mobile home as a temporary dwelling for five years in conjunction with a new agricultural business. Refused - Subject of an appeal.

POLICY CONTEXT:

NATIONAL POLICY PPG2 Green Belts, PPS7 Sustainable Development In Rural Areas

B&NES REVISED DEPOSIT DRAFT LOCAL PLAN AS PROPOSED TO BE MODIFIED 2006: At the meeting of the Council on 12 October 2006 the Bath & North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified 2006 was approved for Development Control Purposes. The following policies are material considerations;

GB.1 Green Belt

GB.2 Green Belt

HG.10 Dwellings in the Countryside

T.1 Highways

T.24 Highways Development Control Criteria

THE AGRICULTURAL UNIT: The proposed alpaca farm would be a new agricultural enterprise on this land. The application has been supported by a detailed agricultural and financial business plan as required by PPS7 projecting the growth of the enterprise forward to its full operation, with viability being reached at the end of the third trading year. The applicant has also indicated that they have substantial experience of caring for stock and also a business background. The basic criteria set out in PPS7 in respect of an agricultural case for a temporary dwelling would appear to have been met.

IMPLICATIONS OF THE PROPOSED DEVELOPMENT IN THE GREEN BELT: The previously refused scheme proposed a substantially larger mobile home that would have been visible within its setting and would have required a significant levelling of the ground to provide a level base upon which to site the unit. (As stated above this scheme is the subject of an appeal).

The proposed development is located within the open countryside and within the Green Belt. In such a location a new dwelling would only be appropriate where it would be provided in conjunction with an agricultural unit and for occupation by a farm operative. This application has been supported by an agricultural appraisal which indicates that although the proposed agricultural unit is new it would be of a scale that would support the provision of the proposed accommodation within the outlined time scale. There is no other accommodation in close proximity to the site that would be available for the proposed maintenance of the agricultural unit.

Annexe A of PPS7 states that in circumstances where the new dwelling is essential to support a new farming enterprise on a new agricultural unit the accommodation should be provided by a caravan or other temporary form of accommodation which can be easily dismantled, and clear evidence of the firm intention and ability to develop the enterprise has to be given.

The advice however further indicates that a series of temporary permissions should not be necessary and that temporary permission should not be granted in a location where a permanent permission for a dwelling would not be given.

Having regard to the size of the site and its topography a permanent dwelling would have a serious adverse impact upon the countryside and openness of the Green Belt.

There is no other alternative for the mobile home to be sited.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES: The site is within the open countryside and outside of a housing development boundary as defined by the Local Plan and the development of a dwelling would normally be considered inappropriate on highway grounds. However, PPS7 indicates that special justification would normally be required for isolated dwellings in the countryside. One of the few circumstances is when the proposed development would be to provide agricultural accommodation to enable workers to live at or their place of work.

The Highway Officer Access to the site is via an access lane the applicant has confirmed that rights of access to their land exists.

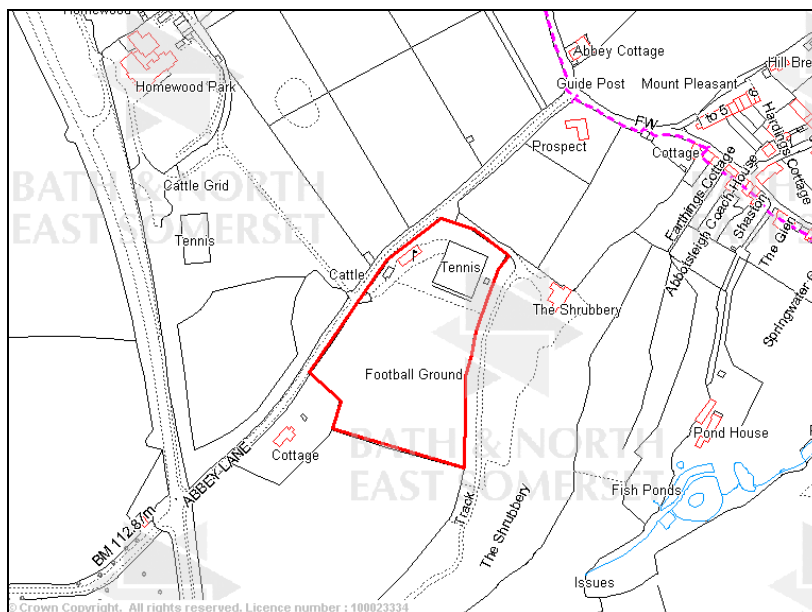
CONCLUSION

The proposed development would in itself not be unduly prominent in the landscape and an agricultural background has been established. However, PPG7 indicates that temporary planning permission for a dwelling should only be granted where there is a prospect of a permanent permission for a dwelling being granted. The site due to the topography of the land and relatively small scale of the unit could not accommodate a permanent dwelling without significant harm to the openness of the Green Belt and the attractiveness of the landscape.

REASON(S) FOR REFUSAL

1) The siting of a mobile home in this very attractive and unspoilt rural location situated in the Bristol/Bath Green Belt would significantly detract from the openness of the Green Belt and the rural character and natural beauty of the countryside in this area, contrary to Policy GB1 and GB2 of the Bath and NE Somerset Local Plan including waste and Minerals as proposed to be modified 2006

Item No: 15
Application No: 07/00396/FUL
Site Location: Freshford & District Tennis Club, Abbey Lane, Hinton Charterhouse, BA2 7TD



Ward: Bathavon South **Parish:** Hinton Charterhouse **LB Grade:** N/A

Application Type:	Full Application
Proposal:	Provision of six floodlight columns to illuminate one tennis court
Constraints:	Area of Outstanding Natural Beauty, Greenbelt
Applicant:	Simon Combe
Expiry Date:	9th May 2007
Case Officer:	Phil Pavord

RECOMMENDATION

PERMIT with condition(s)

REPORT

REASONS FOR REPORTING THE APPLICATION TO COMMITTEE

Objections from Parish Councils and local residents.

DESCRIPTION OF SITE AND APPLICATION

The site lies some distance to the south west of Freshford village (the closest part of the village being the area known as Sharpstone) with access from Abbey Lane which runs in a North East - South West direction between Freshford village and the A36. The site lies administratively in Hinton Charterhouse. It is known locally as Brown's Field and accommodates a football pitch and two tennis courts with associated club house and car parking. The site is surrounded on all sides by mature trees although one side is shielded by a row of mature conifers which the owner (of the neighbouring dwelling) states that he intends to remove.

The grounds of The Shrubbery lie immediately to the east of the tennis courts. Other nearest dwellings are over 100 metres away.

The proposal is to provide pole mounted projector floodlighting (6 poles to be 6 metres high) to provide illumination for one tennis court only. The applicant proposes a 9pm cut off time for use of the lights. (The scheme has been developed with assistance from the Lawn Tennis Association and the local representative of the Campaign for Dark Skies.)

CONSULTATIONS & REPRESENTATIONS

Hinton Charterhouse Parish Council 'is sympathetic to the Tennis Clubs reasons for this application but has the following concerns should permission be granted.

1. This application could be used as a precedent for the lighting of other courts and sports facilities on the site.
2. Effect on neighbouring properties of timing and light spill. The Parish Council suggests an earlier switch off ' e.g. 8pm ' and perhaps a restriction on the number of days in the week on which the lights could be used. We also feel additional planting/sound baffles would be necessary to limit the lighting impact and possibly further reduction in height of the columns as the tennis court is on high ground.
3. Increase in traffic movement has not been addressed.'

Freshford Parish Council comments as follows: This Council is concerned that the lateral escape of light could be detrimental to neighbouring properties. The screening by the

existing line of large conifers should not be seen as a mitigating consideration as the owner is intending to remove them.

LOCAL RESIDENTS AND THIRD PARTY RECOMMENDATIONS: The owners/occupiers of the dwelling immediately adjacent to the tennis courts object to the proposal on the grounds that it will cause light pollution and be used in hours they regard as excessive. They have indicated that they would reconsider their objection if an alternative proposal were put forward detailing high density landscaping all around the courts, a reduction in height of the poles to 3.6m and a cut off playing time of 7.30pm.

They also point out their intention to remove existing conifer trees along the north west boundary of the application site for structural reasons. This is confirmed in a letter from an architect acting on their behalf.

The owners of Priory Cottage, which is the second nearest property to the tennis courts, object to the proposal as a potential source of light pollution and that approval will set a precedent for the adjacent football club to follow suit.

Objections have been received from three other local residents (of Freshford) primarily concerned over light pollution.

Letters of support for the proposal have been received from 6 individuals (2 residents of Freshford and 4 others).

PLANNING ISSUES

POLICY CONTEXT: The site is within the Cotswolds Area of Outstanding Natural Beauty, and the Green Belt

The following extracts from the Bath and North East Somerset Local Plan (approved for Development Control purposes October 2006) are relevant to this case:

Policy SR.4:

Development for sport or recreational facilities will be permitted within or adjoining a settlement defined in Policy SC.1 provided:

- i) it complements the existing pattern of recreational facilities,
- ii) it is in readily accessible locations well served by transport modes
- iii) there would be no adverse impact on public safety; and
- iv) the amenities of local residents are not adversely affected by air, noise or light pollution.

Policy SR.5

Development for sport or recreational facilities outside the scope of Policy SR.4 will only be permitted where:

- i) it cannot be accommodated elsewhere;
- ia) in the case of ancillary facilities it is well-related to the attraction it serves;
- ii) the proposal either by itself or together with other existing and proposed recreational facilities does not have an unacceptable impact on landscape character;
- iii) it would not give rise to adverse environmental conditions including the impact of air, noise, water quality and light pollution and be detrimental to public safety.

Policy BH.22

Proposals for the external lighting of facilities will only be permitted where:

- i) they would not give rise to an unacceptable level of illumination into the sky, open countryside or in villages where present levels of illumination are low; or
- ii) in urban areas and villages where present levels of illumination are already significant, the proposal would have no detrimental impact on residential or visual amenity.

HIGHWAYS: No objection.

RELEVANT PLANNING HISTORY: There is no relevant planning history in this case.

VISUAL IMPACT: The application is for permission for erection of floodlights NOT for the use as tennis courts to enable a larger use of this facility.

It is accepted that within rural areas and open countryside external lighting can be extremely prominent and visible from some distance. Its effect could introduce an urban appearance from the upward glow to an area which for the most part is not lit at night. Proposals for external lighting in the countryside are therefore not generally acceptable, particularly in the Areas of Outstanding Natural Beauty. Certain nocturnal species such as bats may also be sensitive to external illumination.

However if Applicants can demonstrate that there would be no significant lighting overspill through the design of the lighting installation which would include the height of the poles, the area of illumination and level of illuminance.

The applicant has worked hard to formulate proposals which would be of a good design. A local representative of the Campaign for Dark Skies has been consulted and he has assisted in developing the proposal. The club has also consulted the Lawn Tennis Association and although the latter body's requirements have actually increased the specification over that originally proposed by the proposal would utilise modern design techniques and equipment to ensure that illumination levels outside the site remain low.

IMPACT ON RESIDENTIAL AMENITY: A further issue which has been raised by both objectors and supporters of the proposal is the line of mature conifer trees which currently screens the site from the village. As stated above these trees belong to The Shrubbery and the owner has stated his intention to fell the trees in the near future as they are causing structural damage to a wall. The applicant is aware of this and has offered to undertake equivalent replanting on the club's land as and when this occurs, along with further screening for the objector's property.

However, the main dwellinghouse is some distance from the tennis courts. (50 metres) and the proposal would only indirectly affect an existing outbuilding converted to a residential annexe. There are no significant openings facing the tennis courts and it is therefore considered the proposal would not affect the neighbours' amenity to such a degree as to warrant refusal.

CONCLUSION

The proposal would provide a useful recreational facility with no serious impact on any neighbouring property or visual amenity of the area.

CONDITIONS

1) The proposed lighting shall be installed in accordance with the specification submitted to the Council by email on 4th May 2007 (Luminance Pro Lighting Systems Ltd) and to the revised block plan (Appendix 1) submitted with the applicant's letter received on 22nd May 2007.

Reason: In the interests of visual and residential amenity.

2) The proposed lighting shall not be used after 9pm on any night.

Reason: In the interests of residential amenity.

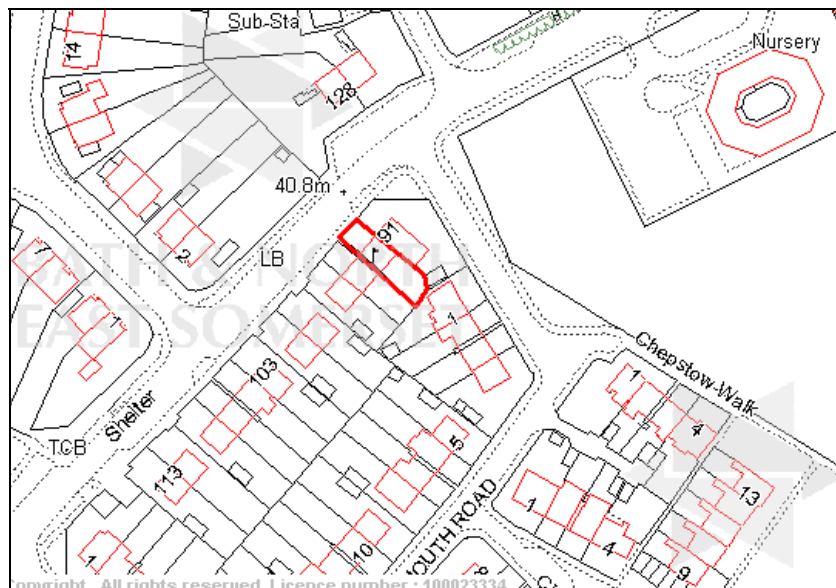
3) No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority; such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

4) Prior to the commencement of any form of site works or clearance the Local Planning Authority shall be given not less than two weeks notice in writing of these works to ensure that appropriate measures of landscape protection required under condition 3 have been implemented in accordance with the approved plans or conditions.

Reason: To ensure that adequate protection is given to the areas to be landscaped and the existing trees and planting to be retained within the site.

Item No: 16
Application No: 07/00401/FUL
Site Location: 93 Charlton Road, Keynsham, Bristol, Avon



Ward: Keynsham North	Parish: Keynsham Town Council	LB Grade: N/A
Application Type: Full Application		
Proposal:	Demolish existing front boundary wall, create new off-road parking space and create new vehicular access open to existing joint access path, onto Charlton Road (Resubmission)	
Constraints:	Housing Development Boundary,	
Applicant:	Mr T Moore	
Expiry Date:	10th April 2007	
Case Officer:	Hazel Short	

RECOMMENDATION

REFUSE

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Councillor Gerrish has requested that this application be considered by Committee as your Officers recommend refusal of permission for this proposal.

This application relates to the front garden area of application property which is a modern terraced property on Charlton Road located on the western side of Keynsham and being on a Class C classified road. A lay-by exists along this section of Charlton Road to provide kerbside parking.

The proposal is for the demolition of the existing front boundary wall, creation of new off-road parking space and creation of a new vehicular access onto Charlton Road, open to the joint access path between Nos. 93 and 95.

CONSULTATIONS & REPRESENTATIONS

KEYNSHAM TOWN COUNCIL: Object on the grounds that the proposal, if allowed, would be to the detriment of pedestrian safety and would be likely to adversely affect vehicle movement on the highway.

HIGHWAY DEVELOPMENT OFFICER: Advises that Charlton Road is a Class C classified road and so any new access must be formed in conjunction with an on-site turning area. Visibility from the proposed access to the south is sub standard and to the north restricted by vehicles parked within the lay-by.

The proposal would involve replacing an existing off street parking space in the lay-by with an off street parking space on a drive. There is a greater chance of a vehicle reversing onto the highway from the driveway than the lay-by. Vehicles invariably reverse into a parallel parking space (the lay-by) from the highway but exit in forward gear. It is considered safer in highway terms for a vehicle to reverse off rather than onto the carriageway from a parking space.

He therefore recommends that this application be refused on highway grounds.

OTHER REPRESENTATIONS/THIRD PARTIES: None

PLANNING ISSUES

RELEVANT PLANNING HISTORY: In August 1992, planning permission was refused for the formation of access for hard standing (Ref: 15986/A. A subsequent appeal was dismissed in April 1993 (Ref: T/APP/Q0125/A/93/218557/P7). In September 2006 an application for the formation of new access and hardstanding and re-siting of steps (Ref: 06/02952/FUL) was refused and the current application is a resubmission of that proposal.

POLICY CONTEXT:

Bath and North East Somerset Local Plan (including waste and minerals policies) as proposed to be modified 2006, policies D2, D4 and T24 are relevant to this proposal.

PLANNING ISSUES: The two principal concerns with this proposal are the impact that the creation of a new access would have on the free flow of traffic in Charlton Road and the undesirable precedent that would be set for other similar properties to convert their front gardens to the detriment of the visual amenities of the area. These concerns mirror the previous reasons for refusal which were upheld at appeal and were the grounds for refusal of the application in 2006.

Charlton Road is a very busy classified road, which in the vicinity of the application site has a lay-by on its south eastern side to alleviate parking problems. The proposed access and hard standing does not make any provision for a turning area on the site, thus only allowing a vehicle to enter or leave the highway in a forward gear. Taking into account the restricted visibility of the proposed access, the amount of traffic on the Charlton Road and the site's location in close proximity to Monmouth Road, it is considered that the proposal would be harmful to highway safety. The access off the lay-by would also result in the loss of the parking space in the lay-by to no overall likely benefit.

The area has well retained front gardens which are considered to contribute positively towards the character and appearance of the area. The loss of the front gardens proposed in this application is considered to represent an undesirable precedent for other similar properties to convert front gardens into parking spaces to the detriment of the character and appearance of the area.

CONCLUSION

It is considered that the proposed development would have a detrimental impact on highway safety in Charlton Road and on the visual amenities of the surrounding area.

REASON(S) FOR REFUSAL

1) The site cannot accommodate adequate turning facilities to enable a vehicle to enter and leave the highway in forward gear, which is essential to highway safety. This would be contrary to policy T.24 of the Bath and North East Somerset Local Plan (including waste and minerals policies) as proposed to be modified 2006.

2) The proposed visibility splays are considered to be inadequate to secure the visibility necessary for the safety and convenience of the traffic associated with the proposed development given that reversing onto the carriageway can take place. This would be contrary to Policy T.24 of the Bath and North East Somerset Local Plan (including waste and minerals policies) as proposed to be modified 2006.

3) The proposal would have an adverse impact on the character and the visual amenities of the area. This would be contrary to policies D.2 and D.4 of the Bath and North East Somerset Local Plan (including waste and minerals policies) as proposed to be modified 2006.

FOOTNOTE: This decision relates to drawing number 120207/1 date stamped 12th February 2007.

Item No:	17
Application No:	07/00436/FUL
Site Location:	Rainbows End, Widcombe Hill, Widcombe, Bath
Ward:	Widcombe
Parish:	N/A
LB Grade:	N/A
Application Type:	Full Application
Proposal:	Erection of roofing to create enclosed parking space (Resubmission)
Constraints:	Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, World Heritage Site,
Applicant:	Philip M Wootton
Expiry Date:	30th April 2007
Case Officer:	Martyn Edwards

RECOMMENDATION

REFUSE

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: This application is being reported to Committee at the request of Councillor O'Flaherty.

The application site is located on the southern side of Bath within the designated Green Belt and Area of Outstanding Natural Beauty. The site is irregular in shape and contains a two storey detached dwelling along the rear boundary of the site. The dwelling has been

extended on several occasions, most of which are concentrated to the rear wing of the dwelling with a small porch also erected along the front. There is a steep rise from the highway to the dwelling from Widcombe Hill. This part of the Bath Conservation Area and the World Heritage Site is characterised by sparsely plotted dwellings which have been tightly controlled to retain the openness of the Green Belt. Substantial vegetation surrounding and within the site has resulted in this part of the Conservation Area containing well screened dwellings.

This application seeks permission to erect roofing to create an enclosed parking space. It is effectively a garage where the existing hard standing area exists. The plan area of the building is dimensioned at 5.2metres deep with door forward of this and 6.24metres wide.

The construction proposed is to build off the existing retaining walls which are present from the car parking area having been excavated into a wooded embankment. The proposed garage would be formed with a ridged roof running widthways. The front elevation scales from ridge to base of doors at 4.2m and 2.1metres at the eaves.

The proposed walling and roofing materials would be constructed of materials to match the existing dwelling, that is Bradstone Cotswold slate for the roof and Bradstone Masonry block in Cotswold shade along west elevation and Bath natural random stone walling to other elevations. A timber double garage door with an up and over opening mechanism is proposed.

In support of the proposal the applicant's agent has submitted a design and access statement, which emphasises the limited impact of the structure.

CONSULTATIONS & REPRESENTATIONS

HIGHWAY DEVELOPMENT OFFICER: No objection subject to limitation to private use of occupier of the house

OTHER REPRESENTATIONS/THIRD PARTIES: One message of support has been received via the public access web site from a neighbour of the site: Mr & Mrs N. Lewis comment that-

We consider the proposal to be very unobtrusive, almost buried in the hillside. It could not reasonably be said that it would harm the Green Belt or reduce its "openness". The materials to be used are entirely appropriate. As the only neighbours we certainly have no objections whatever to the proposal.

PLANNING ISSUES

There are two issues consideration

1. The extent of permitted development, and
2. The effect upon the Green Belt of any development not permitted development

RELEVANT PLANNING HISTORY:

10677 - Erection of 2 detached dwelling houses, after demolition of existing cottage.
Refused 6.4.1976

10677/1 - Erection of houses after demolition of existing cottage (Orchard Cottage). Refused 15.7.1976 10677/2 Erection of a house after demolition of Orchard Cottage on the same site to provide a dwelling of equivalent cubic capacity plus an extension within the permitted development limits. Approved 19.1.1978 10677/5 Details of detached house (submitted pursuant to permission granted on 19.1.1978)

10677 -6 Erection of a detached house (revised proposal). Approved 21.10.1982

10677-8 Erection of an extension, lobby and porch. Refused 7.9.1988

10677 -9 Erection of an extension, lobby and porch. Refused 22.3.1988

10677-10 Erection of an extension, lobby and porch. Refused 16.5.1990

10677-11 Erection of an extension, lobby and porch. Approved 30.10.1991

10677 -12 Erection of a two storey extension. Approved 17.12.1993

01/01940/FUL Erection of a detached double garage with garden store above. Refused October 2001 for the following reasons

(Dimensions 6.55m by 6.4m in plan and 6.1m to ridge)

- a) Green Belt disproportionate in scale relative to main house
 - b) Excessive in scale and detrimental to the AONB
 - c) Excessive in height and detrimental to the Conservation Area
- Photograph of existing does not show the current block work and stone walls present on site

06/02057/FUL Erection of roofing to create enclosed parking space refused September 2006 for the following reasons:

(Dimensions in plan as existing application, with a hipped roof to 4.2m)

- a) Hipped roof provides an alien feature contrary to character
- b) Proposal by reason of volume would represent a disproportionate extension to a dwelling within the greenbelt

Photograph of existing at the time shows much of the now existing concrete block work and stone walls, although these have now been extended again upwards on the upper side.

Following this application and prior to submission of the current application, the officer wrote to the agent and explained that continued concern over the proposal in view of the Green Belt location. They advised the proposal would continue to harm the openness of the Green Belt and an application would not be supported

POLICY CONTEXT:

BATH LOCAL PLAN: Policy

H13: Residential development
H15: Residential amenity
C1: Bath as a World Heritage Site
C2: Design requirements
C3: The Conservation Area
C4: Development proposals affecting the Conservation Area
GB1: Green Belt

THE BATH AND NORTH EAST SOMERSET LOCAL PLAN (INCLUDING MINERALS AND WASTE POLICIES) AS PROPOSED TO BE AMENDED: At the meeting of the Council on 12th October 2006 the Bath and North East Somerset Local Plan, Revised Deposit Draft 2006, as amended, was approved for Development Control purposes. The following policies are material considerations.

D.2: General design and public realm considerations
D.4: Townscape considerations
BH.1: Impact of development on World Heritage Site of Bath or its setting
BH.6: Development within or affecting Conservation Areas
GB1: Green Belt
GB2: Visible Developments in the Green Belt
HG15: Extensions to dwellings in Green Belt

PRINCIPLE OF PROPOSED DEVELOPMENT:

There remains no issue with the design of the garage proposed.

The agent argues that the addition of a roof to existing walls is minimal in terms of its impact.

Green Belt Policy sets out that with regard to residential new build, only limited extension of existing dwellings is permissible. The planning history shows that the original house has been extended several times. First the replacement house added the then Permitted Development rights volume, then an extension, lobby and porch was approved in 1991, followed by approval to a two storey extension in 1993.

The proposed garage site is argued to be removed from the house and so outside the scope of an extension to the house. It is thus implicitly argued that garage is a new building in the Green Belt and not an extension. (However, the General Permitted Development Order stipulates that in Conservation Areas or Areas of Outstanding Natural Beauty any building over 10 cubic metres volume should be treated as an extension for the purpose of calculating additional volume)

Whichever interpretation is considered the proposal is clearly inappropriate development against which there is a general presumption in the Green Belt.

The agent argues that the retaining walls are existing and yet the photographs appear to show that these have been constructed between the photographs taken from 2001 to 2006 and added to between 2006 and 2007.

By virtue of the information given above this development is permitted development.

PLANNING POLICY CONSIDERATIONS:

Both the adopted and emerging local plan and indeed national guidance contain a presumption against inappropriate development within the Green Belt. A new building of this type in the Green Belt would fall within this description. Policy Guidance is that such developments should not be approved except in very special circumstances. The agent and supporters have argued that there is no harm, but Green Belt Policy defines inappropriate development by definition as harmful in the absence of other very special considerations which outweigh this harm and none were advanced

CONSERVATION AREA and COTSWOLD AONB: As now designed, the proposal is not considered to be harmful to the character of this part of the conservation area or to the natural Beauty of the AONB.

RESIDENTIAL AMENITY: It is not considered that the proposal would impact on residential amenity.

CONCLUSION

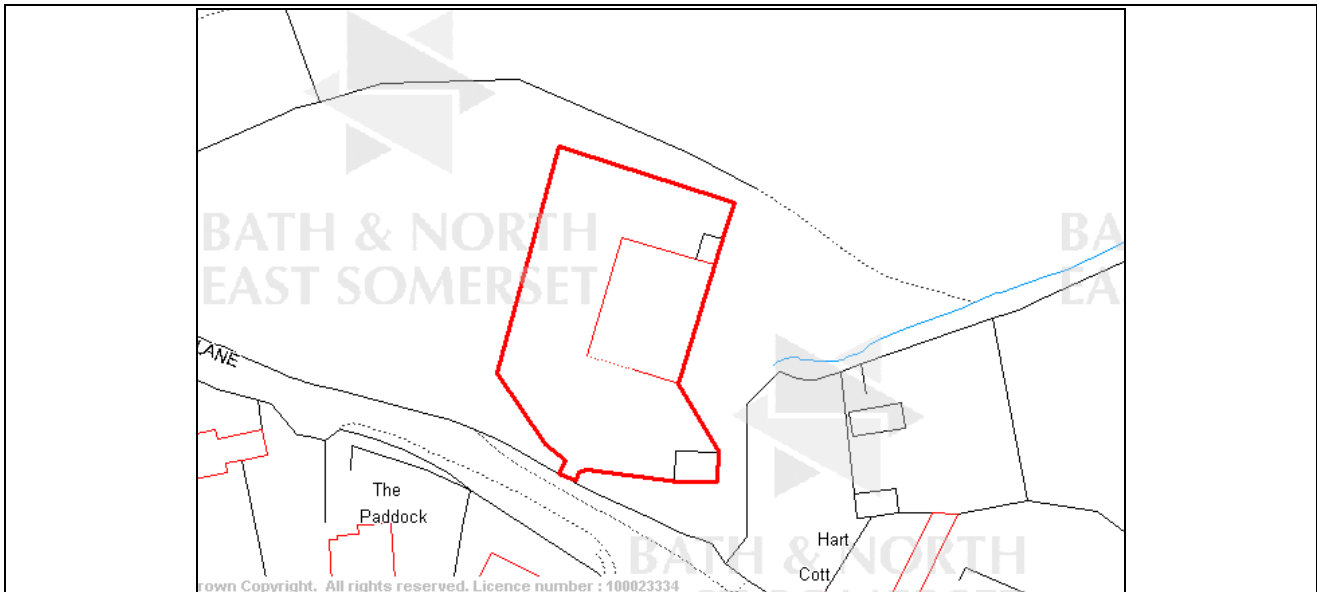
Despite the absence of harm in visual amenity or highway terms, this development is inappropriate within the Green Belt, in that it would adversely affect its openness, with no very special circumstances advanced to justify the proposal. The application is recommended for refusal.

REASON(S) FOR REFUSAL

1) The proposal would by reason of its size and having regard to previous extensions to this property, adversely affect the openness of the Bristol/Bath Green Belt, in conflict with Policy GB1 of the Bath Local Plan, adopted June 1997, and Policy GB1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be amended 2006.

FOOTNOTE: This decision relates to the following drawings: Drawings No. 1, 2 and 3, as received by the Local Planning Authority on 12th February 2007.

Item No:	18
Application No:	07/00451/FUL
Site Location:	Agricultural Building, Harts Lane, High Littleton, BS39 6EB



Ward: High Littleton

Parish: High Littleton

LB Grade: N/A

Application Type: Full Application

Proposal: Change of use of agricultural building and store to office (Use Class B1) and warehouse (Use Class B8) use on land off Harts Lane.

Constraints:

Applicant: D J Warren

Expiry Date: 16th April 2007

Case Officer: Phil Pavord

RECOMMENDATION

REFUSE

REPORT

REASONS FOR REPORTING THE APPLICATION TO COMMITTEE

Request from Local Member (Councillor Kew)

DESCRIPTION OF SITE AND APPLICATION

The application site comprises two buildings situated on agricultural land off Harts Lane, a short distance north west of the A39 (Wells Road). The site is part of a small field separated from the remainder of the applicant's agricultural holding by a hedgerow. The larger building (currently used as a hay store) is a steel portal framed agricultural building which was erected with the benefit of Building Regulations approval (the works were agricultural 'permitted development') in the mid 1970's. The smaller building is a poorly maintained concrete block construction used as a stable.

Access to the site is from Harts Lane which is a narrow class 3 road which links Hallatrow and nearby Clutton. Harts Lane is of adequate width immediately adjacent to the site entrance although it narrows substantially in both directions (with single track only in places). Almost immediately opposite the site entrance is the junction with The Grove (a recently developed residential cul de sac).

The proposal is to refurbish both buildings for office and/or storage use with access by way of an existing (improved) access to Harts Lane.

CONSULTATIONS & REPRESENTATIONS

HIGH LITTLETON PARISH COUNCIL: The Council objects strongly for the following reasons:

1. Heavy goods vehicles would be unable to (turn) right from Wells Road into Harts Lane.
2. Heavy goods vehicles approaching in opposite directions would not be able to pass each other.
3. There is no pedestrian footway.
4. Inappropriate development in a green field site within a residential area.
5. The plan shows the road to be widened. This is opposed by the Council as it would encourage heavy traffic to the commercial development in Marsh Lane.

HIGHWAY OFFICER: This site is supported by a planning report which refers to pre-application advice given by the Highway Authority in May 2000.

The site falls just outside the general development boundary for Hallatrow but is immediately adjacent to existing dwellings/properties within the village. The information given in 2000 was made prior to the full implementation of PPG13 and the subsequent formulation and firming-up of the Highway response to such situations where a standard recommendation of refusal is made. Clearly, whilst the site falls outside the development area as it is immediately adjacent, an objection on grounds of sustainability would be difficult to sustain in its situation as a Brownfield Site.

Looking at the on site arrangements parking is proposed at 8 spaces, two for the small workshop and 6 for the larger. Whilst this does not meet current standards there is space for two additional to be included.

I am concerned over the location at the door to the store room at unit 2 as it would not appear to be accessible with all parking spaces in use. It is noted that it is proposed to widen the access and therefore the verge crossing and it will be necessary to complete a legal agreement in respect of these works to the highway.

An objection should technically be made as the site lies outside the general development boundary but as it is an existing Brownfield Site there is no objection subject to a legal agreement related to the widening of the access and the following conditions:

Plans showing a parking area (providing for 8 vehicles) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. This area shall be surfaced in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and constructed to the satisfaction of the Local Planning Authority before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and road safety.

The driveway between the edge of carriageway and the gates shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5m from the carriageway edge.

Reason: In the interests of highway safety.

FURTHER COMMENT FOLLOWING DISCUSSION WITH PLANNING OFFICER

During our discussion you asked for comment on potential traffic generation for the proposed use as apposed to previous.

With regard to barns Highways have always taken the view that in themselves they are not traffic generators but form part of the overall movement associated with the farm. Movements are likely to be different dependant upon actual use and the season of the year. It is therefore difficult to be precise on movements. For the most part they are likely to be minimal. The difference to this would be if the stable block had been in use as part of a livery where movements would be higher.

The proposal is for conversion of the barn (417.24m²) to B8 with two units, each with its own office. There is no indication of a mezzanine. The stable block is proposed as a studio workshop, again with a small office.

Looking firstly at the barn. The offices are integral within the building and it is considered that likely use will be as part of the storage on distribution for simplicity the site has been taken as a whole. The TRICS database, due to lack of comparators due to the small size of the proposal and location of the other site on the database is not particularly helpful, however it is estimated that the proposal as a warehouse could generate up to 25/30 movements per day, but equally could due, to its size be significantly less. Movements as a distribution centre would be likely to be higher and could reach 60. Again, due to size, could well be significantly lower.

Due to its small size, movements arising from the stable will be minimal and will probably vary based on occupation.

Whilst the above is in many ways unhelpful in that they cannot be precise I am able to confirm that the proposals will result in an increase in traffic above use as a barn.

It is noted that it is proposed to widen the access to 6 metres which I feel is a little excessive and feel that 5 metres would be adequate unless articulated or large rigid vehicles are expected in which case the turning areas would not appear to be adequate.

LOCAL RESIDENTS AND THIRD PARTY RECOMMENDATIONS: Letters of objection have been received from 14 local residents (primarily from Harts Lane and The Grove). Grounds for objection include highway safety, inappropriate land use, amenity, and environmental issues.

PLANNING ISSUES

POLICY CONTEXT: In the Bath and North East Somerset Local Plan the application site is outside but immediate adjacent to the defined limits of Hallatrow which is classified as R2 settlement under policy SC.1.

POLICY ET.4 states that 'development proposals for office, industry or storage uses (Use Classes B1, B2 and B8) and small scale purpose built visitor accommodation will be permitted at rural settlements (i.e. defined in Policy SC.1 as R1, R2 or R3 settlements) provided that such development is appropriate in scale and character to its surroundings; and in the case of R1 and R2 villages lies within or adjoining the settlement.' Policy ET.9 relates to conversion of buildings for alternative purposes. The requirements of this policy are inter alia that the buildings have to be in keeping with their surroundings, not require substantial reconstruction or result potentially in replacement agricultural buildings.

Policy D.2 seeks to protect residential amenity from inappropriate development. There is a small housing estate opposite the site whose occupiers would be adversely affected by the scale of this proposal.

Whilst not a clear-cut exception, it is considered that the proposal is contrary to these policies on the basis that development of the site would be of a scale and character inappropriate to its surroundings and would also require substantial alterations to the buildings.

IMPACT ON HIGHWAYS: A further consideration is the fact that the applicant seeks permission for only a portion of his current land holding and, more specifically, only part of the field where the barn is located. In the event of permission being granted there would be pressure for a further intensification of development the applicant could follow a similar route by erecting another agricultural building (with the benefit of permitted development rights) to detriment of visual amenity.

In spite of the views expressed by the Highways Officer, it is considered that Harts Lane is inadequate to support this proposal. The highway is clearly inadequate in width and already over used as a 'rat run' between Hallatrow and Temple Cloud. It is considered that the previous highway objections to a similar scheme in 1996 referred to below, still apply.

RELEVANT PLANNING HISTORY: A similar application (WC/017454) for Class B8 use was refused in February 1996 for the following reasons:

1. The proposal would result in additional heavy vehicle movements to and from the site via the substandard highway network and access all to the detriment of highway

safety, and would conflict with policies TR.19(e) and E.6(b) of the Avon County Structure Plan and policies TP.1 (vi) and (vii) and EMP.13 (vi) of the Wansdyke Local Plan and policies T.1 and T.24 and D.2 of the Bath and North East Somerset Local Plan

2. The proposed development would result in an increase of activity in and around the site including vehicle movements and loading/unloading all to the detriment of the residential amenities of occupiers of nearby dwellings and would conflict with policies E.6(a) of the Avon County Structure Plan and EMP.13 (v) of the Wansdyke Local Plan and policies T.1 and T.24 and D.2 of the Bath and North East Somerset Local Plan

3. The proposed development would detract from the character and appearance of the area.

A subsequent application (96/2459/CLEU) for a Certificate of Lawful Development as Use Class B2 - General Industrial was refused in November 1996 for the following reason:

1. On the balance of probabilities, the use of the land over a period of at least ten years preceding the date of receipt of the application has been for purposes ancillary to the operation of an agricultural holding rather than for industrial purposes falling within Use Class B2.

CONCLUSION

In conclusion, it is considered that the current proposal should be resisted as it is not substantially different from the refusal of permission in 1996 and same objections remain.

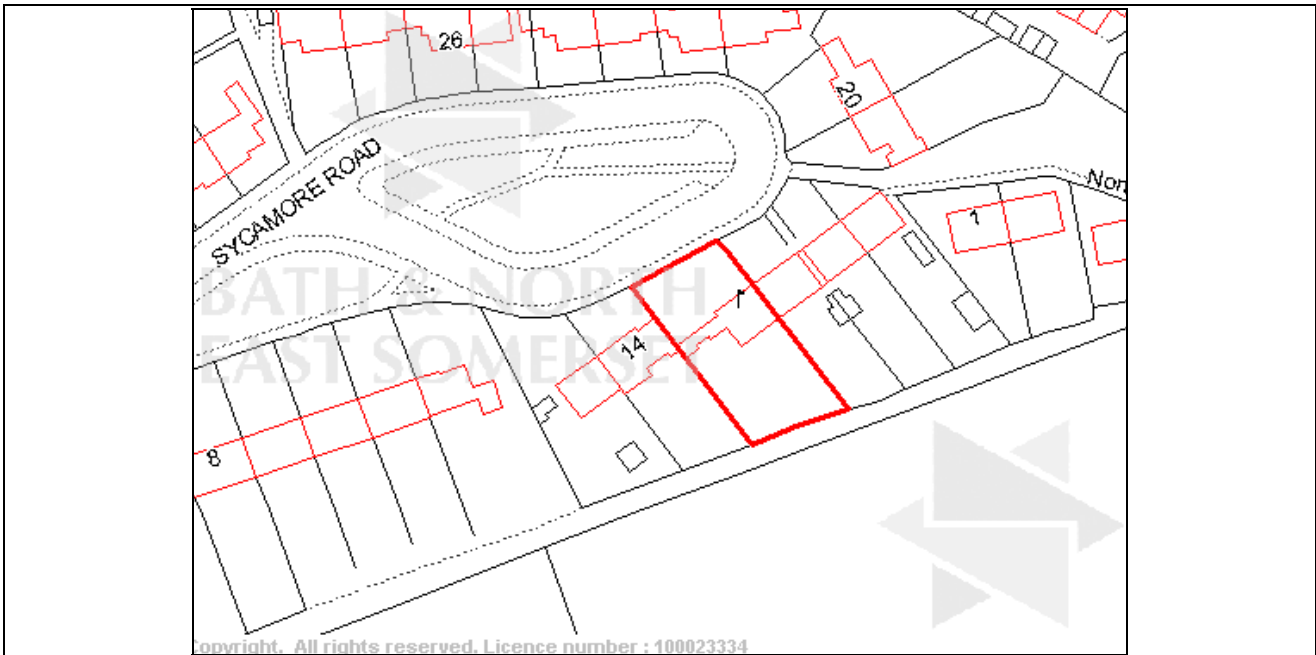
REASON(S) FOR REFUSAL

1 The proposed development would be, due to its scale, inappropriate outside the defined limits of the settlement of Hallatrow contrary to the provision of Policies ET.4 and ET.9 of the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified 2006.

2 The proposal would result in additional heavy vehicle movements to and from the site via the substandard highway network and access all to the detriment of highway safety, and would conflict with policies TR.19(e) and E.6(b) of the Avon County Structure Plan and policies TP.1 (vi) and (vii) and EMP.13 (vi) of the Wansdyke Local Plan and policies T.1 and T.24 and D.2 of the Bath and North East Somerset Local Plan.

3 The proposed development would result in an increase of activity in and around the site including vehicle movements and loading/unloading all to the detriment of the residential amenities of occupiers of nearby dwellings and would conflict with policies E.6(a) of the Avon County Structure Plan and EMP.13 (v) of the Wansdyke Local Plan and policies T.1 and T.24 and D.2 of the Bath and North East Somerset Local Plan,

Item No:	19
Application No:	07/00583/OUT
Site Location:	15A Sycamore Road, Radstock, BA3 3NJ,



Ward: Radstock

Parish: Norton Radstock

LB Grade: N/A

Application Type: Outline Application

Proposal: Erection of a single storey side extension to form 1 one-bedroom flat (Resubmission)

Constraints: Housing Development Boundary,

Applicant: Mr Mitchell

Expiry Date: 20th April 2007

Case Officer: Andy Ross

RECOMMENDATION

PERMIT subject to conditions

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE: This application is being reported to committee at the request of Cllr Gay and as approval is recommended and objections have been received from the Town Council.

DESCRIPTION OF SITE AND APPLICATION:

This application site is located on Sycamore Road and currently contains two residential flats within a converted dwelling (see planning history below). The site is significantly wider than the others that surround it although the area is characterised by relatively uniform terraced and semi detached dwellings. To the rear of the site is a footpath/pedestrian access and Writhlington School. The site is within the Housing Development Boundary defined for Radstock and outside of the Conservation Area.

Permission is sought for the construction of a single storey extension to the side of the existing building to form a further 1 bedroom flat, in the place of an existing attached outbuilding/store. This application is a resubmission following a previous refusal for a two storey building on the site that would have contained two further flats. The previously

proposed two storey building would have had an unacceptable impact on the amenity enjoyed by occupiers of the neighbouring dwelling to the West. This application is submitted in Outline with layout and means of access submitted for approval at this stage. Scale, external appearance and landscaping are all matters reserved for subsequent approval.

CONSULTATIONS & REPRESENTATIONS

Norton Radstock Town Council: Object on the following grounds

1. Despite the adjacent house having already been converted to flats this proposal is out of character with the area.
2. The proposal is effectively creating four dwellings on the site originally occupied by one and is an overdevelopment of the site.
3. The proposed car parking provision is inadequate to serve the development, exacerbating on street parking problems.

Highway Development Officer: An aisle used to turn vehicles is generally expected to be 6m in width measured from the edge of the parking spaces. Although the aisle opposite parking space 15 is restricted to approximately 5.1m, it does taper out to approx 9m opposite the adjacent parking space and so I anticipate any inconvenience being contained within the site rather than the adjoining highway. I would advise that the aisle be extended to a minimum of 6m but this is not a requirement. I am satisfied with the level of parking for this development and so recommend that no highway objection be raised subject to conditions.

OTHER REPRESENTATIONS / THIRD PARTIES: One letter of objection has been received from the occupiers of the neighbouring dwelling objecting to the development on the grounds of its position and proximity to their property.

PLANNING ISSUES

Relevant Planning History:

06/03165/OUT - Erection of a two storey side extension to form 2 no one bedroom flats, refused 16.11.2006

015243A - Conversion of existing dwelling into two self-contained one-bedroom flats, permitted 30/10/1990

015243 - Erection of detached dwellinghouse, refused 27/09/1990

POLICY CONTEXT:

National Policy -

PPG3 (Housing)

PPG13 (Transport)

Bath and North East Somerset Local Plan: At the meeting of the Council on 12 October 2006 the Bath & North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified 2006 was approved for Development Control Purposes. The following policies are material considerations;

D.2 considers design issues and residential amenity
D.4 considers design issues
SC.1 sets out a settlement classification for BANES
HG.4 relates to residential developments in R.1 settlements
HG.7 relates to residential densities
T.24 relates to the requirements and implications of development in relation to access and transport
T.26 considers on site parking and servicing provision.

PRINCIPLE OF PROPOSED USE: This site is within the defined housing development boundary for Radstock, where Local Plan policy supports the provision of further residential development on 'windfall', or infill, sites. No specific policy designations apply to the site that would prevent the type of residential development being proposed.

DESIGN AND TOWNSCAPE ISSUES: Although design and appearance are not matters submitted for approval the indicative elevation shows that an extension to the side could be designed so as to appropriately reflect the style of the existing building and not appear incongruous within the street. Car parking to the front exists at present and the appearance of this part of the site will remain principally unchanged. Overall there the development can be appropriately accommodated on this site.

RESIDENTIAL AMENITY: The provision of a single storey extension on this site in the position shown would not cause any significant detrimental impact on the amenity enjoyed by surrounding residential occupiers through either increased potential for harmful overlooking or any overbearing physical impact. The single storey design overcomes the reasons for refusal of previous applications on site and ensures that there will be no negative impact. Adequate control exists, through the required submission of reserved matters, to ensure that the final design is acceptable and appropriate.

Adequate amenity space for all of the units on the site can be accommodated within the area to the rear (either as private subdivided spaces or as a communally laid out garden). The requirement for the submission of landscape details can confirm and control this detail, which will include account being taken of the large Sycamore tree that exists on the rear boundary of the site.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES: Adequate parking provision would be made on site with no harm being caused to highway safety at this point. Whilst concern has been raised by the Town Council about parking congestion in the area the development would comply with local plan policy and relevant parking standards.

OTHER MATTERS: It is not considered that the site is likely to be at undue risk from contamination so as to require further details to be submitted by the applicant.

CONCLUSION

The proposed residential development is acceptable and would not have an unacceptable detrimental impact on the appearance of the street, the amenity enjoyed by the occupiers of the surrounding dwellings, or highway safety.

CONDITIONS

1) Approval of the details of the design and external appearance of the building(s), and the landscaping of the site (hereinafter called the 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: This permission is in outline only and is granted under the provisions of section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

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

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

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

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

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

Reason: In the interests of highway safety

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension or enlargement (including additions or alterations to the roof(s)) of the dwelling(s) hereby approved shall be carried out without the prior written permission of the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, without the prior written permission of the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority.

FOOTNOTE: This decision relates to a site location plan and drawings 1, 2, 3 and 4 all date stamped the 26th October 2006.

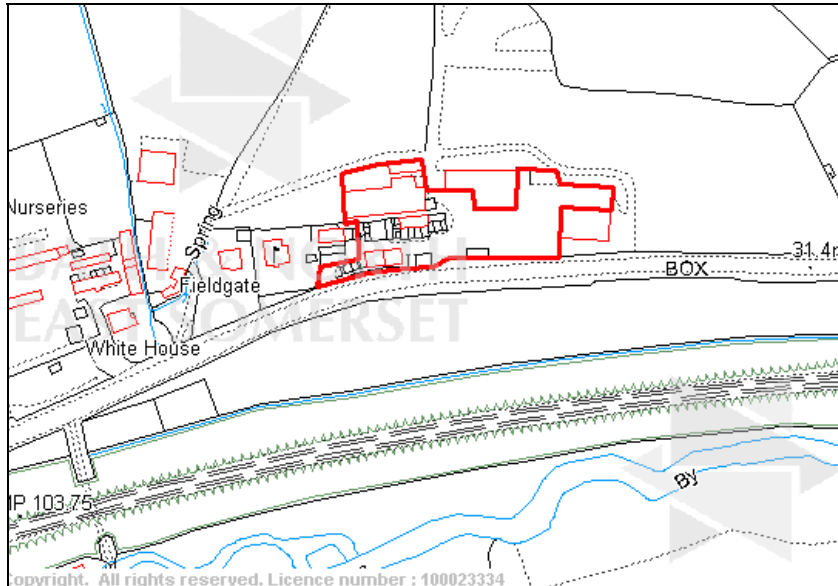
REASONS FOR GRANTING APPROVAL

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A. D2, D4, SC.1, HG.4, HG.7, T.24 and T.26 of the Bath & North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified 2006

2. The proposed residential redevelopment of this site complies with both national and local planning policy in relation to the location of new development and will be possible without causing harm to the appearance of the street or the amenity enjoyed by the occupiers of surrounding existing dwellings.

Item No: 20
Application No: 07/00643/FUL
Site Location: Bathford Gardens, Box Road, Bathford, BA1 7LR



Ward: Bathavon North **Parish:** Bathford **LB Grade:** N/A
Application Type: Full Application
Proposal: Erection of warehouse following the demolition of existing buildings
Constraints: Greenbelt,
Applicant: C D Austin And Sons
Expiry Date: 3rd May 2007
Case Officer: Neil Harvey

RECOMMENDATION

REFUSE

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE:

This application is brought to Committee at the request of Councillor Martin Veal

DESCRIPTION OF SITE AND APPLICATION

Bathford Gardens is a former agricultural holding which fronts onto the north side of the A4 Box Road to the east of Bathford, within the Green Belt and the Cotswold Area of Outstanding Natural Beauty.

The site includes two existing substantial warehouse buildings, one a converted farm building and the other a new building permitted as a replacement for a former agricultural building on the same site. In addition there is a substantial group of former farm buildings, which are now in a largely ruined condition, these buildings being largely of sheet metal held on a timber framing, with some buildings including Bath stone ashlar, concrete blockwork and brick.

The proposal is to build a second warehouse building immediately adjacent to the existing warehouse on its north side. The new building would measure 23.6m by 12.7m with an eaves height of 3.0m and a roof ridge height of 6.2m, built of reconstituted stone blockwork with a roof covering of profiled steel coloured grey, the building being a direct copy of the existing warehouse.

Also as part of the scheme, the majority of the derelict farm buildings would be removed from the site and the area in which they are located would be grassed and used as grazing for horses, although three of the existing buildings would be retained.

CONSULTATIONS & REPRESENTATIONS

Bathford Parish Council: Supports the application - appropriate improvements of a very untidy site

Highway Development Officer: Objects to the warehouse on grounds that the vehicle access to the site has poor visibility and also on sustainability grounds.

Local Residents: No Representations received from Local Residents.

PLANNING ISSUES

Planning History :

01/00296/FUL - Change of Use of Existing Farm Building to B1, B2 and B8 Uses - Permitted 31 May 2001

03/03059/FUL - Extension to the above building and formation of additional concrete hardstanding - Permitted 25 May 2004

04/02611/FUL - Construction of new building for Class B1, B2 and B8 Uses following demolition of existing unsafe structure (disused barn). - Permitted 18th October 2004

06/03379/FUL - Erection of Storage Building and Holiday Cottage after demolition of existing buildings - Refused 8th February 2007

PLANNING POLICY

NATIONAL POLICY GUIDANCE

Development within the Green Belt is referred to in Planning Policy Guidance Note No 2

Development in Rural areas is the subject of Planning Policy Statement No 7. This advises that :-

'The Government is supportive of the replacement of suitably located, existing buildings of permanent design and construction in the countryside for economic development purposes'

However, the Statement also confirms that the policies set out in PPG2 - Green Belt will continue to apply within designated Green Belt.

Government Advice on Sustainable Development is included in Planning Policy guidance Note No13 (Transport).

BATH AND NORTH EAST SOMERSET LOCAL PLAN: At the meeting of the Council on 12th October 2006 the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified was approved for Development Control purposes. The following policies are material considerations:-

- GB1 - Control of Development in the Green Belt
- GB2 - Visual Amenities of the Green Belt
- NE2 - Areas of Outstanding Natural Beauty
- ET3 - Non-Office Business Developments
- ET4 - Business Developments in Rural Settlements
- T1 Overarching access policy
- T24 Highway Development Control Criteria

Green Belt Policy: The application site lies within the designated Green Belt and does not fall within any of the categories of development which may be acceptable in the Green Belt. The proposal therefore represents 'inappropriate development' in the Green Belt as referred to in PPG2 and Policy GB1. Such developments can only be permitted where 'very special circumstances' apply, and no such circumstances have been put forward in respect of this application. The proposal is therefore directly contrary to local and national Green Belt Policy.

Visual impact on Green Belt and the Cotswold AONB: The proposed new warehouse would be a substantial structure and would be located on land in a prominent position adjacent to the A4 Box Road. While the proposed warehouse building would not be of unacceptable appearance, it would represent a substantial additional development on this site giving the site a significantly more developed character, to the detriment of the open character of the Green Belt and the rural character and natural beauty of this part of the Cotswold Area of Outstanding Natural Beauty.

Replacement of Existing Buildings: Government Advice in PPS7 confirms that the replacement of existing buildings in the countryside can be acceptable, where the buildings to be replaced are of 'permanent design and construction'. The existing farm buildings on this site however are largely of insubstantial construction, many being constructed of sheet metal secured on a timber framework, and all the buildings are in a

ruined and wholly unusable condition. The existing farm buildings therefore do not satisfy the requirement that they are of permanent design and construction.

Even if it were the case that the existing buildings were of permanent design, the presumption in Green Belt Policy against inappropriate development in the Green Belt would still apply in this case.

Highway Issues: The only vehicle access to the site is onto the A4 Box Road, a major route which carries high traffic loads, and the site is at a point in the road where visibility is poor. In particular, additional vehicles turning right into the site from Box Road, especially large commercial vehicles, at a point where visibility of and from such vehicles would be inadequate, would represent a significant traffic hazard. The proposal would result in increased use of this access, to the detriment of highway safety.

Impact on Residential Amenity: The proposal is in a rural location and there is no nearby residential property which would be likely to be affected by the proposed development.

Sustainability: The application site is in a rural location which is remote from services, and persons working at the site or visitors would be likely to rely on cars for journeys to and from their employment, contrary to the Council's objectives in respect of sustainable development

CONCLUSION

The proposal would represent the erection of substantial new building in a rural location within the designated Green Belt where no 'very special circumstances' apply, and would comprise inappropriate development in the Green Belt contrary to local and national policy guidance.

The erection of the new warehouse building on the site would also cause this site to have a significantly more built-up appearance than at present, which would detract from the openness and appearance of the Green Belt and the rural character and visual quality of the Cotswolds Area of Outstanding Natural Beauty.

The proposal would also result in increased vehicle movements onto the A4 Box Road at a point where visibility is poor, to the detriment of highway safety.

The proposal in this location outside any settlement would be contrary to the Council's objectives in respect of sustainable development.

REASON(S) FOR REFUSAL

1) The proposal would represent 'inappropriate development' within the Green Belt very special circumstances have been demonstrated, contrary to Policy GB1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified 2006 and Government Guidance set out in PPG2 - Green Belts.

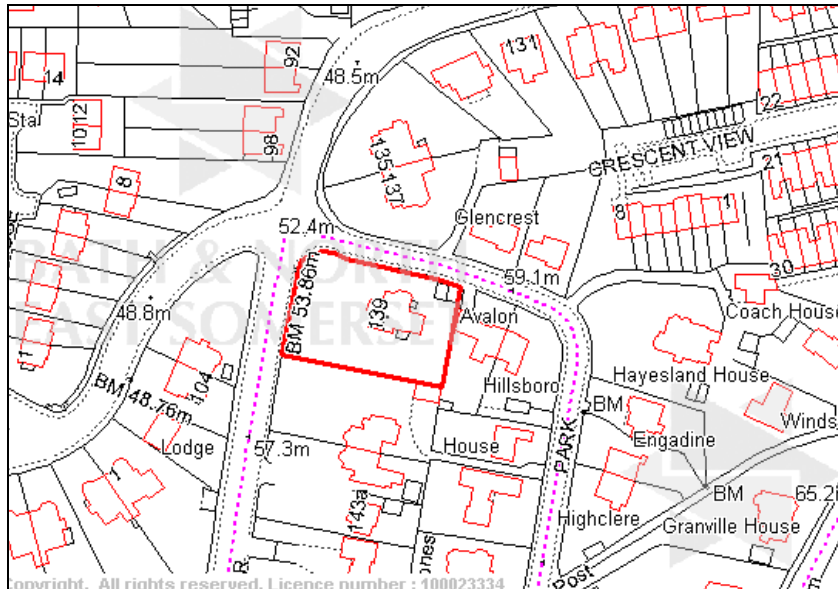
2) The proposal would detract from the openness and appearance of the Green Belt and the rural character and natural beauty of this part of the Cotswold Area of Outstanding Natural Beauty, contrary to policies GB2 and NE2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified 2006.

3) The proposal, located in a position remote from services and unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note No13 which seeks to reduce growth in the length and number of journeys, and policy T1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified 2006.

4) The proposed development would result in vehicles turning right into the site from the A4 Box Road at a point where forward visibility from and of such vehicles is inadequate, which would create additional hazards to all road users. The proposal is therefore contrary to Policy T24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified 2006.

FOOTNOTE: This decision refers only to Drawings ref 178/03/01, date stamped 8th March 2007, and 1835:3, 5b and 7a, all date-stamped 26th February 2007.

Item No: 21
Application No: 07/00662/FUL
Site Location: 139 Wells Road, Lyncombe, Bath, BA2 3AL



Ward: Lyncombe **Parish:** N/A **LB Grade:** N/A
Application Type: Full Application
Proposal: Conversion of garages into managers accommodation and formation of 2 no parking spaces (Resubmission)
Constraints: Conservation Area, World Heritage Site,
Applicant: Mr D Lanz
Expiry Date: 26th April 2007
Case Officer: Vincent Albano

RECOMMENDATION

PERMIT with condition(s)

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE:

Three letters of objection to the proposal have been received, contrary to Officers Recommendation

DESCRIPTION OF SITE AND APPLICATION

The application site is a large house which has been converted into a hotel, known as the Leighton Hotel, in a plot measuring 24m by 34m fronting onto the east side of Wells Road at its junction with Hayesfield Park. This application refers to a pair of attached garages sited in the north-east corner of the site and fronting onto Hayesfield Park. The garages together measure 7.0m by 5.4m and are constructed of reconstituted Bath stone blockwork. One of the garages is flat-roofed and the other has a double-pitch roof covered in fibre material.

The proposal is to convert these to form accommodation for the manager of the hotel, and would provide a living room, bedroom and bathroom (a kitchen would not be provided as meals would be taken in the hotel). The garage would retain its existing appearance as far as possible, with garage doors retained on the front elevation (made non-opening) and a pair of patio doors and a window installed in the rear elevation.

At the rear of the garage a patio/sitting out area measuring 2.0 m by 7.0m would be formed, which would involve lowering the ground level in this location. The proposal also includes the formation of two additional parking spaces adjacent to the existing hotel car park which is at the front of the hotel building.

CONSULTATIONS & REPRESENTATIONS

Highway Development Officer: No objection subject to a condition re retention of parking area.

Local Residents : Three local residents have written to object to the proposal, on the following grounds :-

- (a) The proposal would exacerbate existing parking problems in Hayesfield Park
- (b) The scheme would detract from the character of the area
- (c) Traffic in Hayesfield Park using the junction onto the Wells Road already results in inconvenience to residents and to road safety hazards, and these impacts would be increased by the proposal.

PLANNING ISSUES

Planning History :

05/00056/FUL - Conversion and Extension of Guest House to form 9 flats - refused
16/05/2005

06/03115/FUL - Conversion of Garage to form manager's accommodation - refused
13/11/2006

PLANNING POLICY

BATH LOCAL PLAN

C1 World Heritage Site
C2 Design Requirements
C3 The Conservation Area
H15 Residential Amenity
T25 Highway Development Control criteria

BATH AND NORTH EAST SOMERSET LOCAL PLAN: At the meeting of the Council on 12th October 2006 the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified was approved for Development Control purposes. The following policies are material considerations:-

BH1 World Heritage Site
BH6 Development within or affecting Conservation Areas
D 2 General Design and Public Realm Considerations
D4 Townscape Considerations
ET12 Visitor accommodation
T24 Highway Development Control criteria

Policy Considerations: The application is to provide staff accommodation for the hotel rather than to provide an independent dwelling. The site has an existing hotel use and there is no policy objection to the formation of the proposed accommodation.

Highway Aspects: The proposal would not result in any additional capacity within the hotel, and the existing access arrangements would not be altered, and the proposal would not result in any additional traffic loads on local streets or any increase in on-street parking. Two additional car parking spaces would be formed within the curtilage of the hotel.

Impact on Neighbouring Occupiers: The garage stands adjacent to the west boundary of the site, which abuts the curtilage of 'Avalon', a two-storey house which is approximately 5m from the side boundary, although garage of this house abuts this boundary. As the house is not directly adjoining the site, the proposed use would be unlikely to impact on the amenities of the occupiers of this house. No other property would be affected by the proposal.

Comparison with earlier application: The proposal is basically unchanged from application 06/03115/FUL, however it now includes the formation of two additional car parking spaces and provides additional information relating to the accommodation. Although it does not provide significant additional information relating to the proposed excavations at the rear, it is considered that there is now sufficient information to enable this proposal to be supported.

Sustainability Issues: The proposal relates to an existing hotel use which is within easy walking distance of the facilities of Bath City Centre, and the proposal does not conflict

with the Council's objectives in respect of sustainable development. No information has been provided on the sustainability aspects of the proposed conversion work.

CONCLUSION

The proposed development is not contrary to the relevant policy guidance and would not detract from the amenities of neighbouring occupiers or from highway safety.

CONDITIONS

1) The development hereby approved 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 and to avoid the accumulation of unimplemented planning permissions.

2) The development hereby approved shall not be used other than for the accommodation of staff or for purposes ancillary to the Leighton Hotel.

Reason: The accommodation formed does not have the accommodation necessary to form an independent residential unit.

3) The accommodation hereby approved shall not be brought into use until the two parking spaces shown on the submitted plans have been constructed to the satisfaction of the Local Planning Authority.

Reason: To ensure adequate vehicle parking provision at the site.

4) No development shall commence until details of the excavations to form the patio area at the rear of the building, including any retaining walls to be constructed, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory development.

FOOTNOTE: This decision refers only to drawings ref 1840/109 B, 2313/B/20 and 21, all date-stamped 1st March 2007.

REASONS FOR GRANTING APPROVAL

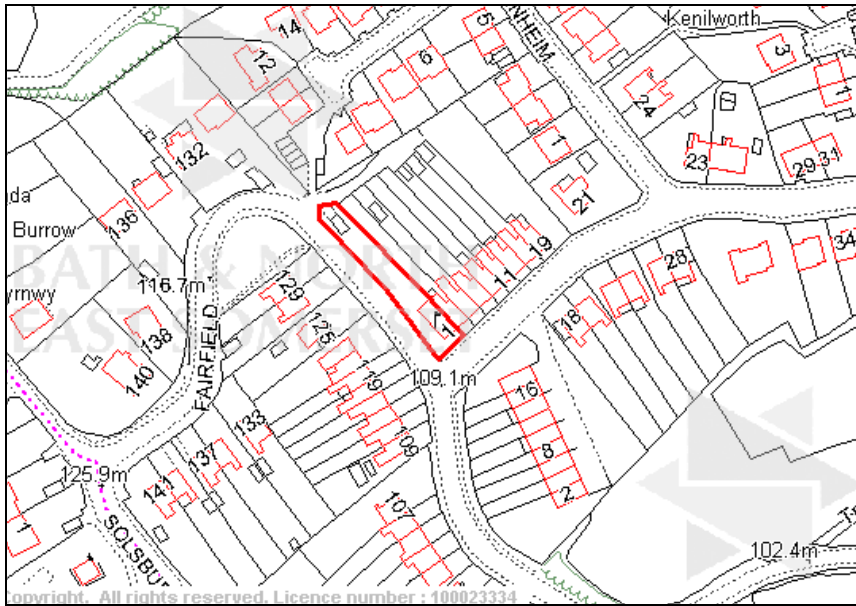
1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

Permission is granted because the proposal would not detract from the amenities of neighbouring occupiers or from highway safety.

A Policies C1, C2, C3, H15, and T25 of the Bath Local plan, and Policies BH1, BH5, D2, D4, ET12 and T24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified 2006.

Item No:	22
Application No:	07/00733/FUL

Site Location: 1 Fairfield Avenue, Fairfield Park, Bath, BA1 6NH



Ward: Lambridge

Parish: N/A

LB Grade: N/A

Application Type: Full Application

Proposal: Erection of a two storey side extension and installation of loft with rear dormer

Constraints: World Heritage Site,

Applicant: Mr & Mrs R Sharpe

Expiry Date: 2nd May 2007

Case Officer: Martyn Edwards

RECOMMENDATION

REFUSE

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: This application is being reported to Committee at the request of Councillor Bryan Chalker.

DESCRIPTION OF SITE AND APPLICATION

The application site is at the junction of Fairfield Park Road and Fairfield Avenue. This is a prominent location with No 1 being the end of a terrace, which then runs steeply down hill away from Fairfield Park Road.

The existing house has random bath-stone with Ashlar bay detailing and quoins on the front. Its end wall is in red brick and the original front door has been blocked with a window insertion and access is from the side. The roof is in brown tiles. It is hipped across most of the house width. There is an existing two storey rear extension, with single storey lean-to fill in. There is also a rear single storey extension beyond these in reconstituted blocks with flat roof above. To the side is a narrow triangular area of garden and tall hedge and at the rear of the rear garden is a modern pitched roof garage.

The site is within the World Heritage Site.

The proposal is to extend to the side of the house by approx 2.3m in plan. The extension is shown set back from the front wall by approx 300mm and laps the original rear wall onto the rear two storey extension. A new front door with window above is to be created and at the side the extension would be within 1.5m to 2m of the adjoining pavement at Fairfield Park Road. Above the red brick side wall, it is proposed to create a hipped roof in clay double Roman tiles, which would sit back in the front roof plane nominally by around 200mm with the effect of a lesser drop in the ridge below the existing, short main ridge. Within the hipped roof plane to the side would be a "picture" dormer, not referred to in the description of the application. It appears set down approximately 250mm below the new ridge. Materials are not specified in the drawings. In the rear roof plane a larger, double-window dormer is proposed. This is shown with matching tiles and lead cheeks and is approximately to the new ridge level. The dormer facing is not specified.

In support of the proposal the applicants have submitted a Design and Access Statement, which draws attention to the changes made within this application to address points made within the dismissal of the earlier appeal. These are summarised as;

- Change from a full height extension of ridge to provide a vertical gable, to a hipped back gable end
- Insertion of a dormer to the hipped gable end to provide staircase headroom to the loft space bedroom 3
- Materials changes to the front elevation to show natural stonework and detailing to complement the existing

The amendments were submitted as a pre-application submission, following a meeting with the officers.

A response to this submission was subsequently provided by the officers..

PLANNING ISSUES

RELEVANT PLANNING HISTORY:

06/00037/FUL Two storey side extension and rear dormer withdrawn (Note this was similar to that refused at appeal, but set back from the house front by 2m)

06/01011/FUL Two storey side extension and rear dormer Refused- due to unacceptable siting, design and materials, excessive size and scale, incongruous addition harming the character and appearance of the terrace and the character and appearance of the surrounding area.

06/00037/FUL Appeal Decision 9/10/06 Dismissed contrary to Policies C1 & C2 Bath Local Plan 1997.

POLICY CONTEXT:

BATH LOCAL PLAN: Policy

H13: Residential development

H15: Residential amenity

C1: Bath as a World Heritage Site
C2: Design requirements
C3: The Conservation Area
C4: Development proposals affecting the Conservation Area
C11, C12, C13: Listed buildings and development affecting their setting

Policies C1 and C2 refer to the need to achieve a high standard of design within the World Heritage Site.

THE BATH AND NORTH EAST SOMERSET LOCAL PLAN (INCLUDING MINERALS AND WASTE POLICIES) AS PROPOSED TO BE AMENDED: At the meeting of the Council on 12th October 2006 the Bath and North East Somerset Local Plan, Revised Deposit Draft 2006, as amended, was approved for Development Control purposes. The following policies are material considerations.

D.2: General design and public realm considerations
D.4: Townscape considerations
BH.1: Impact of development on World Heritage Site of Bath or its setting
Policies D.2 and D.4 refer to the impact of development on the character of the area and on amenities of neighbouring properties.

Policy BH.1 deals with new development within the World Heritage Site.

PRINCIPLE OF PROPOSED DEVELOPMENT: The main issue of principle to be considered in this case appears to be the impact through prominence of the form of development and whether this would cause significant harm to the character and appearance of the area, contrary to policies C1 and C2 of the Bath Local Plan 1997 and to emerging policy BH.1 of the Local Plan.

The Inspector's report assists this assessment, but the application proposals have altered since this decision.

The support statement quotes aspects of the Inspector's letter, indicating that the house is set back from and slightly lower than Fairfield Park Road and this would help to limit the visual impact of the proposal from the west were it not for the altered roof form. This is taken as an indication by the agent that the Inspector would have been sympathetic, were the roof form not to be altered.

There are two points of detail here to consider

1. In the current application the roof form is still altered, by the added hip and side dormer
2. Visual impact is not only limited to the west, but by views from the south-east, which are as important if not more so in viewing the corner profile of the property in conjunction with the remainder of the terrace.

The inspector went on to set out that "The gable end roof would add substantially to the apparent height and mass of this end of the terrace and thus also to its prominence.

She went on to note that "In the context of the gardens and low buildings on the eastern side of Fairfield Park Road I consider such a structure would be a dominating, jarring and discordant note in the street scene."

This is the aspect from the junction of the two roads or south of this, where the property is seen axonometrically in the context of the terrace.

It is accepted that the current proposal would reduce the potential impact of the proposed development from the west, but considered that the impact in elevation and at angle from the intersection of the streets and further south would be less pronounced.

The proposal would be more acceptable and less discordant were the side dormer to be removed, but the agents maintain that this is essential to create an acceptable dormer bedroom conversion. Without this, a side extension could be more subservient, have less visual impact and would deliver a new hall and front door, study and extension to the bedroom 2 but not the third bedroom proposed in the loft, which is required due to the removal of the existing bedroom 3 upstairs to the loft by being displaced by a second bathroom at first floor level. Changes to internal arrangement at first floor level might deliver both of these aspirations albeit at more modest space standards as there is a generous stairwell.

It is observed that other properties in the terrace have succeeded in delivering loft conversion within the existing buildings width, which appears similar, although internal implications may differ and sometimes headroom varies as one descends a terraced hillside.

Whilst the rear lap over and attendant roof changes are awkward, they are not considered to create significant harm.

PLANNING POLICY CONSIDERATIONS: Whilst the proposal is undeniably of lessened impact to that of the previous application refused and dismissed at appeal, it is considered that due to the side dormer and the roof implications of the loft conversion in particular, the proposal would still remain a jarring and discordant note in the street scene, and as a result is considered to be harmful to the character of the area.

RESIDENTIAL AMENITY: The proposed side dormer would introduce a new but limited aspect to the west, where existing houses have windows with outlook in this direction at the same level above intermediate screening. Given the distance however and in addition the nature of the dormer above a door to bedroom 3, it is not considered to have an unacceptable implication for neighbour privacy.

There is a precedent for rear dormers in the terrace and existing rear bedroom windows offer not dissimilar outlook. It is thus not considered that the proposal would significantly impact on residential amenity.

CONCLUSION

It is considered that the proposal would not be harmful to residential amenity, but would be harmful to the character of the area, which is a part of the World Heritage Site and therefore the application is recommended for refusal.

REASON(S) FOR REFUSAL

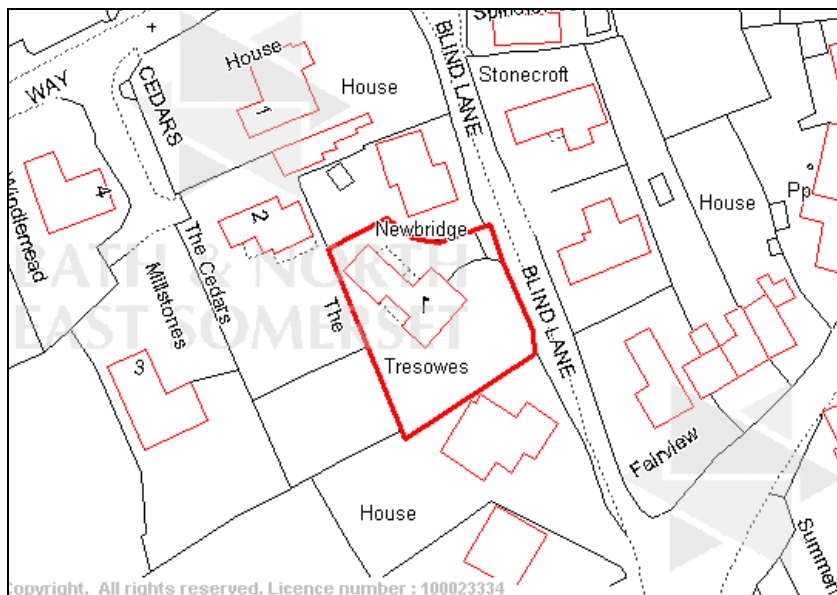
1) The proposal would cause significant harm to the character and appearance of the area contrary to Policies C1 and C2 of the Bath Local Plan, adopted June 1997, and Policy BH1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be amended, 2006.

FOOTNOTE: This decision relates to the following drawings: Drawing No. 0143/2A: Proposed Extension and Loft Conversion Floor Plans, Elevations & Site Plan, as received by the Local Planning Authority on 7th March, 2007.

Item No: 23

Application No: 07/00760/FUL

Site Location: Tresowes, Blind Lane, Chew Stoke, BS40 8UA



Ward: Chew Valley North

Parish: Chew Stoke

LB Grade: N/A

Application Type: Full Application

Proposal: Erection of a single storey front extension

Constraints: Conservation Area, Greenbelt, Housing Development Boundary,

Applicant: Mr P West

Expiry Date: 10th May 2007

Case Officer: Andy Ross

RECOMMENDATION

PERMIT with condition(s)

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE: This application is being reported to committee, following consultation with the chair, as approval is recommended and objections have been received from the Parish Council.

DESCRIPTION OF SITE AND APPLICATION:

This application seeks permission for the extension of an existing detached dwelling located on Blind Lane within the village of Chew Stoke. The extension is detailed as a sun room and would measure 5.2m by 4.6m by 3.5m maximum height.

CONSULTATIONS & REPRESENTATIONS

Chew Stoke Parish Council: Object in principle making the following comments;

- Property lies within the Conservation Area and already is very large and dominates Blind Lane
- This area has seen constant building works over the past years
- It is a large extension that protrudes towards the road, not to the rear.

OTHER REPRESENTATIONS / THIRD PARTIES: No other representations have been received.

PLANNING ISSUES

Relevant Planning History: There appears to be no planning history specifically relevant to the determination of this application, although it appears the property was extended in the past.

POLICY CONTEXT:

Bath and North East Somerset Local Plan: At the meeting of the Council on 12 October 2006 the Bath & North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified 2006 was approved for Development Control Purposes. The following policies are material considerations;

D2 considers design issues and residential amenity

D4 considers design issues

GB1 and GB2 relate to the Green Belt

BH6 relates to designated Conservation Areas

PRINCIPLE OF PROPOSED USE: This site is within the defined housing development boundary for Chew Stoke that is a settlement washed over by the Green Belt. Given this site's position, surrounded by other built development, the relatively modest single storey addition proposed is deemed appropriate development in the Green Belt which would not prejudice its openness.

DESIGN AND TOWNSCAPE ISSUES: The proposed extension conform with the scale and appearance of the existing dwelling and would not adversely impact on the character of this building. Development within Blind Lane is mixed and its overall character would be preserved. The site of the proposed extension is at a higher level than the highway in Blind Lane, this combined with the screening afforded by the boundary treatments would minimise its visual impact. Materials proposed are to match the existing dwelling.

RESIDENTIAL AMENITY: Given the position and scale of this proposed addition there would be no significant detrimental impact on the amenity enjoyed by surrounding residential occupiers through any overbearing impact.

OTHER MATTERS: There would be no impact on parking provision at the site or highway safety.

CONCLUSION

The proposed development is appropriate development in the Green Belt and would preserve the overall appearance and character of this dwelling and part of the Conservation Area. There would be no significant detrimental impact on the amenity enjoyed by surrounding residential occupiers.

CONDITIONS

1) The development hereby approved 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 and to avoid the accumulation of unimplemented planning permissions.

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

Reason: In the interests of the development and the character and appearance of this part of the Conservation Area.

FOOTNOTE: This decision relates to drawings 0598/LP, 01, 02 and 03 all date stamped the 9th March 2007.

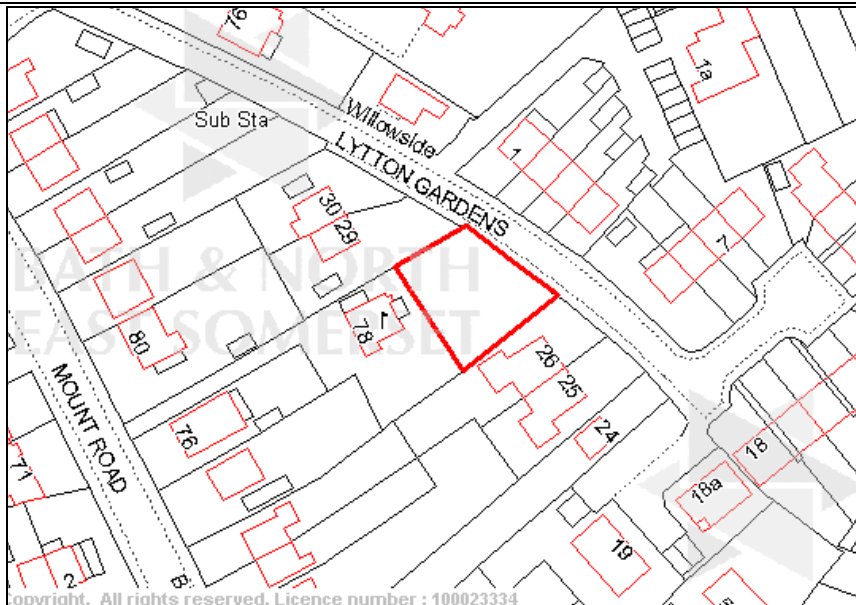
REASONS FOR GRANTING APPROVAL

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A. D2, D4, GB1, GB2 and BH6 of the Bath & North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified 2006

2. The proposed development is appropriate in the Green Belt and will preserve the appearance and character of this part of the Conservation Area with no significant detrimental impact on the amenity enjoyed by surrounding residential occupiers.

Item No:	24
Application No:	07/00788/FUL
Site Location:	Land rear of 78 Mount Road, Southdown, Bath, BA2 1LH



Ward: Southdown

Parish: N/A

LB Grade: N/A

Application Type: Full Application

Proposal: Erection of detached dwelling with frontage Lytton Gardens (Resubmission)

Constraints: World Heritage Site,

Applicant: Mr S Hill

Expiry Date: 4th May 2007

Case Officer: Neil Harvey

RECOMMENDATION

PERMIT with condition(s)

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE:

This application is reported to Committee at the request of Councillor Paul Crossley

DESCRIPTION OF SITE AND APPLICATION

78 Mount Road is a modern bungalow which stands in a irregularly shaped plot measuring 52m by 28m, which is accessed by a long drive from Mount Road. The rear (north-east facing) boundary of the site fronts onto Lytton Gardens, a residential cul-de-sac, and the site slopes moderately steeply downwards towards Lytton Gardens, reflecting the overall slope of the land in this area.

The proposal is to detach part of the garden of 78 Mount Road to form a new residential plot on which to erect a new dwelling.

The new plot would measure 22m by 23m maximum and have a frontage onto Lytton Gardens. The plot lies between No 6 Lytton Gardens (a semi-detached bungalow) and No 29, which is a two-storey house. On the opposite side of this road, facing the

application site, is a terrace of 4 houses, Nos 1-4 Lytton Grove, which due to the slope of the land are set at a level approx 500m lower than the adjacent highway.

The site includes a dense row of trees up to 5m high on the road boundary, with other trees on the site including a deciduous tree approximately 7m high close to the south boundary of the site and two large conifers approximately 9m high on the north boundary, which abuts the garden of 29 Lytton Grove.

The proposal is to erect a single dwelling on the plot, having a vehicle access onto Lytton Gardens only. The new dwelling would be single-storey but with rooms in the roof space, and would measure 8.8m wide by 8.2m deep with an eaves height of 2.2m and a roof ridge height of 6.1m. The walls of the house would be finished in reconstituted bath stone blockwork with a roof of brown concrete double-roman tiles.

A single garage would be built onto the north side elevation of the dwelling and on the front roof slope two dormers would be installed to light the first floor rooms, each dormer being 1.8m wide by 1.2 m high from the roof slope.

The vehicle access onto Lytton Gardens would be formed close to the northern end of the site frontage and the submitted plans show a parking and turning area would be formed on site, so the house would have two off-street parking spaces in addition to the single garage.

CONSULTATIONS & REPRESENTATIONS

Highway Development Officer: Has no objection to the proposed development. Does not consider that a turning area on-site is desirable, suggests that this is deleted from the scheme. Wishes to see provision made for the continuation of the footway along the frontage of this site.

Local Residents: Two local residents have written to object to the proposal, on grounds that :-

- (a) a four-bedroom property would be out of keeping with Lytton Gardens, which comprises 2 and three bedroom dwellings
- (b) the windows of the proposed dwelling would overlook houses on the opposite side of Lytton Gardens
- (c) the proposal would be likely to result in the loss of existing trees and hedges, to the detriment of the appearance of the area.

PLANNING ISSUES

Planning History:

07/00229/FUL - Erection of Detached Dwelling - Withdrawn 30th March 2007

(This application was for a large two-storey house on this site, and was withdrawn following discussions with Officers).

Planning Policy

BATH LOCAL PLAN

C1 World Heritage Site
C2 Design Requirements
H13 Residential Development
H15 Residential Amenity
T25 Highway Development Control criteria

BATH AND NORTH EAST SOMERSET LOCAL PLAN: At the meeting of the Council on 12th October 2006 the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified was approved for Development Control purposes. The following policies are material considerations :-

BH1 World Heritage Site
HG4 Residential Development in Bath
D 2 General Design and Public Realm Considerations
D4 Townscape Considerations
T24 Highway Development Control criteria

Policy Considerations: The application site lies in a residential area within the developed area of Bath, and the principle of residential development in this location is in accordance with the requirements of Policy HG4 of the Bath and North East Somerset Local Plan.

Visual Impact: The application site is of sufficient size to accommodate the proposed dwelling to an acceptable standard of amenity and the existing bungalow would be left with an adequate curtilage.

The proposed dwelling would be of acceptable appearance and would fit acceptably into the street scene in Lytton Gardens, which is a mix of modern bungalows and two storey houses. The proposal would involve the loss of the 7m deciduous tree close to the south boundary of the site, but other trees on the site are shown as retained. The trees in this site contribute significantly to the appearance of the area, and any permission should include a condition ensuring their retention.

Impact on Neighbouring Occupiers: The closest property to the new dwelling would be No 26 Lytton Gardens, a bungalow on the south side of the application site. The side elevation of this bungalow faces the application site, and the nearest residential part of the bungalow would be 6.5m from the side elevation of the new dwelling. No 26 has no side facing windows which would be affected by the proposal, and the amenities of the occupiers of this dwelling would not be unreasonably affected. The occupiers of No 26 have advised that they do not object to the proposal.

The house to the north of the site, No. 29 Lytton Gardens, would be 17m from the nearest part of the new dwelling and none of its windows would directly face the proposed dwelling. The occupiers of this dwelling would also not be significantly affected.

The occupiers of two houses in the terrace on the opposite side of Lytton Gardens have objected to the proposal on grounds of overlooking, and also on possible loss of on-street parking.

These houses would be 21m from the windows of the proposed dwelling, and the hedgerow on the front boundary of the application site would screen the new development to a substantial extent, at least in the summer months. Although Nos. 1-4 Lytton Gardens are set at a level approximately 1.0m lower than would be the level of the proposed dwelling, in view of the distance between windows it is not considered that these neighbours would suffer an unreasonable level of overlooking.

The application site forms part of the curtilage of 78 Mount Road, and the rear elevation of this bungalow would be 8.0m from the new dwelling. The rear windows of the existing dwelling would face the attached garage of the new dwelling at a distance of approx 9.5m, however the new dwelling would be at a lower level than the existing bungalow, and overall the new building would not have an unacceptable impact on the existing building.

Highway Aspects: The Highway Development Officer considers that the turning area shown on the submitted plans should be deleted, and subject to this the vehicle parking provision is considered acceptable, subject to compliance with suggested conditions.

In respect of on-street parking, the proposal as amended would provide two on-site parking spaces and there is no reason to suppose that it would add to on-street parking in Lytton Gardens.

Discussions are continuing with the applicants in respect of the provision of a footway along the front boundary of the site, and this will be reported further at the meeting.

Sustainability Issues: The application site is located close to shopping facilities in the Mount Road Local Centre, and also is close to bus routes into the City Centre, and the proposal does not conflict with the Council's objectives on sustainable development.

CONCLUSION

The application is in accordance with the Council's Policies on housing development in Bath, and it would not detract from the appearance of the area or the amenities of any neighbouring occupiers.

CONDITIONS

1) The development hereby approved 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 and to avoid the accumulation of unimplemented planning permissions.

2) No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority; such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

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

Reason: To ensure that the landscape scheme is implemented and maintained.

4) The existing trees and hedges shall be retained in accordance with the approved details. The development shall not be commenced unless the identified trees and hedges have been so retained. Any retained tree or hedge which within five years of the approved development being occupied or completed, whichever is the sooner, dies, are removed or become seriously damaged or diseased shall be replaced by a similar species of a size to be first approved in writing by the Local Planning Authority during the next planting season or in accordance with a programme of replacement to be agreed in writing with the Local Planning Authority.

Reason: To safeguard the appearance of the development and the surrounding area.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension or enlargement (including additions or alterations to the roof(s)) of the dwelling(s) hereby approved shall be carried out without the prior written permission of the Local Planning Authority.

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

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, without the prior written permission of the Local Planning Authority.

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

7) Before the dwelling hereby approved is first occupied a strip of land parallel to the edge of the carriageway, the details of which shall first be submitted to the Local Planning Authority for approval, shall be retained and left undeveloped to facilitate the provision of a 1.2 metre wide footway.

Reason: In the interests of highway safety and promotion of alternatives means of travel.

8) The dwelling(s) shall not be occupied until space has been laid out within the site in accordance with the approved plan(s) for the parking and turning of vehicles and such area(s) shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

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

Reason: To retain adequate off-street parking provision.

10) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the Highway, details of which shall be submitted to and approved in writing by the Local Planning Authority before any construction work is begun.

Reason: In the interests of highway safety,

FOOTNOTE: This decision refers only to the Location Plan, Block Plan and drawing ref 06.429/3, all date stamped 9th March 2007.

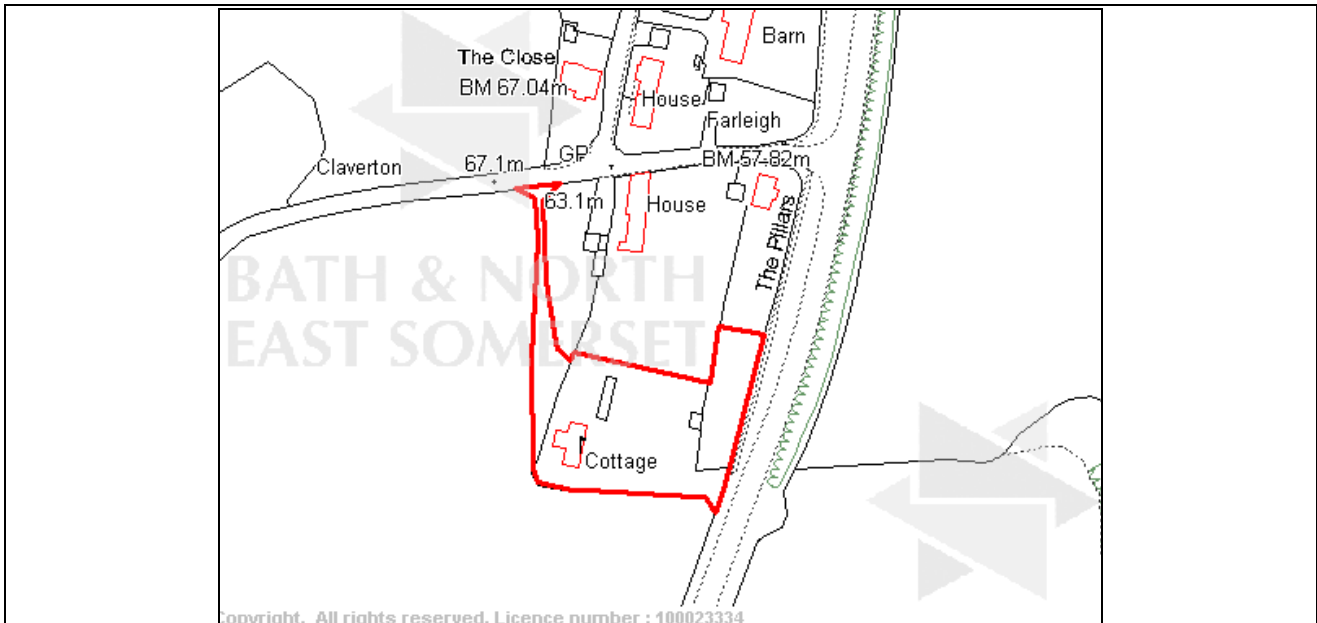
REASONS FOR GRANTING APPROVAL

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

Permission is granted as the proposed development would be in accordance with the relevant policy guidance and would not detract from the amenities of neighbouring residents or from highway safety.

A Policies C1, C2, H13, H15 and T25 of the Bath Local Plan, and Policies BH1, HG4, D2, D4 and T24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified 2006

Item No:	25
Application No:	07/00801/FUL
Site Location:	Orchard Cottage, Warminster Road, Claverton, Bath



Ward: Bathavon North **Parish:** Claverton **LB Grade:** N/A

Application Type: Full Application

Proposal: Erection of a garage with attic room and glazed link following the demolition of existing

Constraints: Area of Outstanding Natural Beauty, Conservation Area, Greenbelt,

Applicant: Mr And Mrs I Legge

Expiry Date: 7th May 2007

Case Officer: Neil Harvey

RECOMMENDATION

REFUSE

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE:

Claverton Parish Council supports the application contrary to the Officer Recommendation

DESCRIPTION OF SITE AND APPLICATION

Orchard Cottage is a substantial Bath stone house of traditional design located on a plot measuring 60m by 55m maximum to the south of the developed area of Claverton. The site lies outside the Housing Development Boundary of the village but is within the Claverton Conservation Area and also the Green Belt and the Cotswold Area of Outstanding Natural Beauty.

The site fronts onto the west side of the A36 Highway and has an existing vehicle access onto this road. Planning permission was granted in 2004 for the formation of a new access to the application site and the adjoining house from Claverton Down Lane to the east of the site, although this is not yet implemented (application no. 04/00397/FUL refers).

The proposal is to erect a new building in the curtilage approximately 3.0m to the west of the existing house. The new building would measure 12.4m by 6.1m and would be single-storey but with accommodation in the roof space, having an eaves height of 2.7m and a roof ridge height of height of 6.5m.

The walls of the building would be finished in waney-edged timber boarding and the roof covering would be reclaimed clay plain tiles. Three dormers would be formed in the front (east-facing) roof slope and three timber garage doors would be formed on the front elevation of the building. Internally the building would be set out as a triple garage on the ground floor with the upper floor accommodating a study with a bathroom and kitchen area.

A flat-roofed link section would be formed to connect the proposed building to the main house, this having glazed walls and a roof covering of stainless steel.

The submitted plans show an existing greenhouse and some other outbuildings to be removed as part of the proposal, and a deciduous tree approximately 7m high would be removed to make way for the proposal.

CONSULTATIONS & REPRESENTATIONS

Parish Council: Supports the application. Comments that the proposed works taken together with the works approved by 04/00397/FUL would provide for safer access and for the existing access onto the A36 to be closed. Points out that neighbouring occupiers do not object.

Bath Preservation Trust: Objects to the proposal, considers the proposal is over-large and would have a poor relationship with the existing house.

Local Residents: No representations received.

PLANNING ISSUES

Planning History: No recent planning history other than 04/00397/FUL referred to above.

PLANNING POLICY

BATH AND NORTH EAST SOMERSET LOCAL PLAN: At the meeting of the Council on 12th October 2006 the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified was approved for Development Control purposes. The following policies are material considerations :-

- GB1 Development within the Green Belt
- GB2 Visual Amenity in the Green Belt
- BH6 Conservation Area
- NE2 Areas of Outstanding Natural Beauty
- D2 General Design and Public realm Considerations
- D4 Townscape Considerations
- T 24 Highway Development Control Criteria

Green Belt Policy: The application site falls within the designated Green Belt. The proposed building would be of substantial size, measuring 12.5 by 6.1m with a roof ridge

height of 6.5m Its visual impact would be only slightly less than that of the existing house. Seen along with the existing house, the proposal would form a substantial level of development on this site within the Green Belt.

Within the Green Belt, Government advice set out in Planning Policy Guidance Note No 2 requires that planning permission is not to be granted for new development other than certain forms of development which do not include this proposal, and that development outside these categories represents 'inappropriate development' in the Green Belt and is not to be permitted. This advice is included in Policy GB1 of the Bath and North East Somerset Local Plan.

'Inappropriate development' can only be permitted in the Green Belt where 'very special circumstances' apply. The applicants claim they need for more garage space and living accommodation. This perceived need does not represent 'very special circumstances' as referred to in PPG2. The proposal is therefore contrary to Government Policy and to Policy GB1 of the Bath and North East Somerset Local Plan.

Impact on Visual Amenity: The proposed building would be of attractive appearance and the materials have been chosen to be appropriate to an outbuilding in a rural location. However, the proposal would represent the formation of a new structure of significant size in this rural location, which visually would be comparable to the existing house, rather than forming a 'subservient' outbuilding..

While the site is partially screened by existing hedgerows and trees, the new building would detract from the openness of the Green Belt and the rural character and natural beauty of this part of the Cotswold Area of Outstanding Natural Beauty. The proposal is therefore contrary to Policies GB2 and NE2 of the Local Plan.

Conservation Area Considerations: The Conservation Area boundary at Claverton includes a number of areas of land which are outside the Housing Development Boundary of the village and which are not developed or are developed at a low density. These contribute to the setting of the village, as a small settlement in the countryside and are a major factor in forming its character. The application site falls within one of these areas.

The proposal would substantially increase the level of development of this site, lessening significantly its present open character, and this would be to the detriment of the setting of the village which the Conservation Area designation seeks to protect. The proposal would therefore fail to protect or enhance the Conservation Area, but rather would detract from its appearance and character, contrary to Policy BH6 of the Local Plan.

Highway Issues: The existing vehicle access to the site is directly onto the A36 highway, which is a major route where traffic speeds are high, and there would be a road safety benefit of the existing planning permission for the alternative access if implemented. However, that permission can be implemented irrespective of the present proposal, and this proposal has no highway safety implications.

Impact on Neighbouring Occupiers: The application site has only two immediate residential neighbours, both of which are more than 40m from the site of the proposed new building, and the occupiers of these dwellings would not be affected by the proposal.

Sustainability Issues: The application site is an existing residential property and the development would not be contrary to the Council's objectives in respect of Sustainable Development.

CONCLUSION

The proposed development would be contrary to national and local Green Belt Policy and would represent an erosion of the openness and rural character of this location within the Green Belt and the Cotswold Area of Outstanding Natural Beauty.

REASON(S) FOR REFUSAL

1) The proposed development would represent inappropriate development in the designated Green Belt, contrary to Policy GB1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be amended 2006, and national policy guidance set out in Planning Policy Guidance Note No2.

2) The proposal would represent an erosion of the openness and rural character of this part of the designated Green Belt and of the Cotswold Area of Outstanding Natural Beauty, contrary to Policies GB2 and NE2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified 2006.

3) The proposed development would fail to preserve the character and appearance of this part of the Claverton Conservation Area, contrary to Policy BH6 of the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be amended 2006.

FOOTNOTE: This decision refers only to drawings ref 768/P/01, 02A, 03 and 04, and 768/S/01, all date-stamped 12th March 2007.

Item No: 26
Application No: 07/00851/FUL
Site Location: 19 The Oval, Southdown, Bath, BA2 2HB



Ward: Oldfield

Parish: N/A

LB Grade: N/A

Application Type:	Full Application
Proposal:	Alterations to drive to front, comprising stone setts, paving slabs and shrubbery
Constraints:	World Heritage Site,
Applicant:	Karen Todd
Expiry Date:	31st May 2007
Case Officer:	Martyn Edwards

RECOMMENDATION

REFUSE

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: This application is being reported to Committee as a result of the applicant being employed by the Council.

DESCRIPTION OF SITE AND APPLICATION:

The application site is a front garden on the south side of The Oval, a post war development of semi-detached houses in Bath Stone blocks

The south side of this part of the road is generally comprised of houses raised up higher than the road, whereas on the opposite side, houses are generally set down slightly below the road. As a consequence, No 19 has a front garden above the road, with small front lawn, path to the front door and shrub border set up above the pavement between the path and neighbouring property to the west.

The majority of houses fronting this part of The Oval have not yet created front garden parking off street, but several have done so. Next door to the west an access drive has been provided to the front and side of the property and opposite two houses have created hard-standings, either at grade or slightly below the pavement level.

Further east and opposite, the front boundary has been opened up and two parking spaces provided on bases with path between. It is likely that some of the parking areas provided would have involved permitted development as there were no level changes; other provision may have not been the subject of application but may now be deemed lawful through the passage of time.

The site is within the World Heritage Site.

The proposal at No 19 is to excavate the front garden and create two car parking spaces slightly above pavement level, falling from the rear, where the retaining wall height is shown as 700mm to the front at the height of the stone pillars are to be provided.

Initial drawings showed a block paving parking area with brick edging surrounds. New stone steps and paving in front of the house are proposed. New retaining walls are shown as re-constituted stone to match the existing building. Front pillars are to approx 1200mm above surrounding ground of the parking area which abuts the pavement. Landscaped

borders at each side of the parking area are to be around 0.9 m wide on the left side and around 0.7m wide on the right hand side when viewed from the road.

The application gave rise to comments from both the highways officer and your officers and these have resulted in two revisions of drawings to try to resolve highway safety and amenity issues. The discussions and Revisions are set out below.

CONSULTATIONS & REPRESENTATIONS

HIGHWAY DEVELOPMENT OFFICER: Due to the tapering nature of the frontage, the left hand side (from the front) is unable to accommodate a vehicle (minimum length 4.8 m). The solution to this would be to keep the front boundary hedge /fence for a distance of approx 2.2m from the stone pillar. This would allow an opening of approx 4m to remain, and the two cars to park (one at an angle). Without this amendment, a vehicle will overhang the footway to the detriment of highway safety, and would result in a highway objection.

See comments on this representation below.

OTHER REPRESENTATIONS / THIRD PARTIES

LOCAL MEMBER:

PLANNING ISSUES

RELEVANT PLANNING HISTORY: None at this site.

POLICY CONTEXT:

BATH LOCAL PLAN: Policy

H13: Residential development

H15: Residential amenity

C1: Bath as a World Heritage Site

C2: Design requirements

T25 Highway Implications

Policies C1 and C2 refer to the need to achieve a high standard of design within the World Heritage Site.

THE BATH AND NORTH EAST SOMERSET LOCAL PLAN (INCLUDING MINERALS AND WASTE POLICIES) AS PROPOSED TO BE AMENDED: At the meeting of the Council on 12th October 2006 the Bath and North East Somerset Local Plan, Revised Deposit Draft 2006, as amended, was approved for Development Control purposes. The following policies are material considerations.

D.2: General design and public realm considerations

D.4: Townscape considerations

BH.1: Impact of development on World Heritage Site of Bath or its setting

T24 Highway Implications

PRINCIPLE OF PROPOSED DEVELOPMENT: The main issues to be considered in this case are whether or not the car parking would maintain highway safety and whether it would provide a high standard of design, maintaining amenity, street-scene and townscape.

Residential amenity is also a consideration.

PLANNING POLICY CONSIDERATIONS: Both the adopted and emerging local plan seek to deliver high standards of design within the World Heritage site to protect its setting. They also seek to deliver Highway safety and maintain the character of the public realm, local character and distinctiveness as indicated above.

RESIDENTIAL AMENITY: The proposal would introduce car parking relatively close to the front habitable room windows at the adjoining neighbouring semi, but would be set down and it is not considered that the proposal would significantly impact on residential amenity of that property.

PLANNING OFFICER ASSESSMENT OF PROPOSAL AND HIGHWAY ISSUES: It is possible that two car parking spaces, which satisfy the minimum local plan size of each 2.44m wide by 4.8m deep can be provided within the site. The highway development officer's fax demonstrated this and other options discussed with the applicant and resulting in revised drawings demonstrate this can be achieved, but at the expense of landscaping provision.

It is necessary here to deliver both two parking spaces of the requisite minimum size and landscaping proposals which preserves amenity, character and sets a high standard of design for other similar development within the setting of the World Heritage Site.

The site is close to the bend of this part of The Oval, which is still characterised predominantly by houses with front gardens and softened generally by landscaping. As one approaches from the east, views are across the front garden of No 19. This makes the landscape contribution of the right hand side of the front garden particularly important. At present there is a good front hedge and shrubbery on the right hand side of the path. This varies from 2.6m wide to 3.6m wide and is some 7m long.

As one approaches from the north, the front garden is initially less prominent, but is then viewed in serial vision as one rounds the bend and its openness would be noticeable if the shrub border existing is significantly reduced as it is adjacent to the neighbouring drive.

Initial feedback established that two car spaces could be provided but this would be at the expense of landscaping. The shrub border to the right hand side (RHS) is not only reduced in scale but dropped down through excavation of levels and the remaining space would limit what planting may be achieved.

DISCUSSIONS WITH APPLICANT AND REVISIONS: There have been continuing discussions with the applicant. Two revisions have been produced. Revision B allowed space 2 by moving the proposed steps to the RHS corner. This results in removal of most of the area for re-planting on the RHS, but retains a similar border on the left to that in the Original drawings.

Black painted metal railings have been introduced to the front elevation at higher level along the front of the paving before the house.

Revision C has attempted to respond to provide maximum space at the RHS where the existing shrub border is seen as important at the expense of any landscaping at the left hand side. This has implications should the adjoining neighbour decide to replicate the proposal, creating a visually very large open area between the two frontages. In addition some planting pots were to be provided at the upper level in front of the house.

Regrettably neither revision has been found acceptable by your officers and the applicant has been advised accordingly.

The proposal would adversely affect amenity and taking into account that the location is both prominent on The Oval and this site is in the World Heritage Site. There is only space to deliver one parking space and at the same time maintain highway safety, amenity and a high standard of design as required by policy.

CONCLUSION

It is not considered that the proposal would be harmful to residential amenity. Highway safety may be secured with two parking spaces, but at the expense of the character of this part of The Oval. This would not lead to a high standard of design and landscaping required for the preservation of the setting of the World Heritage Site.

The benefits of creating two car parking spaces on site are not considered to outweigh the more fundamental concern with the loss of character and therefore the application is recommended for refusal.

It is considered that the provision of a single car space and adequate design and landscaping could be achieved and this has been suggested to the applicant.

REASON(S) FOR REFUSAL

1) The proposal is considered to be over-development of the site which is prominent in this corner street location. Due to its scale it would adversely affect the character of this part of the street, which is characterised by front gardens incorporating significant planting. The proposal is thus contrary to policies D2 (b), D4(a) and (b) and BH1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be amended, 2006. It is also contrary to Policies C1 and C2 of the Bath Local Plan, adopted June 1997.

FOOTNOTE: This decision relates to the following drawings: Drawings No. KT, Rev B and Rev C: as received by the Local Planning Authority on 13th March, 2nd May and 27th May 2007 respectively.

Item No:	27
Application No:	07/00938/FUL
Site Location:	30 Church Road, Peasedown St. John, BA2 8AD,



Ward: Peasedown St John

Parish: Peasedown St John

LB

Grade: N/A

Application Type: Full Application

Proposal: Erection of a single storey rear extension and alterations to roof to provide accommodation at first floor level (resubmission)

Constraints: Housing Development Boundary,

Applicant: Mr & Mrs Wynn

Expiry Date: 16th May 2007

Case Officer: Phil Pavord

RECOMMENDATION

PERMIT with condition(s)

REPORT

REASONS FOR REPORTING THE APPLICATION TO COMMITTEE

Chairman request following Parish Council objection

DESCRIPTION OF SITE AND APPLICATION

This proposal seeks to extend an existing bungalow by providing a room within the roof space of the property. The property is situated within a part of the village which is predominantly bungalows. The height of the bungalow would be increased by 1 metre. A small single-storey extension is proposed to the rear.

CONSULTATIONS & REPRESENTATIONS

Peasedown St John Parish Council - This council objects to these plans as they are not in keeping with the area - all other homes are bungalows on that side of the road. The

proposed plans are out of proportion and will turn the existing bungalow into a house. The change in street scene is huge.

PLANNING ISSUES

POLICY CONTEXT: At the meeting of the Council on 12 October 2006 the Bath & North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified 2006 was approved for Development Control Purposes. The following policies are material considerations;

D2 Design and amenity

D4 Design

RELEVANT PLANNING HISTORY: A previous application for a larger scheme was refused in February 2006.

VISUAL IMPACT: The proposed changes would enlarge the existing bungalow by a relatively small amount. It is a significant reduction in size compared with the previous scheme, with Velux rooflights replacing dormer windows.

Although the style or design is unusual, the area is not one of particular architectural merit. The objections of the Parish Council are not accepted as increase the property would still essentially remain a bungalow as the roof height of the dwelling would be by less than one metre.

CONCLUSION

The proposal would result in a modest enlargement of an existing dwelling without detriment either to the property itself, the street scene or residential amenity of neighbouring properties.

CONDITIONS

1) The development hereby approved 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 and to avoid the accumulation of unimplemented planning permissions.

FOOTNOTE: This decision relates to plan no 1 Rev A (revision dated 09.03.07) received by the Council on 21 March 2007.

REASONS FOR GRANTING PERMISSION

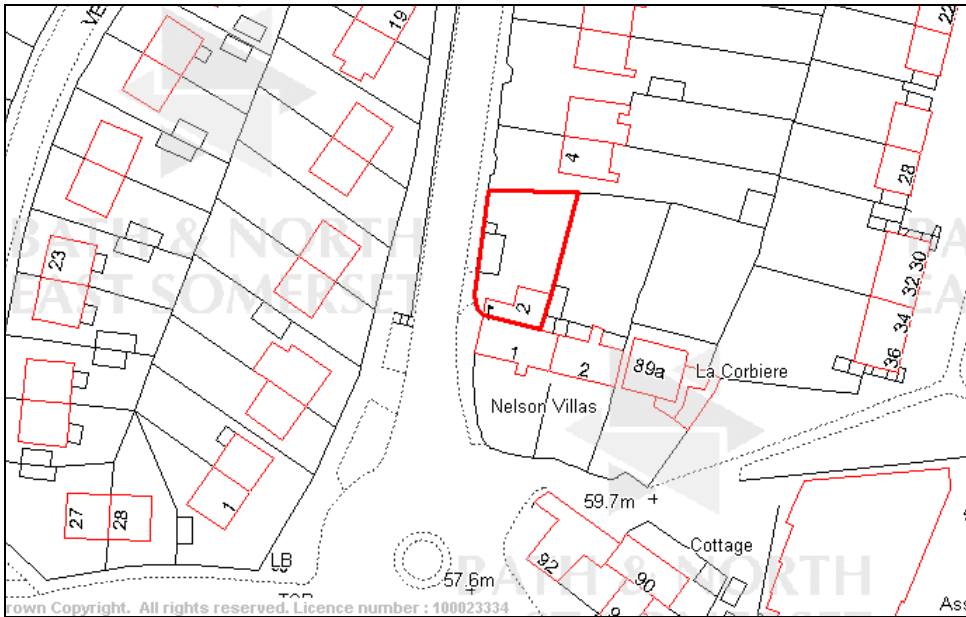
The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the policies set out below at A.

A

Policies D.2 and D.4

Item No:	28
Application No:	07/01036/FUL

Site Location: 2 Lansdown Lane, Upper Weston, Bath, BA1 4LR



Ward: Weston

Parish: N/A

LB Grade: N/A

Application Type: Full Application

Proposal: Formation of a new vehicle hard standing and new access from the highway with drop kerb.

Constraints: Conservation Area, World Heritage Site,

Applicant: Mrs Lynne Gill

Expiry Date: 28th May 2007

Case Officer: Martyn Edwards

RECOMMENDATION

REFUSE

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: This application is being reported to Committee due to the presence of 3 letters of support contrary to officer recommendation.

DESCRIPTION OF SITE AND APPLICATION:

The application site is at the bottom of Lansdown Lane, close to where three roads and a narrower lane meet at the traffic island.

The frontage involved abuts Lansdown lane giving access to the property on the east side, which sits at the rear of No 1 Nelson Villas. Around the corner on this side of the Lane are Nos 1 and 2 Nelson Villas, older properties with rendered fronts and a stone gable end wall to Lansdown Lane.

The application property is set back and tucked in at the rear of No 1 and is in Bath-stone bock. A small courtyard is enclosed between the property and a pitched roof outbuilding converted to a garage in the past and accessed off the small courtyard, fronted by wooden

gates. The garage has a stone flank wall to the back of pavement and a corrugated roof. Spanning the pavement alongside the garage is a bus stop with shelter and pole in modern materials. To the rear of the garage is a small stone outbuilding, which is attached with a mono pitched roof leaning back from the pavement.

Further north from this point along Lansdown Lane, and an extension of the garage and outbuilding, there is a stone boundary retaining wall to the back of footpath, which encloses the rear garden of No 2 Lansdown Lane and wraps around into the adjacent drive accessing No 4 Lansdown Lane.

No 4 is one of several semi detached houses on this side of Lansdown Lane with accesses off Lansdown Lane. To the west side of the road is newer development separated from the road by a high retaining wall.

Running south from the existing access to the courtyard and gable end of No 1 Nelson Villas, there is a further stone wall, which screens the front garden at this property then dropping down to a lower stone dwarf wall with hedge behind to the frontage and then rising again along the Lane. Further south on the other side of the lane fronting Nelson Villas, stone walling and hedges continue as boundary treatment to older properties here, continuing into a largely traditional street-scene.

The site is within the Bath Conservation Area and the World Heritage Site.

The proposal is to create a new access and parking area north of the existing outbuilding and garage. The area involved is shown as some 5.6m wide and is roughly square. It would be achieved by removing the majority of the frontage retaining wall north of the outbuildings and excavating ground levels to create parking at grade with the pavement. A small nib of stone wall is to be retained at the frontage and increased in height to 1.8m, beyond which are 3.5m wide twin folding wooded gates and then a small length of close boarded timber fence to the boundary. The gates are drawn as opening out over the pavement. The excavated area is shown retained by a new retaining wall around the parking faced with random rubble stone. The parking area is proposed in block paving and slopes to the road. The existing access is shown retained.

CONSULTATIONS & REPRESENTATIONS

HIGHWAY DEVELOPMENT OFFICER: The property currently has the benefit of an access and hard-standing, providing parking for a single car. There is no on-site turning provision.

The access is located approximately 30 metres north of a roundabout junction and adjacent to a bus stop.

The proposal is for a replacement access located approximately 13m north of the existing, which could accommodate two parked cars, but without any on-site turning facility. The entrance indicated on the submitted plan shows folding gates which would open out onto the adjoining footway, which would be considered unacceptable due to its conflict with pedestrians.

The proposed new access would also be located within the marked bay for the bus stop and therefore to gain access to the parking area could conflict with the use of the bus stop.

Whilst it is accepted that the current access is far from ideal, due to its close proximity to the roundabout and lack of turning facilities, the proposed new access would not, in my view, achieve a safer access arrangement, particularly having regard to its conflict with a bus stop, a potential increase in its use and the gating arrangements.

Therefore I would recommend that the application be refused on highway grounds for the following reasons:-

The location of the proposed access would result in the conflict of movements close to an existing roundabout junction, and within a bus stop, with consequent additional hazard and inconvenience to all users of the highway.

The site cannot accommodate turning facilities to enable a vehicle to enter and leave the highway in forward gear, which is essential to highway safety.

The proposed gates would open out over the public highway, causing an obstruction to the footway and resulting in conflicts with pedestrian movements, which is contrary to highway safety.

The proposal is therefore contrary to Policy T.24 of the Bath & North East Somerset Local Plan (Including Minerals and Waste Policies) as Proposed to be Modified 2006 and Policy T 25 of the Bath Local Plan 1997, in that it does not achieve a high standard of highway safety and a safe and adequate access.

OTHER REPRESENTATIONS / THIRD PARTIES: Three comments of support have been received from neighbours as the proposal would alleviate parking problems in this busy area.

PLANNING ISSUES

RELEVANT PLANNING HISTORY: None

POLICY CONTEXT:

BATH LOCAL PLAN: Policy

H13: Residential development

H15: Residential amenity

C1: Bath as a World Heritage Site

C2: Design requirements

C3: The Conservation Area

C4: Development proposals affecting the Conservation Area

T25: Highway safety

THE BATH AND NORTH EAST SOMERSET LOCAL PLAN (INCLUDING MINERALS AND WASTE POLICIES) AS PROPOSED TO BE AMENDED: At the meeting of the Council on 12th October 2006 the Bath and North East Somerset Local Plan, Revised

Deposit Draft 2006, as amended, was approved for Development Control purposes. The following policies are material considerations.

D.2: General design and public realm considerations

D.4: Townscape considerations

BH.1: Impact of development on World Heritage Site of Bath or its setting

BH.6: Development within or affecting Conservation Areas

BH.7: Demolition in Conservation Areas

Policy T.24- Highway Safety

PRINCIPLE OF PROPOSED DEVELOPMENT/USE: The main issues of principle to be considered in this case are whether or not the access will maintain highway safety to all road users, whether the street-scene will be adversely affected, whether the Character of the Conservation Area will be harmed or enhanced and whether the setting of the World Heritage Site will be maintained.

The principle of development proposed here is not considered acceptable and the potential impact of the proposed use will adversely affect the above.

PLANNING POLICY CONSIDERATIONS:

Both the adopted and emerging local plan seek to safeguard highway safety and to protect character of the Conservation Area and the World Heritage site.

The proposal does neither of these. It would introduce increased highway dangers and remove a significant amount of historic stone walling. This may often be easily repeated and cause incremental harm within the Conservation Area. Stone walling in this part of the Conservation Area is a major contributor to its character.

RESIDENTIAL AMENITY: It is not considered that the proposal would significantly impact on residential amenity although the removal of a part of the garden and its landscaping would detract from the property, which is already shoe-horned in at the rear of Nelson Villas and this would impact on the street-scene.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES: Highway safety and character objectives are in harmony in responding to this proposal. Whilst the objection to folding gates could be removed by an open area of parking, this would impact even more adversely on street-scene and character. An objection would also still remain to the location of the access and its replacement of the existing by closure of the existing is not preferred in its impacts on both issues.

CONCLUSION

It is considered that the proposal would be harmful to highway safety and to the character of this part of the Conservation Area thereby adversely impacting upon the setting of the World Heritage Site.

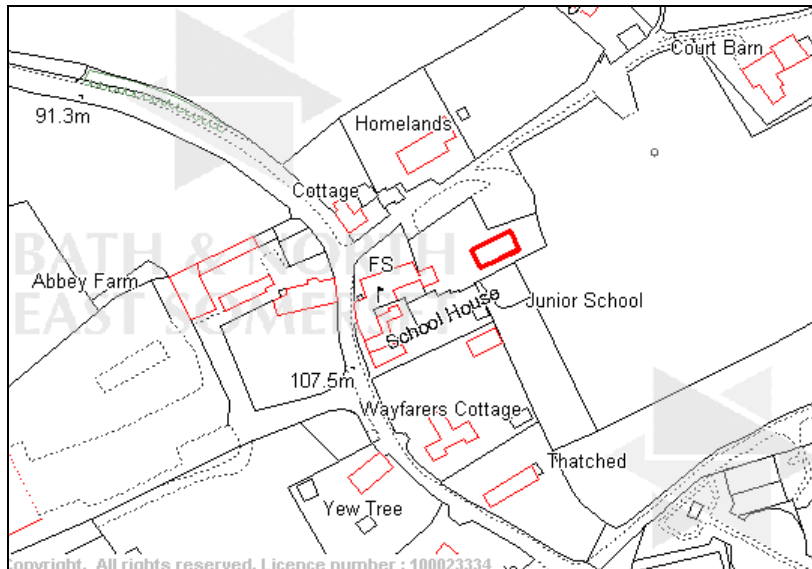
The limited private benefits of increasing on site parking are not considered sufficient here to offset in any way the public harm and therefore the application is recommended for refusal.

REASON(S) FOR REFUSAL

1) The proposal would be harmful to highway safety and to the character and setting of this part of the Bath Conservation Area, impacting also adversely upon the setting of the World Heritage Site. It is therefore contrary to policies C1 to C4 and T25 of the Bath Local Plan adopted 1997, and policies D2, D4, BH1, BH6, BH7 and T24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be amended, 2006.

FOOTNOTE: This decision relates to the following drawings: Plan of Proposed Works, Site Plans as existing and proposed, site sections as existing and proposed and site location plan, as received by the Local Planning Authority on 2nd April 2007.

Item No: 29
Application No: 07/01079/REG03
Site Location: Camerton C Of E (vc) Primary School, Camerton Hill, Camerton, BA2 0PS



Ward: Bathavon West **Parish:** Camerton **LB Grade:** N/A
Application Type: Regulation 3 Application
Proposal: Renewal of temporary planning permission ref. 03/00883/REG03 dated 27 May 2003 for provision of a temporary classroom building
Constraints: Housing Development Boundary,
Applicant: Bath & NE Somerset Council
Expiry Date: 28th May 2007
Case Officer: Hazel Short

RECOMMENDATION

PERMIT with condition(s)

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

This application is submitted for a development by the Council.

DESCRIPTION OF SITE AND APPLICATION

Camerton C of E (VC) Primary School is located on the eastern side of Camerton Hill adjacent to the sharp narrow bend at the top of the hill.

This primary school is one of the smallest schools administered by Bath and North East Somerset Council. In the period prior to 2003 there was criticism from Ofsted with regard to the level of suitable teaching space and permission was granted (under application 03/00883/REG03) for provision of a two-classroom temporary Elliott building to the rear of the site, within the playground.

This application seeks retention of this temporary classroom which is 17m long, 8m wide and 3.2m high.

CONSULTATIONS & REPRESENTATIONS

CAMERTON PARISH COUNCIL: Support this application because of its need to the local community and the education of future Camerton School pupils, many of which would have difficulty in accessing a school further away.

PLANNING ISSUES

PLANNING POLICY: Policy CF.2 of the Bath and North East Somerset Local Plan (including waste and minerals policies) as proposed to be modified 2006.

The classroom is a functional, utilitarian building provided to address a continuing deficiency of space on this site. Whilst the building is considered to be out of character with the school building, some natural screening has been created on the northern boundary where the building overlooks the Cam Valley. Accommodation at this site remains a problem and prior to the development of the temporary teaching space, classes were accommodated within the school hall, which prevented delivery of the PE curriculum. The retention of the temporary teaching space would allow the continued use of the school hall for PE, dance, drama, dining, whole school worship etc. In view of the varying school numbers there are no long-term plans to provide a permanent building at present. This situation can be reviewed in future and therefore a further temporary permission would be appropriate.

CONCLUSION

Due to the continuing requirement for this temporary classroom facility it is recommended that further temporary permission for the retention of this educational facility should be given.

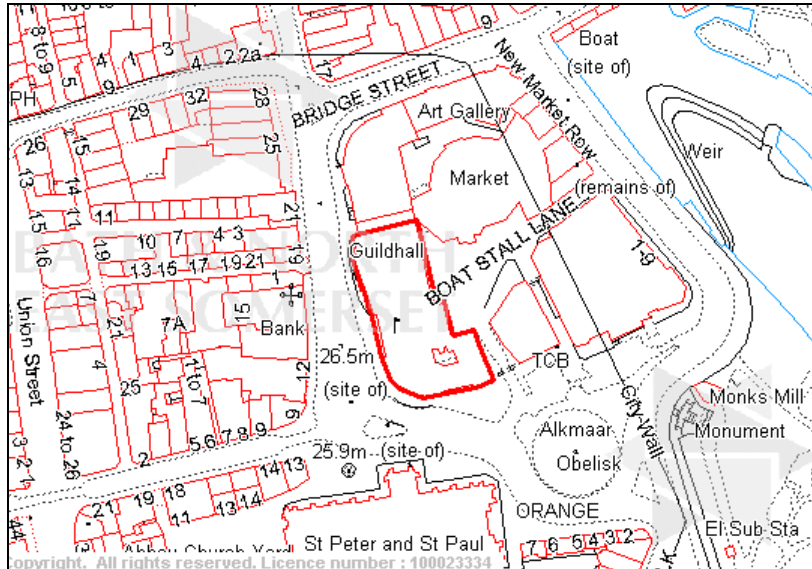
CONDITIONS

1) This permission shall expire on the 31st May 2012 and the building hereby permitted shall be removed, the use discontinued and the land reinstated on or before that date in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority prior to the expiry date.

Reason: To enable the Local Planning Authority to review the impact of the development.

FOOTNOTE: This decision relates to site location plan date stamped 2nd April 2007.

Item No: 30
Application No: 07/01114/REG13
Site Location: Guildhall, High Street, City Centre, Bath



Ward: Abbey **Parish:** N/A **LB Grade:** I
Application Type: Regulation 13 Application
Proposal: Installation of new biomass boiler to existing boiler house together with formation of new fuel store in existing oil storage area adjacent
Constraints: Conservation Area, Listed Building, World Heritage Site,
Applicant: Bath And North East Somerset Council
Expiry Date: 15th June 2007
Case Officer: Caroline Waldron

RECOMMENDATION

Delegate to consent, subject to the Secretary of State not wishing the application to be referred to him and subject to condition(s);

REPORT

REASON FOR APPLICATION BEING REPORTED TO COMMITTEE
Councils own application.

DESCRIPTION OF SITE AND PROPOSAL

As part of the Councils wider strategy for developing more sustainable forms of energy production the application proposes installing a biomass boiler in place of two of the existing gas boilers located currently located in the basement (two gas boiler will be retained a backup for emergencies).

The material to burn in the boiler will be stored in existing underground rooms beneath the Guildhall car park accessed through a new hatch to be installed into the car park surface.

CONSULTATIONS & REPRESENTATIONS

English Heritage: Recommend the application be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice.

PLANNING ISSUES

Policy context: BH1, BH2 and BH6 of the Bath and North East Somerset Local Plan as proposed to be modified.

(At the Council Meeting on the 12th October 2006 the plan was approved for Development Control purposes. The proposed modifications will be placed on deposit for a six week period from 2nd November 2006.

Relevant Planning History: None

Character and Setting of Listed Building: The ducting connecting the storage facility to the boiler will pass across the basement level into the Guildhall through an existing louvred opening and will not be readily visible in the context of the elevation.

The existing car park surface is already a mixture of different materials and the access hatch will not appreciably alter this situation.

CONCLUSION

The proposed scheme by reason of its location and approach will preserve the architectural and historic character of this grade I listed building.

CONDITIONS

The application be submitted to the Secretary of State for determination confirming that the proposed works have the support of the Development Control Committee subject to the following conditions:

1. The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation areas) Act 1990.

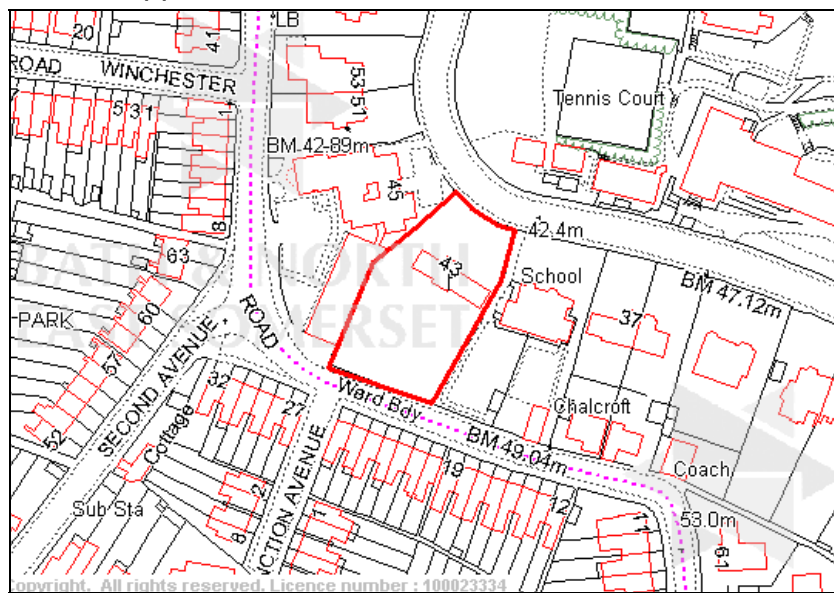
Reasons for granting Listed Building Consent.

The decision to grant consent has been made in accordance with Government Policy Planning Guidance and in the light of views of third parties. The Council regards that the proposals because of their location, design, detailing, use of materials, will preserve the building, its setting and its features of special architectural or historic interest.

FOOTNOTE: This consent applies to Design and Access Statement, site location plan, existing plan of basement, proposed plan of basement

Item No:	31
Application No:	07/00653/FUL

Site Location: 43 Upper Oldfield Park, Oldfield Park, Bath, BA2 3LB



Ward: Widcombe

Parish: N/A

LB Grade: N/A

Application Type: Full Application

Proposal: Erection of 13 no residential apartments with parking and shared grounds (Resubmission)

Constraints: Conservation Area, World Heritage Site,

Applicant: Margaret Favager

Expiry Date: 29th May 2007

Case Officer: Lewis Cook

RECOMMENDATION

Authorise the Head of Planning Services to PERMIT subject to condition(s)

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: The application is being reported to Committee as it is particularly controversial, with over 100 objections to the proposal and over 50 letters of support for the application.

DESCRIPTION OF SITE AND APPLICATION:

The application site comprises some 0.2 hectares on the south side of Upper Oldfield Park, adjoining a GP surgery/medical centre to the west and Hayesfield School buildings to the east. The site is currently in residential use, occupied by a two storey dwelling of inter-war age known as Oakford House. The dwelling is set back from Upper Oldfield Park behind existing trees and the rear of the site is bounded by Junction Road. Existing tree planting adjoining the this boundary largely screens the existing building from the south. Other than the directly adjoining medical and educational uses the site context is predominantly residential in nature. Upper Oldfield Park is characterised by large four/five storey detached or semi-detached Victorian/early 20th Century villas set in large plots, but with some infill development, which includes the application site and the GP surgery next to it. To the south and west of the site the area is characterised by smaller, two storey Victorian/Edwardian terraced dwellings.

The site is within the Bath Conservation Area and the World Heritage Site. The boundary of the Conservation Area runs along the Junction Road to the west of the site, directly adjacent to the GP surgery. It should also be noted that the ward boundary runs along Junction Road to the south and west of the application site.

The application proposes the demolition of the existing dwelling and the erection of 13 flats contained within a building of 5 storeys above a basement car park. The flats include 12 two-bedroom units, three per floor on ground to third floor, and 1 three bedroom penthouse unit on the fourth floor. The core five storey element would be 16.4 metres high (17.5 metres to the top of the lift motor room), although the penthouse is recessed and with a split height. The proposal also includes ground floor wings on either side of the main part of the building. In plan form the building would be 28.4 metres wide and a maximum of 18.6 metres deep. The building would also include a number of balconies, including one surrounding the whole of the penthouse, front balconies at third floor level, rear balconies at first to third floor levels, and large roof terraces to the side at first floor level.

The proposed building would be of a modern design, with a flat 'Green' roof and with forward facing bays. The elevations include a large degree of glazing, especially the south elevation facing Junction Road. The solid part of the elevation would be in Bath stone ashlar (this has amended from the original submission which showed the side and rear elevations as polymer render), apart from at penthouse level where grey fibre cement panels will be used.

The principal vehicle and pedestrian access to the site is proposed from Upper Oldfield Park. The existing access is to be used, albeit widened, and this would provide access to an undercroft parking area with 14 parking spaces, and secure bicycle parking, as well as level access to the lift. Also proposed is a rear access from Junction Road, although this would be for service and maintenance only. The application also includes the removal of existing trees on both the Upper Oldfield Park and Junction Road boundaries of the site. The site is proposed to be subject to a comprehensive landscape treatment, including replacement tree planting and ancillary structures.

CONSULTATIONS & REPRESENTATIONS

LANDSCAPE ARCHITECT: The current proposal shows a building of more appropriate massing and height in relation to Upper Oldfield Park. The submitted information shows a better and a more sensitive relationship with the existing street scene than the previous application. The reduction in height and massing will also benefit Junction Road, although the west side of the building will still appear high, and could be perceived as intrusive given the present open aspect. The existing surgery to the west, being single-storey and two-storey, will expose the difference in height, but the surgery is considered to be an anomaly in the street scene.

Landscaping proposals have not been submitted with this application. The details submitted with the previous application were not acceptable and it is considered that the establishment of an agreed landscape scheme is critical to this proposal. It is important to establish a substantial hedge and tree cover at the south boundary, and planting elsewhere; both to provide a foil to the building and help integrate the building into its space.

Concern is raised about the proposed position of the garden shed, which because of its proximity to the boundary, would create a weak spot for any screen along the boundary.

Should the development be approved it should be subject to condition requiring the submission of a landscaping scheme and its implementation.

CONSERVATION OFFICER: The proposed scheme is a revised proposal after the refusal of the previous scheme, and has been subject to negotiation with Officers. Whilst the justification statement would have benefited from a more comprehensive photographic survey it is considered that the current proposals address the previous concerns over the bulk and scale of the development.

The reduction in bulk is discernable both from the front and rear of the site. Despite a reduction in bulk the building still manages to retained a justified strong presence in the Conservation Area, as reflected by its taller Victorian neighbour. It is also noted that the impact of the roof is broken up by setting sections of it at varying heights, which would be particularly beneficial to any longer distant views of the roof from higher ground.

The applicant was also advised to consider setting back the glazing from the edge of the roof in the penthouse and making the split in the parapet/division between the two front bays more of a feature. Also considered was incorporating stone pillars at the front vehicular access. The applicant was also asked to clarify what type of safety rails are proposed at roof level, although this could be covered by a suitably worded condition.

Should permission be granted it should be subject to conditions to cover such items as samples of external materials, including glazing, large scale drawings of windows and doors, landscaping to include levels before and after and details of any structure, and details of external vents and flues. It is assumed that because the development is flats they would not have permitted development rights for future alterations to the external alterations but if not, given the sensitivity of the site, permitted development rights should be removed.

Revised details which involve the use of natural stone on all elevations rather than render is regarded as a positive move.

HIGHWAY DEVELOPMENT OFFICER: The parking ratio of 1:1 was agreed on the previous application given the proximity of the site to key facilities (schools, shops etc.) and public transport. On-street parking capacity also exists in the area to accommodate visitors. The parking and access arrangements are also considered acceptable.

However, as with the previous application there is a need to mitigate for the discounted level of parking by contributing to measures to maximise the potential use of alternative travel. Secure motorcycle and cycle parking is welcomed and subject to a contribution to walking/cycling infrastructure being agreed no highway objection is raised.

Any approval should be subject to conditions to secure the following:

- The area allocated for parking and turning being kept clear of obstructions;
- A properly consolidated and surfaced driveway being constructed;
- Provision being made within the site for the disposal of surface water;

- The access from Junction Road shall not be used other than for servicing and emergency vehicles;
- On occupation residents welcome pack shall be provided giving advice on public transport etc.

ARBORICULTURAL OFFICER: None of the trees on site are worthy of a protection order and therefore there is no objection to the removal of the trees subject to an appropriate landscape scheme. The Pine tree in the adjacent property will require tree protection and no development shall take place within its root protection area.

AVON AND SOMERSET CONSTABULARY: The plans show proposed underground parking. The access to this is completely open and it would be preferable to see a lockable and automated gate at the entrance. CCTV cameras should be considered for the underground parking areas and the main entrance to the flats.

The following general advice from 'Secured by Design':

- Appropriate lighting should be provided to cover potential high-risk areas including the main site access and car-parking areas. These should be controlled by automatically controlled by Photo-electric Cell or time switch and fittings should be vandal resistant;
- The block should have the minimum number of entrances, fitted with an access control system and should be robustly designed;
- Balconies should be designed to exclude handholds and to eliminate the opportunity for climbing up;
- Communal facilities should be designed to give a good level of natural surveillance of entrances and to eliminate the opportunity for unauthorised access and climbing;
- Internal circulation areas should be well lit and a hierarchy of defensible spaces established. Access staircases should be linked to the minimum number of dwellings. Consideration should be given to extending CCTV etc to the areas and they should be designed to be vandal resistant;-
- Ground floor windows should have key operated locks except where they are required to operate as a fire escape window.

HOUSING OFFICER: If it is unlikely that the density of the development can be increased then no comments are made.

OTHER REPRESENTATIONS/THIRD PARTIES

THE BATH PRESERVATION TRUST: The reduction in height is a marginal change and it is therefore considered that the proposal is still over-development, the massing is out of scale and the building would be unduly dominant.

JUNCTION ROAD AND ENVIRONS RESIDENTS GROUP: There are two significant omissions in the original submission, without which it is not possible to fully assess the proposal.

Firstly, in the absence of a landscaping scheme it is not possible to assess what impact the proposal will have on the character of the area, especially given the removal of the existing trees on site. Secondly the design and access statement and addendum does not provide a full assessment of the environmental performance of the building, contrary to the requirements of PPS3.

The group has also expressed concern about the level of information that was provided on submission, and requested additional time to consider photo-montages, etc, which were subsequently submitted.

Further correspondence was received raising the following objections to the proposal:

- The flat roof is out of character with the area;
- The standard of design is poor.

Objections were received from 93 properties (although over 100 individual letters and emails were received). These included some very detailed assessments of the scheme and it is only possible here to present a summary of these issues, as follows:

SIZE: The proposal is too high, wide and bulky. The plan form of the building is larger than the neighbours and appears cramped. The building is higher than any other property in the street and fails to 'step down' the hill appropriately;

DESIGN: The flat roof and 'blocky' design is at odds with the rest of the Conservation Area. The proposal is of a generally poor design, particularly the penthouse, and fails to either preserve or enhance the Conservation Area. The proposal will be uncharacteristic when viewed from a distance. The reduced proposal is not a signature building and is 'design by compromise'. The windows are poorly proportioned;

MATERIALS: The proposed render is out of character with the area, and will degrade quickly. The level of glazing is inappropriate for the area;

LANDSCAPING: It is not possible to properly assess the scheme without a landscaping scheme. The trees on site are important to the character of the area and should not be removed. Landscaping will take time to become established, resulting in a lack of screening for the neighbouring properties. The sedum roof is impractical, may not survive at this height and will add extra weight to the roof;

AMENITY: The proposal will be intrusive on the neighbouring properties. It will be visually intrusive to the surrounding area. Excavation could undermine the structural integrity of neighbouring buildings. The proposal will result in the loss of privacy for properties in Junction Road and surrounding area. The proposal would block views of the City from Junction Road. It would result in additional noise in the area.

HOUSING STOCK: The proposal does not add to the affordable housing stock in the area. It would be inappropriate to have flats in this area;

EXISTING BUILDING: The existing dwelling adds to the character of the area and should not be demolished;

PRECEDENT: The proposal will set a precedent for the demolition of other properties in the area and poorly designed replacement buildings;

UTILITIES: The proposal will put a strain on the water and sewage system. It will also increase the strain on doctors and dentists in the area;

TRANSPORT: The proposal will add to traffic congestion in the area; It will result in parking problems in the area. The use of the rear access should be restricted, given the narrowness of Junction Road. It is not within walking distance of any shops;

ENVIRONMENTAL ISSUES: The ground source heat pump may impact on the water supply and an important tree in the neighbouring property. The proposal does not provide a proper assessment of the Environmental Impact of the building, apart from to state that it would be worse than the previous proposal;

OTHER ISSUES: The proposal is socially divisive. There is no level wheelchair access to the lift. The application does not include a construction method statement and concern is raised about health and safety issues during construction.

In addition letters of support were received from 53 separate properties, making the following comments:

- The proposal is of a good design and provides for an interesting contrast with the existing street scene, respecting the architectural language of the area;
- The use of environmental sound methods and materials is very positive;
- The proposal will add to the housing stock in the area;
- The proposal overcomes the reasons for refusal on the previous application;
- The existing building has no significant architectural merit;

PLANNING ISSUES

RELEVANT PLANNING HISTORY: An application for consent to demolish the existing dwelling on the site was granted by the Council under reference 06/02075/CA in July 2006. The consent is subject to the grant of permission and letting of contracts for the redevelopment of the site.

Planning permission was refused on the site for a development of 14 flats on 2nd November 2006 (as resolved at Development Control Committee `A' on 1st November). That scheme was both taller and wider than the current proposal, but was also of a modern, flat roof, type design. This application was refused for the following reason:

The proposal by reason of its scale, bulk, width and depth would represent an excessively prominent obtrusive and excessive form of development which would have an adverse effect on the setting and character of the site, would result in its overdevelopment and would fail to appropriately preserve or enhance the character or appearance of the Bath Conservation Area and the World Heritage Site contrary to the provisions of policies VIS2, SS9, EN3, EN4 and HO6 of RPG10, policies 1, 6, 19 and 35 of the Joint Replacement Structure Plan, policies C1, C2, C4 and H13 of the adopted Bath Local Plan and policies BH.1, BH.6 and D4 of the revised deposit draft Bath and North East Somerset Local Plan, and the Bath City Wide Character Appraisal Supplementary Planning Document.

POLICY CONTEXT:

NATIONAL POLICY: Relevant national planning guidance includes:

PPS1: Delivering Sustainable Development, 2005

PPS3: Housing, 2006

PPG13: Transport, 2001

PPG15: Planning and the Historic Environment, 1994

STRATEGIC POLICY: Relevant policies in the Regional Planning Guidance for the South West (RPG10) are as follows:

VIS 1 and VIS 2 sets out the sustainable principles for future development, including seeking that land is used efficiently in urban areas, with well designed development taking place at as high a density as possible commensurate with a good living and working environment.

SS9 on Bath confirms that relevant agencies should work together to ensure that the unique environment is conserved and enhanced and encourage development of housing without damage to environment quality;

EN3 and EN4 states that proposals should preserve or enhance the setting of historic buildings and conservation areas; aim to achieve high quality design and landscape architecture in all new development; and to achieve design and layout which is relevant to particular sites and their context.

HO5 seeks to maximise housing opportunities within urban areas on previously developed land.

HO6 states that provision should be made for a mix of housing types and tenure which reflect local conditions; make more efficient use of land by encouraging development at higher densities, averaging 30-50 dwellings per hectare, with higher densities at urban sites close to town centres and transport nodes. Proposals for high density should not compromise design quality.

TRAN 1 seeks to reduce the need to travel by private car by encouraging the location of new housing development in existing towns.

Relevant policies in the Joint Replacement Structure Plan, 2002, include:

Policy 1 sets out the guiding sustainable principles for new development including promoting urban areas as places to live and work; encouraging high quality design and conserving the cultural heritage; seeking higher intensity of use close to locations with high accessibility.

Policy 2 confirms the requirement to locate new development in existing main urban areas;

Policy 6 sets out general provisions relating to Bath including additional housing; and safeguarding and contributing to its World Heritage status.

Policy 19 states that Local Plans and other policies and initiatives should manage development and land use change in a manner which respects local character and distinctiveness, ensuring that new development respects and enhances local character through good design and conform with any character statement/guidance produced locally.

Policies 33 and 34 give priority for new housing on previously developed land;

Policy 35 confirms that provision will be made for a wide range of housing which reflects local conditions; minimum density of 20-25 dwellings per hectare (higher where there is good public transport accessibility); high standards of design and energy efficiency; and make effective and economical use of land.

Policy 59 sets out the transport considerations for new development, including limiting car parking to minimum levels related to its context and accessibility and seeking improvements in accessibility by non-car modes, including safe and convenient access for pedestrians and cyclists.

BATH LOCAL PLAN: BATH LOCAL PLAN: Policies C1 and C2 refer to the need to achieve a high standard of design within the World Heritage Site. Policies C3, C4 and C6 relate to development in the Conservation Area. Policies H13 and H15 relate to the need for residential development to respect the character of the area and protect residential amenity. Policies T12 and T25 deal with the highway implications of development. Policy L4 confirms the commitment to preserve existing trees within the Conservation Area.

THE BATH AND NORTH EAST SOMERSET LOCAL PLAN (INCLUDING MINERALS AND WASTE POLICIES) AS PROPOSED TO BE AMENDED: At the meeting of the Council on 12th October 2006 the Bath and North East Somerset Local Plan, Revised Deposit Draft 2006, as amended, was approved for Development Control purposes. The following policies are material considerations.

Policies D.2 and D.4 refer to the impact of development on the character of the area and on amenities of neighbouring properties. Policies HG.2 and HG.4 require residential development to be on previously developed land or within the built up area of Bath, and that it should contribute to the mix of dwellings in the area. Policy HG.7 refers to minimum residential densities. Policy ES.2 requires building design to maximise energy efficiency. Policy NE.4 confirms that new development should not have an adverse landscape impact; and should appropriately retain and provide for new trees and landscape in the design and layout of new proposals. Policies BH.1 and BH.6 refer to development within the Conservation Area and World Heritage Site. Policy T.24 and T.26 deals with the highway implications of any development.

Policy BH.6 was supported by the Inspector, so has significant weight in considering this application. The other policies have been modified as a result of the Inspector's comments in line with those comments (with the exception of T.24) so these too are material to this decision.

The Bath City Wide Character Appraisal Supplementary Planning Document (2005) is also relevant in this case.

PRINCIPLE OF PROPOSED USE: The existing dwelling on the site is of a different style and design, and of more modern construction, than the large Edwardian Villas which contribute most significantly to this part of the Conservation Area. In fact, this property, along with the neighbouring doctors surgery, appear as something of an anomaly in the Upper Oldfield Park street scene. As such the property is not considered to make a significant positive contribution to the character of this part of the Conservation Area, and

on that basis the demolition of that building has already been approved, pursuant to the grant of permission for the redevelopment of the site.

The principle of a more intensive residential development on the site, given that the site is previously developed land within an urban area, would accord with national, strategic and local policy guidance. The most up to date guidance on redevelopment of urban sites would normally require a minimal residential development of 30 dwellings per hectare, and 50 dwellings plus on sites in a sustainable location. However, the extent of the intensification of the development is to be appropriately established on the basis of the site characteristics and its context and detailed consideration of this issue is set out in the relevant sections below.

CONSERVATION AREA ISSUES: The previous application on this site was refused on the basis that the 'scale, bulk, width and depth', of the building would result in an 'obtrusive and excessive' form of development which would detract from the quality of this part of the Conservation Area. No objection was previously raised about the style of the building, the flat roof or the materials.

The current proposal does result in a reduction in size of the previous proposal compared to the previous scheme. This involves a relatively minor reduction in height and depth of the building, but a significant reduction of around 7.5 metres (depending on where the measurement is taken) in width above ground floor level. The size of the penthouse has also been reduced, giving it a more recessed appearance.

Although the existing building on the site is smaller than most of the neighbours, in terms of height at least, the site is of a comparable size to most of the neighbouring properties in the street. Therefore a large building of a similar scale to other villas in the area is considered to be justified. The Haysfield School building to the east is the largest building in this part of the street scene, and the proposal would compare favourably with that building. The overall width of the proposed building is very similar to its neighbour, and the gap between buildings above ground floor level is similar in scale to others in the street. At ground floor level the building would come much closer to the boundary but similar ground floor level infill, including garages etc, is common in the area. The height of the proposed building would be greater than the immediate neighbour when measured from ground level, although the changes in levels in the road allow for the step down which is characteristic of the area.

It should be noted that in terms of scale the building would not relate well to the doctor's surgery to the west, and that it would be significantly larger than the existing property, especially when viewed from Junction Road. However the surgery, along with the existing building on the application site, is clearly an anomaly reducing in a visual gap in what is otherwise a street of a fairly uniform pattern throughout. The density of the development would be approximately 65 dwellings per hectare, reduced from 70 in the previous scheme. This is considered appropriate given the proximity to Bath City Centre, bus routes and local services. Therefore, in this case, the scale and bulk of the building is not deemed unduly obtrusive.

The modern design of the building is a departure from the common architectural style in the street. Whilst the proposal is within a Conservation Area, this does not preclude modern architecture, subject to it being of a high standard of design. From the front

elevation the proposal would reflect the architectural language, albeit it a modern style, of much of the street, especially the buildings immediately to the east. This includes similarly proportioned elements, including the front facing bays. Whilst the roof is proposed to be flat it is recessed and includes architectural features to give the appearance of a pair of buildings rather than a single block.

Concern has been raised by a number of objectors relating to the materials to be used on the elevations of the proposed building, both in terms of the render and the high proportion of glazing. In respect of the render the applicant has since confirmed that the scheme has been amended such that all of these elements will be constructed from Bath stone ashlar, to match the existing character of the area. From the front elevation the amount of glazing would be broadly in proportion to the buildings immediately to the west, with the exception of the penthouse level which would be recessed from the frontage. To the rear there would be considerably more glazing than is common in the area, although this would contribute partly to reducing the apparent bulk when viewed from the south. The proposal is also set back from Junction Road, such that the impact on street scene is reduced.

Neighbours have also raised concerns about the lack of detail submitted with regards to landscaping, especially given the removal of some existing mature landscaping from the site. Whilst it is not considered by the Council's arboriculturalist that there are no trees on site worthy of retention, given the relatively verdant character of the area it is considered important to require a good quality landscaping scheme on the site, although not necessarily to screen the building from the surrounding area. However, there is adequate space on site for a substantial landscaping scheme, and it is considered that this can be dealt with by condition as was considered acceptable on the previous application. It is therefore considered that the proposal would preserve this part of the Conservation Area, subject to appropriate conditions.

RESIDENTIAL AMENITY: The directly adjoining properties to the east and west of the site are not in residential use (a medical centre and Hayesfield School). This proposal represents a reduction in size from the previous scheme, which was considered to have an acceptable impact on the amenities of the neighbouring properties. Therefore, this proposal is considered to be an improvement in respect of impact on visual amenity and overshadowing identified in the previously refused scheme. In respect of the large roof terraces at first floor level it is intended to limit the use of these, with a planted screen along the shared boundary. There would be some overlooking from the balconies, although this would be at an oblique angle, and given that the neighbouring properties are not in residential use this is considered acceptable.

The main concern from the neighbours relates to the impact on the existing residential properties in Junction Road to the rear of the site. Whilst the outlook from a number of properties (particularly at 20 to 26 Junction Road) would clearly be changed as a result of the height, scale and bulk of the proposed building, this has been reduced in comparison with the previously refused scheme, Officers do not consider that there would be a detrimental impact in terms of loss of privacy or amenity as a result of direct overlooking or overshadowing from the proposal. It is acknowledged that there are balconies and habitable rooms located at the rear of the upper floors of the proposed building and that some overlooking would inevitably occur. However, given the separation distance between the rear of the proposal and the frontage of the existing dwellings in Junction Road, at some 35 to 40 metres, and even taking into account the relative difference in

height between the existing and proposed dwellings, this is not considered to be so serious as to warrant refusal of the application.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES: The provision for vehicular access to the site, amount of car parking and cycle parking to serve the proposal is considered acceptable in the context of the site's location and accessibility by non-car modes. The access on to Upper Oldfield Park is also considered acceptable, and whilst concerns are raised about the access on to Junction Road, this is intended for use only for service and maintenance, and subject to a condition to control this the proposal is considered acceptable in this regard.

The Council's Highway Officer is seeking a financial contribution to local infrastructure in order to off set the impact of the development on the local highway infrastructure. Whilst such a contribution has not been forthcoming the applicant has agreed with the local car share club that future residents will be able to join on a lifetime basis at a ratio of two memberships per flat. Furthermore, space has been provided within the site for a parking space for the shared car. Whilst this appears to be acceptable in principle to satisfactorily offset the impact of the development, at the time of writing final details of this have not been assessed by the Highways Officer. However, subject to the details being approved and appropriately secured there is no highway objection to the proposal.

SUSTAINABILITY AND RENEWABLE ENERGY: The proposal is considered to be in a sustainable location, close to central Bath and with good access to public transport and local services. An increase in residential density in this location is considered beneficial in sustainability terms. The proposal would incorporate a number of sustainable technologies in the construction, including a 'green' roof, a glazed southern elevation to encourage solar gain, a ground source heat pump. Whilst this is scaled down in comparison with the previous refused scheme the applicants are content to accept a condition requiring that the building meets a minimum 'A' standard in the BREEAM 'Ecohomes' standard, although such standards have recently be superseded by the Code for Sustainable Homes. Even without such a condition the proposal would be a significant improvement on the existing situation, and does not warrant refusal on these grounds.

REFUSE COLLECTION: The proposal includes bin storage area at basement level, accessible from both lift and staircase, and refuse collection would take place from Upper Oldfield Park, the same as the existing dwelling.

CONCLUSION

The previous application at this site was refused specifically because the scale, bulk, width and depth of the proposal was considered to fail to preserve or enhance the character of this part of the Conservation Area. The current proposal would involve a reduction in dimensions, and changes to the design to such a degree that it is considered by Officers to overcome the reason for refusal of the previous application. The design of the proposal or the impact on the neighbours' amenities, whilst a matter of concern for a number of neighbours of the site, is not considered to raise any additional planning issues. The proposal is considered to be in accordance with the relevant planning policies, and is therefore recommended for approval, subject to appropriate conditions.

CONDITIONS

Authorise the Assistant Director: Transport and Planning Development to PERMIT the development, subject to further comments from Highway Development Team, and subject to the following conditions:

1. The development hereby approved 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 and to avoid the accumulation of unimplemented planning permissions.

2) No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority; such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of new walls, fences and other boundary treatment, finished ground levels and development within the garden required to facilitate heating of the building (GSHP or alternative); a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

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

Reason: To ensure that the landscape scheme is implemented and maintained.

4) No site works or clearance shall be commenced until protective fences which conform with British Standard 5837:2005 have been erected around the Pine tree on the Junction Road boundary, which is located within Hayesfield School site, in positions which have previously been approved in writing by the Local Planning Authority. Until the development has been completed these fences shall not be removed and the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for arboricultural or landscape works as otherwise approved.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the site.

5) Prior to the commencement of any form of site works or clearance the Local Planning Authority shall be given not less than two weeks notice in writing of these works to ensure that appropriate measures of landscape protection required under condition 4 have been implemented in accordance with the approved plans or conditions.

Reason: To ensure that adequate protection is given to the areas to be landscaped and the existing trees and planting to be retained within the site.

6) The area 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 and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and road safety.

7) Before the dwellings hereby approved are first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall have first been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety.

8) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

9) The access from Junction Road shall not be used other than by servicing and emergency vehicles.

Reason: In the interest of highway safety.

10) On occupation, residents' welcome packs shall be provided for all residents advising them of the availability of, and access to, local facilities, public transport, car clubs etc, the content of which shall have been first submitted to and approval in writing by the Local Planning Authority.

Reason: In the interest of sustainable development.

11) No development shall commence until samples of the materials to be used in the construction of the external surfaces, including roofs and glazing (including indication as to location of type of glazing), have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of the appearance of the development and the character and appearance of the Conservation Area.

12) Notwithstanding the details shown on the approved plans natural local stone shall be used in the construction of the external walls of the building below penthouse level, as agreed in email from applicant dated 3rd April 2007, and no development shall commence until samples of the stone, its coursing, bedding and jointing have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the character and appearance of the Conservation Area.

13) No development shall commence until a planting and management plan of all roof top planting is submitted and approved in writing by the Local Planning Authority. The development shall be maintained in accordance with the approved plan unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the character and appearance of the Conservation Area.

14) No development shall commence until large scale drawings of the following are submitted and approved in writing by the Local Planning Authority:

- Doors and windows, to include colour details of frames and lintel and cill details;
- Any external vents and flues.

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

Reason: In the interests of the appearance of the development and the character and appearance of the Conservation Area.

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no satellite dish or microwave antennae, other than that shown on the approved plans, shall be attached to any building or erected within the site without the prior written permission of the Local Planning Authority.

Reason: In the interests of the appearance of the development and the character and appearance of the Conservation Area.

16) No development shall be commenced until a construction method statement is submitted and approved in writing by the Local Planning Authority. This shall include details of deliveries and storage of plant and materials and hours of work. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the residential amenity of the neighbouring properties.

FOOTNOTE: This decision relates to the following drawings:

Drawing No. 492:4:001A: Site: Roof, as received by the Local Planning Authority on 31st May 2007;

Drawing No. 492:4:002: Lower Ground, as received by the Local Planning Authority on 27th February 2007;

Drawing No. 492:4:003: Plan: Upper ground, as received by the Local Planning Authority on 27th February 2007;

Drawing No. 492:4:004A: Plans 1st floor, as received by the Local Planning Authority on 31st May 2007;

Drawing No. 492:4:005: Plans 2nd floor, as received by the Local Planning Authority on 31st May 2007;

Drawing No. 492:4:006: Plans 3rd floor, as received by the Local Planning Authority on 31st May 2007;

Drawing No. 492:4:007A: Plan: Fourth, as received by the Local Planning Authority on 31st May 2007;

Drawing No. 492:4:008A: Plan: Roof, as received by the Local Planning Authority on 31st May 2007;

Drawing No. 492:4:011: Site Elevation, as received by the Local Planning Authority on 27th February 2007;

Drawing No. 492:4:012: Site Elevation, as received by the Local Planning Authority on 27th February 2007;

Drawing No. 492:4:D:001: Elevation: Detail, as received by the Local Planning Authority on 27th February 2007;

Drawing No. 492:4:M:001: Elevation, as received by the Local Planning Authority on 27th February 2007;

Drawing No. 492:4:M:002: Elevation, as received by the Local Planning Authority on 27th February 2007;

Drawing No. 492:4:M:003: Elevation, as received by the Local Planning Authority on 27th February 2007;

Drawing No. 492:4:M:004: Elevation, as received by the Local Planning Authority on 27th February 2007.

REASONS FOR GRANTING PERMISSION

The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

The proposed building is of an appropriate design and is considered to preserve the character of the Conservation Area and the World Heritage Site, not to have a detrimental impact on the amenities of adjoining occupiers and not to have a detrimental impact on highway safety.

A

PPS1: Delivering Sustainable Development, 2005

PPS3: Housing, 2006

PPG13: Transport, 2001

PPG15: Planning and the Historic Environment, 1994

Regional Planning Guidance for the South West (RPG10)

Policies VIS 1, VIS 2, SS9, EN3, EN4, HO5, HO6 and TRAN 1.

Joint Replacement Structure Plan, 2002

Policies 1, 2, 6, 19, 33, 34, 35 and 59.

Bath Local Plan 1997

H13: Residential development

H15: Residential amenity

T12: Private car parking

T25: New development and highway development control criteria

L4: Preservation and enhancement of existing trees and woodland
C1: Bath as a World Heritage Site
C2: Design requirements
C3: The Conservation Area
C4: Development proposals affecting the Conservation Area
C6: Demolition in the Conservation Area

The Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be amended, 2006.

D.2: General design and public realm considerations

D.4: Townscape considerations

ES.2: Energy conservation and protection of environmental resources

HG.2: Housing mix in terms of size, type, tenure and affordability

HG.4: Residential development in the urban areas and R.1 settlements

HG.7: Minimum residential density

BH.1: Impact of development on World Heritage Site of Bath and its setting

BH.6: Development within or affecting Conservation Areas

T.24: General development control and access policy

T.26: On-site parking and servicing provision

The Bath City Wide Character Appraisal Supplementary Planning Document, 2005.