

**Democratic Services**

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Date: 11 November 2014  
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**To: All Members of the Development Control Committee**

**Councillors:-** Patrick Anketell-Jones, Rob Appleyard, Neil Butters, Gerry Curran, Ian Gilchrist, Les Kew, Dave Laming, Malcolm Lees, Bryan Organ, Vic Pritchard, Manda Rigby, David Veale and Brian Webber

**Permanent Substitutes:- Councillors:** Sarah Bevan, Sally Davis, Nigel Roberts and Jeremy Sparks

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Development Control Committee: Wednesday, 19th November, 2014**

You are invited to attend a meeting of the **Development Control Committee**, to be held on **Wednesday, 19th November, 2014 at 2.00pm** in the **Brunswick Room - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 18<sup>th</sup> November in the Meeting Room, Lewis House, Bath.

The rooms will be available for the meetings of political groups. Coffee etc. will be provided in the Group Rooms before the meeting. A Tea will be provided in the Dome Room at an appropriate point in the meeting for an adjournment.

The agenda is set out overleaf.

Yours sincerely



David Taylor  
for Chief Executive

**If you need to access this agenda or any of the supporting reports in an alternative accessible format, please contact Democratic Services or the relevant report author whose details are listed at the end of each report.**

*This Agenda and all accompanying reports are printed on recycled paper*

## NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact David Taylor who is available by telephoning Bath 01225 - 394414 or by calling at the Guildhall Bath (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting David Taylor as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting David Taylor as above.

Appendices to reports are available for inspection as follows:-

**Public Access points** - Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

**For Councillors and Officers** papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet [www.bathnes.gov.uk/webcast](http://www.bathnes.gov.uk/webcast) An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

5. **Attendance Register:** Members should sign the Register which will be circulated at the meeting.
6. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.

**7. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

**Development Control Committee - Wednesday, 19th November, 2014  
at 2.00pm in the Brunswick Room - Guildhall, Bath**

**A G E N D A**

1. EMERGENCY EVACUATION PROCEDURE

The Chair will ask the Committee Administrator to draw attention to the emergency evacuation procedure as set out under Note 7

2. ELECTION OF VICE CHAIR (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting, declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number and site in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is a **disclosable pecuniary interest** or **other interest** (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

6. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

(1) At the time of publication, no items had been submitted.

(2) To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to the Committee Administrator will be able to make a statement to the Committee immediately before their respective applications are considered. There will be a time limit of 3 minutes for each proposal, ie 3 minutes for the Parish and Town Councils, 3 minutes for the objectors to the proposal and 3 minutes for the applicant, agent and supporters. This allows a maximum of 9 minutes per proposal.

7. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

To deal with any petitions or questions from Councillors and where appropriate Co-opted Members

8. MINUTES: 22ND OCTOBER 2014 (PAGES 9 - 38)

To approve as a correct record the Minutes of the previous meeting held on Wednesday 22<sup>nd</sup> October 2014

9. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 39 - 62)

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 63 - 178)

11. ENFORCEMENT ITEM - STALL 36 GUILDHALL MARKET (PAGES 179 - 184)

To consider a recommendation to authorise enforcement action regarding unauthorised alterations

12. QUARTERLY PERFORMANCE REPORT - JULY TO SEPTEMBER 2014 (PAGES 185 - 192)

To note the report

13. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 193 - 196)

To note the report

The Committee Administrator for this meeting is David Taylor who can be contacted on 01225 - 394414

Delegated List Web Link: <http://www.bathnes.gov.uk/services/planning-and-buildingcontrol/view-and-comment-planning-applications/delegated-report>

# Member and Officer Conduct/Roles Protocol\*

## Development Control Committee

(\*NB This is a brief supplementary guidance note not intended to replace or otherwise in any way contradict the Constitution or the Code of Conduct for Members and Co-Opted Members adopted by the Council on 19<sup>th</sup> July 2012 to which full reference should be made as appropriate).

### **1 Declarations of Interest (Disclosable Pecuniary or Other Interest)**

These are to take place when the agenda item relating to declarations of interest is reached. It is best for Officers' advice (which can only be informal) to be sought and given prior to or outside the Meeting. In all cases, the final decision is that of the individual Member.

### **2. Local Planning Code of Conduct**

This document, as approved by Full Council and previously noted by the Committee, supplements the above. Should any Member wish to state/declare that further to the provisions of the Code (although not a personal or prejudicial interest) they will not vote on any particular issue(s), they should do so after (1) above.

### **3. Site Visits**

Under the Council's own Local Code, such visits should only take place when the expected benefit is substantial eg where difficult to visualize from a plan or from written or oral submissions or the proposal is particularly contentious. The reasons for a site visit should be given and recorded. The *attached note* sets out the procedure.

### **4. Voting & Chair's Casting Vote**

By law, the Chair has a second or "casting" vote. It is recognised and confirmed by Convention within the Authority that the Chair's casting vote will not normally be exercised. A positive decision on all agenda items is, however, highly desirable in the planning context, although exercise of the Chair's casting vote to achieve this remains at the Chair's discretion.

Chairs and Members of the Committee should be mindful of the fact that the Authority has a statutory duty to determine planning applications. A tied vote leaves a planning decision undecided. This leaves the Authority at risk of appeal against non-determination and/or leaving the matter in abeyance with no clearly recorded decision on a matter of public concern/interest.

The consequences of this could include (in an appeal against "non-determination" case) the need for a report to be brought back before the Committee for an indication of what decision the Committee would have come to if it had been empowered to determine the application.

## 5. **Protocol for Decision-Making**

When making decisions, the Committee must ensure that it has regard only to relevant considerations and disregards those that are not material. The Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure that they are satisfied that the information presented to them is consistent with and takes due regard of them.

## 6. **Officer Advice**

Officers will advise the meeting as a whole (either of their own initiative or when called upon to do so) where appropriate to clarify issues of fact, law or policy. It is accepted practice that all comments will be addressed through the Chair and any subsequent Member queries addressed likewise.

## 7. **Decisions Contrary to Policy and Officer Advice**

There is a power (not a duty) for Officers to refer any such decision to a subsequent meeting of the Committee. This renders a decision of no effect until it is reconsidered by the Committee at a subsequent meeting when it can make such decision as it sees fit.

## 8. **Officer Contact/Advice**

If Members have any conduct or legal queries prior to the meeting, then they can contact the following Legal Officers for guidance/assistance as appropriate (bearing in mind that informal officer advice is best sought or given prior to or outside the meeting) namely:-

1. Shaine Lewis, Principal Solicitor  
Tel. No. 01225 39 5279
2. Simon Barnes, Principal Solicitor  
Tel. No. 01225 39 5176

General Member queries relating to the agenda (including public speaking arrangements for example) should continue to be addressed to David Taylor, Senior Democratic Services Officer Tel No. 01225 39 4414

**Planning and Environmental Law Manager, Development Manager,  
Democratic Services Manager, Monitoring Officer to the Council  
August 2013**

### **Site Visit Procedure**

- (1) Any Member of the Development Control or local Member(s) may request at a meeting the deferral of any application (reported to Committee) for the purpose of holding a site visit.
- (2) The attendance at the site inspection is confined to Members of the Development Control Committee and the relevant affected local Member(s).
- (3) The purpose of the site visit is to view the proposal and enhance Members' knowledge of the site and its surroundings. Members will be professionally advised by Officers on site but no debate shall take place.
- (4) There are no formal votes or recommendations made.
- (5) There is no allowance for representation from the applicants or third parties on the site.
- (6) The application is reported back for decision at the next meeting of the Development Control Committee.
- (7) In relation to applications of a controversial nature, a site visit could take place before the application comes to Committee, if Officers feel this is necessary.



**DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING**

**BATH AND NORTH EAST SOMERSET**

**MINUTES OF DEVELOPMENT CONTROL COMMITTEE**

Wednesday, 22nd October, 2014

**Present:-** Councillor Gerry Curran in the Chair  
Councillors Patrick Anketell-Jones, Rob Appleyard, Ian Gilchrist, Dave Laming, Malcolm Lees, Douglas Nicol (In place of Neil Butters), Bryan Organ, Vic Pritchard, Manda Rigby, Martin Veal, David Veale and Brian Webber (In place of Les Kew)

Also in attendance: Councillors Sally Davis, David Martin and Tim Warren

**59 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

**60 ELECTION OF VICE CHAIR (IF DESIRED)**

A Vice Chair was not required

**61 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Neil Butters and Les Kew and their respective substitutes were Councillors Doug Nicol and Brian Webber

**62 DECLARATIONS OF INTEREST**

There was none

**63 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none

**64 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS**

The Senior Democratic Services Officer informed the meeting of the public speaking procedure stating that people wishing to make statements on planning applications would be able to do so when reaching their respective items in Report 9 on the Agenda

**65 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

There was none

**66 MINUTES: 24TH SEPTEMBER 2014**

The Minutes of the previous meeting held on Wednesday 24<sup>th</sup> September 2014 were approved as a correct record and signed by the Chair

## 67 PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- The report of the Group Manager – Development Management on various applications for planning permission etc.
- An Update Report by the Group Manager on Item Nos. 1-4, a copy of which is attached to these Minutes as *Appendix 1*
- Oral statements by members of the public etc. on Item Nos. 1-8, a copy of the Speakers List being attached as *Appendix 2* to these Minutes

**RESOLVED** that, in accordance with their delegated powers, the applications be determined as set out in the Decisions List attached as *Appendix 3* to these Minutes

**Item 1 Temple Inn, Main Road, Temple Cloud – Mixed use development comprising a 10 bed letting rooms building, 9 residential dwellings and renovation of the existing public house** – The Planning Officer reported on this application and the recommendation to (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure various provisos relating to Education, Open space and recreational facilities, Transport, Affordable housing, and Works to a listed building; and (B) subject to the prior completion of the above Agreement, authorise the Group Manager – Development Management to grant permission subject to conditions. She stated that the application had been approved (subject to a S106 Agreement) by the Committee at a time when the Core Strategy was not adopted. A decision notice had not been issued and the Core Strategy had now been adopted and therefore the Council was required to reassess the application in light of the policies in the Strategy. The relevant Core Strategy policies required the provision of affordable housing; however, the Council was not requiring affordable housing because Officers were satisfied that the scheme fell below accepted viability levels and would not be viable if an affordable housing contribution was required. The Update Report informed Members of receipt of further representations on the application.

The applicant's agent made a statement in favour of the proposal which was followed by a statement by the Ward Councillor Tim Warren.

It was queried whether the whole scheme was for consideration or just the aspect regarding affordable housing provision. The Team Manager – Development Management and the Principal Solicitor gave advice to the effect that, as there were no new issues since the earlier decision, the Committee would need sound planning reasons for reaching a different conclusion now. The only change concerned the requirement in the Core Strategy to provide affordable housing and Members were advised to focus on that issue. A Viability Assessment had been provided by the developer and had been independently assessed. The Assessment supported the developers' assertion that the provision of affordable housing would make the scheme unviable.

Councillor Bryan Organ considered the information provided and moved the Officer's recommendation which was seconded by Councillor Ian Gilchrist. After a short debate, the motion was put to the vote and was carried, 9 voting in favour and 3 against with 1 abstention.

**Item 2 Lower Tunley Farm, Stoneage Lane, Tunley – Part retention and adaptation of a general purpose agricultural storage building (partly retrospective)** – The Case Officer reported on this application and her recommendation to grant permission subject to conditions. The Update Report referred to an error in the Main Report which referred to the proposed building being sited further to the south of the AGRN building whereas it was to be sited further to the north.

The public speakers made their statements against and in favour of the application.

Councillor David Veale, Ward Member on the Committee, stated that residents were concerned by this development and its dominant appearance. He considered that Members needed to view the scale of the building before making a decision and therefore moved that a Site Visit be held. The motion was not seconded.

Members discussed the development and sought clarification regarding the siting of the existing building and the building as approved. The Case Officer stated that the latter would provide a fall-back position should this application be refused. There was an Enforcement Notice for removal of the building subsequent to permission being refused previously and dismissed on appeal. She considered that, with the proposed modifications, the building would not be significantly larger than the approved building so as to warrant refusal of permission. A Member queried whether the time for commencing the work could be reduced from 3 years, as recommended in Condition 1, to 1 year. The Team Manager replied that, whilst this was possible, there was no reason to do so in this instance and a reduced period would not necessarily lead to the early removal of the unauthorised building.

Councillor Manda Rigby, after considering the information provided, moved that the Officer recommendation be overturned and permission be refused on the grounds of the size and mass of the building, it's siting close to the lane and the visual impact on the landscape. The motion was seconded by Councillor Doug Nicol.

After some further clarification about the application, the motion was put to the vote and was carried, 9 voting in favour and 2 against with 2 abstentions.

**Items 3&4 Cleveland House, Sydney Road, Bathwick, Bath – (1) Change of use from B1 offices to C3 residential including the erection of a single storey side extension with first floor terrace including internal alterations following the demolition of the existing single storey lavatory block (Revised proposal) (Ref 14/03180/FUL); and (2) internal and external alterations for the change of use from B1 offices to C3 residential including the erection of a single storey side extension with first floor terrace following the demolition of existing single storey extension lavatory block (Ref 14/03181/LBA)** – The Case Officer reported on these applications and her recommendations to delegate to Officers to refuse permission/consent. She (1) referred to the Update Report which contained further representations on the application; (2) stated that the 21 day period for consulting on the applications expired the day after this meeting; and (3) informed Members that

the reference in the Main Report to the building being located within the designated City Centre of Bath should read "... outside the City Centre of Bath."

The public speakers made their statements against and in favour of the applications which was followed by a statement by the Ward Councillor David Martin in support of the proposals.

The Case Officer responded to the Chair's query regarding the height of the terrace on the extension. Councillor Rob Appleyard considered that this was a good scheme that restored the building and removed the 1960's extension. On this basis, he moved that the Officer's recommendation to refuse permission be overturned and that permission be granted. The motion was seconded by Councillor Martin Veal.

Members debated the motion. It was generally felt that the removal of the '60's extension was an improvement. However, several Members queried the merit of providing a roof terrace. The issue of whether the proposals preserved or enhanced the character of the Conservation Area was considered. Some Members considered that they did whereas other Members did not. The Team Manager stated that an extant planning permission could be implemented but, if Members had any doubts about how the current proposal might appear, a Site Visit could be held.

After considerable debate, the Chair put the motion to the vote. Voting: 6 in favour and 6 against with 1 abstention. The Chair used his second and casting vote against and therefore the motion was lost with 7 voting against. The same voting applied to the listed building application and was also lost.

Councillor Bryan Organ therefore moved that the applications be refused as recommended which was seconded by Councillor Doug Nicol. The motions were put to the vote and were lost, 4 voting in favour and the majority against.

Councillor Rob Appleyard therefore moved that consideration of these applications be deferred for a Site Visit which was seconded by Councillor Manda Rigby. The motions were put to the vote and were carried, 6 voting in favour and 2 against with 5 abstentions.

(Note: After this decision at 3.55pm, the Committee adjourned for 10 minutes for a natural break)

**Item 5 Greenlands, Bath Road, Farmborough – Erection of detached garage and creation of new driveway and provision of acoustic fence; provision of additional patio doors and WC window to bungalow (Resubmission) –** The Case Officer reported on this application and her recommendation to grant permission subject to conditions. She stated that a further condition would need to be added.

The public speakers made their statements against and in favour of the application which was followed by a statement by the Ward Councillor Sally Davis.

Councillor Doug Nicol moved that consideration be deferred for a Site Visit as the situation needed to be viewed on the ground and in the context of its surroundings. The motion was seconded by Councillor Malcolm Lees.

The motion was put to the vote and was carried, 8 voting in favour and 0 against.

**Item 6 Week Cottage, Combe Hay Lane, Combe Hay – Erect a 2 storey rear extension to include external and internal alterations to the existing cottage –**

The Case Officer reported on this application and her recommendation to refuse permission.

The public speakers made their statements in favour of the application.

Councillor David Veale, Ward Member on the Committee, stated that this was a small cottage and needed to be extended for modern family living.

Councillor Doug Nicol agreed and moved that the Officer recommendation be overturned and permission granted. The motion was seconded by Councillor Rob Appleyard.

Members debated the motion. In response to comments, the Case Officer stated that an increased size of 1/3 in the Green Belt was generally considered acceptable whereas this proposed extension provided a 63% increase in volume. She also advised that there was a typographical error in the Report as the property had not been extended since 1948. Members considered the proposed materials. Councillor Vic Pritchard considered that stone should be used for the whole scheme rather than cedar boarding on the rear elevation. Some Members disagreed with this viewpoint. The Team Manager suggested that the motion be amended to delegate to Officers to grant permission subject to appropriate conditions. This was accepted by the mover and seconder. He stated that very special circumstances needed to be demonstrated regarding this proposal in the Green Belt. He therefore suggested that, having listened to the debate, the Committee considered these to be that this was a modest house which required extending for modern day living standards without which it would fall into disrepair; and the extension being sunk into the bank would be unobtrusive and not visible from public viewpoints. The mover and seconder agreed with this summary. It was decided that authority be delegated to the Officers to negotiate details of materials.

The amended motion was put to the vote and was carried, 9 voting in favour and 4 against.

**Item 7 Janton, Eckweek Lane, Peasedown – Erection of detached bungalow –**

The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

The public speakers made their statements against and in favour of the applications.

In response to a Member's query, the Team Manager – Development Management stated that the application site could be considered as back land development but it is not defined as previously developed land. It was in the housing boundary and issues for consideration were the impact on amenity and highways – each application had to be considered on its own merits.

Councillor Rob Appleyard considered that this was opportunistic development on a small site. He considered that a Site Visit should be held to consider the proposal in

the context of its surroundings and moved accordingly. The motion was seconded by Councillor Doug Nicol.

Members debated the motion. Some Members felt that this was overdevelopment and would affect the amenity space of adjoining properties. The motion was put to the vote and was lost, 4 voting in favour and 9 against.

Councillor Dave Laming moved that permission be refused on the grounds of overdevelopment and loss of amenity to adjoining properties. The motion was seconded by Councillor Malcolm Lees. The Chair suggested that the poor substandard access should be included as a reason for refusal which was accepted by the mover and seconder.

The motion was then put to the vote. Voting: 11 in favour and 2 against. Motion carried.

**Item 8 Lower Lodge, Kelston Road, Kelston – Construction of a pitched roof to accommodate new staircase, 2 new bedrooms and bathroom, 3 dormer windows and 1 dormer doorway with associated balcony, 1 cat slide dormer to high level window and 1 conservation roof light to include internal accommodation and fenestration alterations** – The Case Officer reported on this application and her recommendation to refuse permission. She reported the receipt of a letter of support on the application.

The applicants' agent made a statement in support of the proposal.

Councillor Martin Veal, Ward Member on the Committee, read out a statement on behalf of the other Ward Councillor Geoff Ward who supported the proposal. Councillor Veal gave his own views on the proposed development. He considered that the openness of the Green Belt was not affected as the footprint was unchanged. It was a sympathetic design benefitting the existing property and would provide a local family with modern day living standards. No objections had been raised. On this basis, he moved that the Officer recommendation be overturned and permission be granted. The motion was seconded by Councillor Doug Nicol.

Members debated the motion. It was generally considered that there would not be any impact on the openness of the Green Belt and the design would not significantly affect the appearance of the building in this part of the AONB. The Team Manager – Development Management suggested that the motion be amended to delegate to Officers to grant permission subject to appropriate conditions which was accepted by the mover and seconder.

The amended motion was put to the vote and was carried, 12 voting in favour and 0 against with 1 abstention.

## **68 NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES**

The report was noted

The meeting ended at 5.40 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Control Committee**

**Date**

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

**ITEM**

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
1	13/04456/FUL	Temple Inn Main Road Temple Cloud BS39 5DA

Further objection received from Mr. Michael Dean:

In connection with planning application 13/04456/FUL, to be heard on the 22nd October 2014, we would still like to object strongly on the following grounds:

Mainly CP6 Environmental Quality: 1. Three Storey Town Houses, Four Bedrooms with only two parking spaces each represents **insufficient parking**. There are too many accesses to driveways in Temple Inn Lane on this side of the road which the school children use.

2. The design of these houses are more like inner town houses than village houses, and they are not in any way in keeping with any surrounding houses – **there are no three storey houses in this area**.

3. With the refurbishment of the Public House and the building of the 10 bedroom hotel block there is definitely **insufficient parking** and if cars do park in Temple Inn Lane as has been suggested by the developers, it will be utter chaos, with the 40 foot HGV'S and school coaches which use this road.

To alleviate the above problems, we feel as though the two town houses should be forfeited to create extra parking and also a small area given over to a garden, which a country pub needs for success, and the access for this created through the existing site, i.e. cutting out all access from Temple Inn Lane. This would also alleviate the problems with vehicles leaving the car park late at night, with car headlights shining into houses opposite. This would be a lot more environmentally friendly.

Further comments from Kate Atkinson – Chair of Cameley Parish Council commenting in a personal capacity:

A major reason for the refusal of the application on the Temple Inn Lane site (13/03562/OUT) was concerns about the junction of A37 and Temple Inn Lane; decision copied below.

*The traffic generated from this proposal would use the junction of Temple Inn lane with the A37.*

*By virtue of the high traffic levels and congestion problems on the A37 and substandard visibility splays, the junction is considered unsuitable to accommodate the increase in traffic from this development and would be likely to lead to additional hazards and conflict with all users of the highway. As such, the proposed development would be contrary to saved policies T.1 (2) and T.24*

*(i) of the Bath & North East Somerset Local Plan including minerals and waste policies Adopted*

*October 2007 and the guidance set out in the National Planning Policy Framework.*

The Temple Inn proposals envisage a pub car park for only 4 vehicles, if the letting rooms and pub are occupied, exiting close to the junction with the A37. Additional parking along Temple Inn Lane close to the junction mentioned above has been suggested as the car parking area for the pub. Two four bed houses with no garages and only two off-road parking spaces each are also included very close to this junction.

The current proposals will make the traffic situation at the junction much worse and it is hard to see how the current proposals can be accepted in the light of the Dev. Cttee's decision shown above.

Removing the two houses fronting onto Temple Inn Lane and replacing them with additional car parking and some outside space for the pub would seem to provide a solution. As the developers already own the site the land costs involved must be considerably smaller than an outside developer would face and contributions asked for by BANES via S106 are minimal. So it does not seem likely removal of the semi-detached houses would make the scheme unviable, although I accept it may be less profitable.

**Item No. 2    Application No.    14/02887/FUL**

**Address**

Lower Tunley Farm  
Stoneage Lane  
Tunley  
Bath  
BA2 0DS

The report refers to the proposed building being sited further to the south than the AGRN building. This should however refer to being sited further to the north.

**Item No. 3 and 4    Application No. 14/03180/FUL and 14/03181/LBA**

**Address**

Cleveland House  
Sydney Road  
Bathwick  
Bath  
BA2 6NR

Further comments/correspondence received following re-consultation.

ENGLISH HERITAGE - We have no further comments to make on this proposal. I would add that I assume that the Planning Application description has also been altered to reflect the change of use. If so our comments on the planning application also still stand.

BATH PRESERVATION TRUST – (updated comment of objection)

This further revision now seeks permission for an upper level garden and balustrade which was omitted from the approved application, at an increased height. On balance we found that the previously approved application, which was revised in response to objections from both BPT and the Georgian Group, presented a scheme which minimised harm to the heritage asset and wider conservation area while at the same time ensuring the use of this building for the future.

We object to the increase in height of the extension and glass balustrade, which at a higher level would have an intrusive impact on the architectural composition of the listed building, and have a particularly uncomfortable relationship with the level of the string course. In order to retain subservience the height of the extension should be well below the string course.

We reserve judgement on the suitability of a roof terrace on the side this building which is felt to be somewhat inappropriate.

We still have serious concerns over the use of one of the blind windows as a stone door to provide access to the roof terrace. Our reservations are founded in an understanding that the blind windows are features of high architectural and historic significance as part of the intended design and ought to be retained. This intervention, the increase in depth and impact on the string course, therefore disrupts the historic fabric and design of this elevation and results in unacceptable harm to the historic fabric.

A stone clad access door would be somewhat unauthentic. We would ask for any examples where this approach has been used successfully to be submitted in support of this application prior to any approval. We are particularly concerned about durability and potential damage which may lead to a degraded appearance over time. We would be interested to know what

alternative access arrangement could be provided if this intervention proved unacceptable and unfeasible?

The current proposal would cause the loss of important architectural features and composition, historic fabric and character, and would lead to substantial harm to the listed building. The height of the extension proposed would be harmful to the setting of the listed building, and would neither preserve nor enhance the character and appearance of Bath Conservation Area. For these reasons the proposed works would fail to preserve the architectural or historic interest and character of the heritage asset contrary to Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

Should the application be approved the use of dressed natural Bath Stone ashlar in construction must be secured by Condition, and the appearance of the roof terrace must be managed by Condition or covenant to restrict the placement of potted trees, parasols and drying washing, which would amount to visual clutter and have a harmful effect on the setting of the listed building.

CLLR DAVID MARTIN – wrote to inform that he wishes to speak on this application at the DCC meeting on 22 October

**SPEAKERS LIST  
BATH AND NORTH EAST SOMERSET COUNCIL**

**MEMBERS OF THE PUBLIC WHO MADE A STATEMENT AT THE MEETING OF  
THE DEVELOPMENT CONTROL COMMITTEE ON WEDNESDAY 22<sup>ND</sup> OCTOBER  
2014**

<b>SITE/REPORT</b>	<b>NAME/REPRESENTING</b>	<b>FOR/AGAINST</b>
<b>PLANS LIST REPORT 9</b>		
Temple Inn, Main Road, Temple Cloud (Item 1, Pages 36-62)	Adam Rabone, Plainview Planning Ltd (Applicants' Agents)	For
Lower Tunley Farm, Stoneage Lane, Tunley (Item 2, Pages 63-69)	Clare Taylor (Dunkerton Parish Council)	Against
	John Walford	Against
	David Glasson (Applicants' Agent)	For
Cleveland House, Sydney Road, Bathwick, Bath (Items 3&4, Pages 70-85)	Kirsten Elliott	Against – Up to 6 minutes
	Trevor Osborne (Applicant)	For – Up to 6 minutes
Greenlands, Bath Road, Farmborough (Item 5, Pages 85-91)	Dominic Hegan <u>AND</u> Mark Baldwin <u>AND</u> Dave Fretwell	Against – To share 3 minutes
	David Bissex (Applicants' Agent)	For
Week Cottage, Combe Hay Lane, Combe Hay (Item 6, Pages 91-95)	Peter Duppa-Miller (Clerk to Combe Hay Parish Council)	For
	Mark Watson, Watson Bertram & Fell (Applicant's Agents)	For
Janton, Eckweek Lane, Peasedown (Item 7, Pages 95-100)	Michael Grier	Against
	David Bissex (Applicant's Agent)	For
Lower Lodge, Kelston Road, Kelston (Item 8, Pages 101-104)	John Casselden, Avon Architecture (Applicants' Agents)	For

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**22nd October 2014**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	13/04456/FUL	
<b>Site Location:</b>	Temple Inn, Main Road, Temple Cloud, Bristol	
<b>Ward:</b> Mendip	<b>Parish:</b> Cameley	<b>LB Grade:</b> II
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Mixed use development comprising a 10 bed letting rooms building, 9 residential dwellings, and renovation of the existing public house	
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Listed Building,	
<b>Applicant:</b>	Red Oak Taverns Limited	
<b>Expiry Date:</b>	4th July 2014	
<b>Case Officer:</b>	Heather Faulkner	

**DECISION** Delegate to PERMIT

A. Authorise the Planning and Environmental Law Manager to enter into a Section 106 Agreement to secure:

1. Education

Contributions £7,933.32 to fund the need for primary school places and Youth Services provision places arising from the development. The agreed contributions shall be provided prior to the commencement of development.

2. Open Space and Recreational Facilities

Contributions of £1,909.17 to fund provision of allotments off-site to serve the population. The agreement shall also include the provision of arrangements for the maintenance of the site by a management company. The agreed contributions shall be paid prior to the occupation of the development.

3. Transport

Contributions of

- £10,000 contribution towards improvements including the de-cluttering of the street furniture adjacent to the Temple Inn Lane junction and include measures to deter parking on the footway at this location
- £4,000 towards the cost of the parking restrictions on Temple Inn Lane

#### 4. Affordable Housing

- A clause in the Section 106 Agreement that triggers the need for an affordable housing contribution should the letting rooms ever be converted into residential accommodation.

#### 5. Works to Listed Building

- A clause in the Section 106 to ensure that the works to the Listed Building are completed within a certain time period relating to the occupation of the dwellings.

B. Subject to the prior completion of the above agreement, authorise the Group Manager to PERMIT subject to the following conditions:

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

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

2 On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 30dB LAeq,16hr and 30dB LAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dB LAmax.

Reason: To protect occupants of residential properties from external road traffic noise

3 The Noise Rating Level from installed plant on the public house or letting rooms shall not exceed 30 dB LAeq(5mins) (free-field) at the nearest noise sensitive premises.

Reason: To protect occupants of residential properties from external plant noise

4 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.

5 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is



subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 7.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 Prior to the demolition of any boundary walls details of the repairs to existing walls (including making good) and construction to new walls shall be submitted to any approved in approved in writing by the Local Planning Authority. The works shall be completed prior to the first occupation of any of the new dwellings on the site.

Reason: In the interests of the appearance of the development.

11 Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of this permission hereby granted, no works of site clearance, demolition or construction shall take place which are likely to impact on bats unless a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the local planning authority. This shall be accompanied by all outstanding details of proposed bat mitigation. The development shall be carried out only in accordance with the approved bat mitigation scheme or any amendment to the scheme as approved in writing by the Local Planning Authority.

Reason: to safeguard bats and their roosts

12 The area of open space to the rear of the proposed letting rooms shall not at any time be used by customers of the public house or letting rooms.

Reasons: To protect the amenity of the occupiers of the surrounding houses.

13 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, external alteration or enlargement of the dwellings within the converted annex building hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

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

14 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, external alteration or enlargement of any part of any roof of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

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

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

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

16 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.

17 No development shall commence until a sample panel of all external walling and roofing materials to be used has been 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 surrounding area.

18 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 fences, gates, walls or other means of enclosure shall be erected or placed within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a highway without a further planning permission being granted.

Reason: In the interests of the visual amenity and character of the area.

19 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification), the letting rooms proposed within the building at the front of the site shall only be used in association for the Temple Inn public house for bed and breakfast purposes and not be any other use.

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

20 No development shall commence until details of refuse storage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the refuse storage has been provided in accordance with the details so approved, and thereafter shall be retained solely for this purpose. No refuse shall be stored outside the building(s) other than in the approved refuse store(s).

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

21 An operational statement relating to the public house shall be submitted to and approved in writing by the Local Planning Authority and shall include details of cooking equipment, odour mitigation and extract layout. The development shall thereafter be carried out in accordance with the approved operational statement.

Reason: Protect residential amenity.

22 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to construction.

Reason: In the interests of flood risk management and highway safety

Condition information: The applicant has indicated that they will dispose of surface water via soakaways and permeable paving and we would support this approach. To support the discharge of the above condition, infiltration test results and soakaway design calculations to BRE Digest 365 standard should be submitted to this office.

23 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.

24 The access, parking and turning areas shall not be brought into use until these areas have been properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

25 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

26 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management.

Reason: To ensure the safe operation of the highway.

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

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

#### **PLANS LIST:**

The application relates to the following drawings and documents:

463TE_E_2010_A	EXISTING SITE PLAN
463TE_P_2022	SITE PLAN AREAS
463TE_2101_B	PUB - EXISTING PLANS 01
463TE_2102_B	PUB - EXISTING PLANS 02
463TE_2103_B	PUB - EXISTING PLANS
463TE_2120_B	PUB - PROPOSED PLANS 01
463TE_2121_C	PUB - PROPOSED PLANS 02
463TE_2130_C	ANNEX - PROPOSED PLANS
463TE_2140_C	LETTING ROOMS - PROPOSED PLANS
463TE_2150_C	TERRACE - PROPOSED PLANS 01
463TE_2151_C	TERRACE - PROPOSED PLANS 02
463TE_2160_C	SEMI-DETACHED - PROPOSED PLANS
463TE_2201_B	PUB - EXISTING ELEVATIONS 01
463TE_2202_B	PUB - EXISTING ELEVATIONS 02
463TE_2203_B	ANNEX - EXISTING ELEVATIONS 01
463TE_2204_B	ANNEX - EXISTING ELEVATIONS 02
463TE_2220_C	PUB - PROPOSED ELEVATIONS 01

463TE\_2221\_C PUB - PROPOSED ELEVATIONS 02  
463TE\_2230\_C ANNEX - PROPOSED ELEVATIONS  
463TE\_2240\_C LETTING ROOMS - PROPOSED ELEVATIONS  
463TE\_2250\_C TERRACE - PROPOSED ELEVATIONS 01  
463TE\_2251\_C TERRACE - PROPOSED ELEVATIONS 02  
463TE\_2260\_C SEMI-DETACHED - PROPOSED ELEVATIONS  
463TE\_P\_2030\_C SIDE ELEVATION 01  
463TE\_P\_2031\_D SIDE ELEVATION 02  
463TE\_P\_2501\_B PROPOSED DETAILS  
463TE\_P\_2020 REV E PROPOSED SITE PLAN  
463TE\_2000 REV A SITE LOCATION PLAN  
DESIGN AND ACCESS STATEMENT  
DESIGN & ACCESS STATEMENT - ADDENDUM  
PLANNING STATEMENT  
EXTENDED PHASE 1 HABITAT SURVEY  
GROUNDSURE GEOINSIGHT FIND 36469 AND FIND 36470  
HERITAGE IMPACT ASSESSMENT  
SITE WASTE MANAGEMENT PLAN  
NOISE IMPACT ASSESSMENT  
PHASE 1 SITE INVESTIGATION  
TRANSPORT STATEMENT  
TREE REPORT (APPENDIX A - TREE SCHEDULE TABLE and APPENDIX B - TREE CONSTRAINTS PLAN)  
SUSTAINABLE CONSTRUCTION CHECKLIST  
DRAINAGE STRATEGY  
CARBON FILTER DETAILS  
CRIME PREVENTION DESIGN REPORT  
SUSTAINABILITY STATEMENT

#### DECISION TAKING STATEMENT

In determining this application, the Local Planning Authority has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Pre-application advice was sought and provided and amendments made to the proposals. For the reasons given, a positive view of the revised submitted proposals was taken and permission was granted subject to a legal agreement.

#### ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk).

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

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

Inform the applicant that the Local Planning Authority should be consulted before any external signs are displayed on the property.

<b>Item No:</b>	02	
<b>Application No:</b>	14/02887/FUL	
<b>Site Location:</b>	Lower Tunley Farm, Stoneage Lane, Tunley, Bath	
<b>Ward:</b> Bathavon West	<b>Parish:</b> Dunkerton	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Part retention and adaptation of a general purpose agricultural storage building (partly retrospective)	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	A & J Farming Limited	
<b>Expiry Date:</b>	19th August 2014	
<b>Case Officer:</b>	Tessa Hampden	

## DECISION REFUSE

1 The development, due to the unacceptable scale, height and its siting in close proximity to Stoneage Lane, would have a significant detrimental impact upon the visual amenities of the immediate area and the wider landscape. The development would therefore be contrary to policy CP6 of the adopted Core Strategy and saved policies D2 and D4 of the Bath and North East Somerset Plan 2007.

### PLANS LIST:

Plans:

Drawing	24 Jun 2014		SITE PLAN
Drawing	24 Jun 2014	1	PRIOR NOTIFICATION - FLOOR AND ROOF PLAN
Drawing	24 Jun 2014	2	PRIOR NOTIFICATION - ELEVATIONS
Drawing	24 Jun 2014	3	FLOOR AND ROOF PLAN
Drawing	24 Jun 2014	4	ELEVATIONS
Drawing	24 Jun 2014	5	PROPOSED FLOOR AND ROOF PLAN
Drawing	24 Jun 2014	6	PROPOSED ELEVATIONS
Drawing	24 Jun 2014	7	ELEVATIONS - AS BUILT WITH PROPOSED BUILT
Drawing	24 Jun 2014	8	ELEVATIONS - AS BUILT WITH PROPOSED BUILT
Drawing	24 Jun 2014	9	ELEVATIONS PROPOSED BUILDING WITH THE PROPOSED

### DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. Despite a recommendation for approval the Development Control Committee, for the reasons given, refused the application.

<b>Item No:</b>	03	
<b>Application No:</b>	14/03180/FUL	
<b>Site Location:</b>	Cleveland House, Sydney Road, Bathwick, Bath	
<b>Ward:</b> Bathwick	<b>Parish:</b> N/A	<b>LB Grade:</b> IISTAR
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Change of use from B1 offices to C3 residential including the erection of a single storey side extension with first floor terrace including internal alterations following the demolition of the existing single storey lavatory block (Revised proposal).	
<b>Constraints:</b>	Airport Safeguarding Zones, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area,	



Cycle Route, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,

**Applicant:** Trevor Osborne Property Group  
**Expiry Date:** 5th September 2014  
**Case Officer:** Sasha Coombs

## DECISION

**Deferred awaiting site visit:** To allow Members to view the listed building and its surroundings

**Item No:** 04  
**Application No:** 14/03181/LBA  
**Site Location:** Cleveland House, Sydney Road, Bathwick, Bath  
**Ward:** Bathwick                      **Parish:** N/A                      **LB Grade:** IISTAR  
**Application Type:** Listed Building Consent (Alts/exts)  
**Proposal:** Internal alterations and external alterations for the change of use from B1 offices to C3 residential including the erection of a single storey side extension with first floor terrace following the demolition of existing single storey extension lavatory block.  
**Constraints:** ,  
**Applicant:** Trevor Osborne Property Group  
**Expiry Date:** 5th September 2014  
**Case Officer:** Sasha Coombs

## DECISION

**Deferred awaiting site visit:** To allow Members to view the listed building and its surroundings

**Item No:** 05  
**Application No:** 14/03709/FUL  
**Site Location:** Greenlands, Bath Road, Farmborough, Bath  
**Ward:** Farmborough                      **Parish:** Farmborough                      **LB Grade:** N/A  
**Application Type:** Full Application

<b>Proposal:</b>	Erection of detached garage and creation of new driveway and provision of acoustic fence. Provision of additional patio doors and WC window to bungalow. (Resubmission)
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr And Mrs S Gould
<b>Expiry Date:</b>	7th October 2014
<b>Case Officer:</b>	Alice Barnes

## DECISION

**Deferred awaiting site visit:** To allow Members to view the site in its surroundings

<b>Item No:</b>	06
<b>Application No:</b>	14/02457/FUL
<b>Site Location:</b>	Week Cottage, Combe Hay Lane, Combe Hay, Bath
<b>Ward:</b> Bathavon West	<b>Parish:</b> Combe Hay <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erect a two storey rear extension, to include external and internal alterations to the existing cottage.
<b>Constraints:</b>	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Sites of Nature Conservation Interest,
<b>Applicant:</b>	Mr P. O'Connor
<b>Expiry Date:</b>	26th September 2014
<b>Case Officer:</b>	Suzanne D'Arcy

## DECISION PERMIT

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

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

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

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

3 No development shall take place until an arboricultural method statement with tree protection plan identifying the woodland edge trees and individual trees in proximity to the electricity cables to be retained and measures to protect them has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures and identify appropriate arboricultural supervision during site preparation (including clearance and level changes ), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position or relocation of service runs and soakaways, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

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

4 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority.

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

5 Prior to occupation of the development hereby approved, the recommendations within the Protected Species Survey by Tyler Grange and received by the Council on 3rd September 2014, shall be implemented unless otherwise agreed in writing by the Local Planning Authority in writing. These measures shall thereafter be retained in perpetuity.

Reason: To safeguard protected species that may be affected by the development.

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

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

#### **PLANS LIST:**

This decision relates to drawings numbered 1887-SLP, -BP, -SE, -SP, .PE, -PP, -TS and .L01, received by the Council on 29th May 2014.

#### **DECISION TAKING STATEMENT**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. Despite the recommendation to refuse the application, the Development Control Committee considered that there were Very Special Circumstances to outweigh the harm caused, as the building needed to support modern living standards and the extension would be set into the bank at the rear of the property where it would not readily be seen from public viewpoints. The application was therefore permitted.

<b>Item No:</b>	07		
<b>Application No:</b>	14/03061/OUT		
<b>Site Location:</b>	Janton, Eckweek Lane, Peasedown St. John, Bath		
<b>Ward:</b>	Peasedown St John	<b>Parish:</b>	Peasedown St John <b>LB</b>
<b>Grade:</b>	N/A		
<b>Application Type:</b>	Outline Application		
<b>Proposal:</b>	Erection of detached bungalow.		
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, SSSI - Impact Risk Zones,		
<b>Applicant:</b>	Mr D Taylor		
<b>Expiry Date:</b>	29th August 2014		
<b>Case Officer:</b>	Mike Muston		

## DECISION REFUSE

1 The proposal amounts to an overdevelopment of the site, resulting in an unacceptably cramped form of development, out of keeping with the pattern of development in the area, with insufficient amenity space provided for the existing and new dwellings, and adversely affecting the living conditions of the occupiers of the adjoining property, contrary to saved Policies D.2 and D.4 of the Bath and North East Somerset Local Plan 2007.

2 The visibility from the access to the proposed new property and Janton is unacceptably restricted, particularly in a westerly direction, to the detriment of highway safety, contrary to saved Policy T.24 of the Bath and North East Somerset Local Plan 2007.

## PLANS LIST:

Drawings 2014062, 2104063 and 2014064, received 4 July 2014.

In determining this application, the Local Planning Authority has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Whilst the application was recommended for permission for the reasons given the Development Control Committee refused planning permission.

<b>Item No:</b>	08		
<b>Application No:</b>	14/03564/FUL		
<b>Site Location:</b>	Lower Lodge, Kelston Road, Kelston, Bath		
<b>Ward:</b>	Bathavon North	<b>Parish:</b>	Kelston <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Construction of a pitched roof to accommodate new staircase, 2 no. new bedrooms and bathroom, 3 no. dormer windows and 1 no.		

dormer doorway with associated balcony, 1 no. cat-slide dormer to high level window and 1 no. conservation rooflight, to include internal accommodation and fenestration alterations.

<b>Constraints:</b>	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, Hotspring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	Mr & Mrs I Cardiff
<b>Expiry Date:</b>	30th September 2014
<b>Case Officer:</b>	Suzanne D'Arcy

## **DECISION PERMIT**

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

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

2 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 appearance of the development and the surrounding area.

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

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

## **PLANS LIST:**

This decision relates to drawings numbered 14.221/21, /22, /23, /24 and /25 and related site location plan, received by the Council on 5th August 2014.

## **DECISION TAKING STATEMENT**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Despite the recommendation to refuse the application, the Development Control Committee considered the proposal did represent a proportionate addition to the host building and it was not harmful to Green Belt. The application was therefore approved.

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<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Development Control Committee</b>
<b>MEETING DATE:</b>	<b>19th November 2014</b>
<b>RESPONSIBLE OFFICER:</b>	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)
<b>TITLE:</b>	<b>SITE VISIT APPLICATIONS FOR PLANNING PERMISSION</b>
<b>WARDS:</b>	ALL
<b>BACKGROUND PAPERS:</b>	
<b>AN OPEN PUBLIC ITEM</b>	

AGENDA  
ITEM  
NUMBER

### BACKGROUND PAPERS

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

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

**The following notes are for information only:-**

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

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

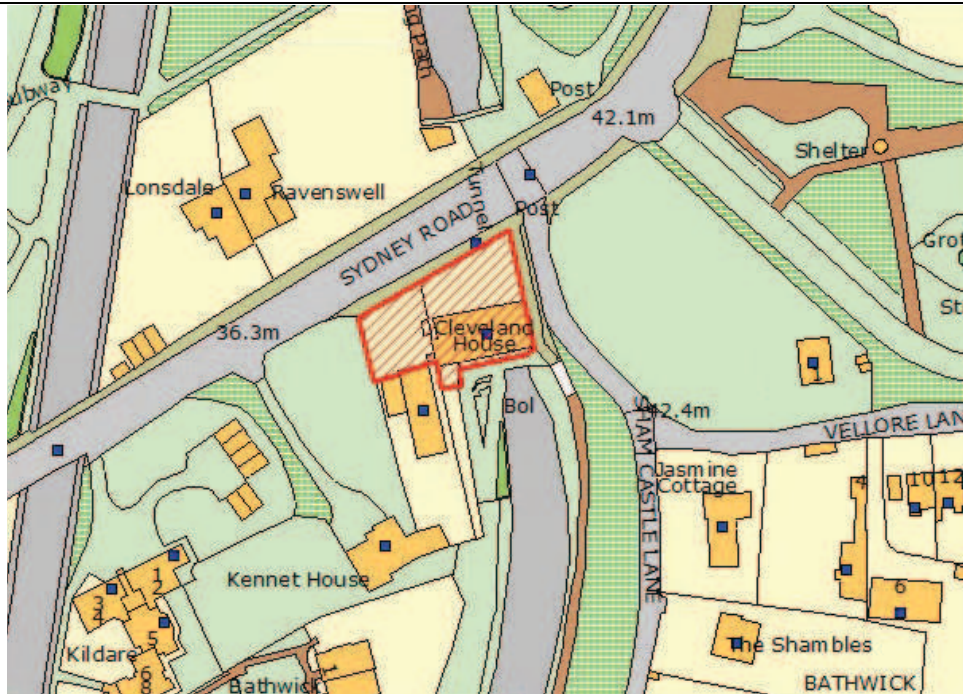
## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	14/03180/FUL 5 September 2014	Trevor Osborne Property Group Cleveland House, Sydney Road, Bathwick, Bath, BA2 6NR Change of use from B1 offices to C3 residential including the erection of a single storey side extension with first floor terrace including internal alterations following the demolition of the existing single storey lavatory block (Revised proposal).	Bathwick	Sasha Coombs	REFUSE
002	14/03181/LBA 5 September 2014	Trevor Osborne Property Group Cleveland House, Sydney Road, Bathwick, Bath, BA2 6NR Internal alterations and external alterations for the change of use from B1 offices to C3 residential including the erection of a single storey side extension with first floor terrace following the demolition of existing single storey extension lavatory block.	Bathwick	Sasha Coombs	REFUSE
003	14/03709/FUL 7 October 2014	Mr And Mrs S Gould Greenlands, Bath Road, Farmborough, Bath, BA2 0BU Erection of detached garage and creation of new driveway and provision of acoustic fence. Provision of additional patio doors and WC window to bungalow. (Resubmission)	Farmborough	Alice Barnes	PERMIT

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

<b>Item No:</b>	001
<b>Application No:</b>	14/03180/FUL
<b>Site Location:</b>	Cleveland House Sydney Road Bathwick Bath BA2 6NR





**Ward:** Bathwick

**Parish:** N/A

**LB Grade:** IISTAR

**Ward Members:** Councillor Nicholas Coombes      Councillor David Martin

**Application Type:** Full Application

**Proposal:** Change of use from B1 offices to C3 residential including the erection of a single storey side extension with first floor terrace including internal alterations following the demolition of the existing single storey lavatory block (Revised proposal).

**Constraints:** Airport Safeguarding Zones, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Cycle Route, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,

**Applicant:** Trevor Osborne Property Group

**Expiry Date:** 5th September 2014

**Case Officer:** Sasha Coombs

## REPORT

### REASONS FOR REFERRAL TO COMMITTEE

This application was deferred at the last committee meeting on 22 October 2014 for a site visit.

### DETAILS OF LOCATION AND PROPOSAL AND RELEVANT HISTORY:

Cleveland House is a c1817-1820 Grade II\* listed building located in the Bath Conservation Area and greater World Heritage Site. It was designed by John Pinch as The Kennet and Avon Canal offices, partly built over the canal tunnel. The plinth, gates, railings and overthrows to Cleveland House are Grade II listed in their own right. This is an

important landmark property in Bath. Its standalone commanding silhouette features in a number of key views in the Conservation Area and World Heritage Site - along the Canal, from Sydney Gardens and along Sydney Road.

The building is characterised by its classical architecture and symmetrical design and has generally managed to survive unaltered, with the exception of a small flat roofed 1960's toilet block to its western side. The application seeks to change the use from offices to a dwelling and to replace the 1960s extension with a larger one. The extension would feature a roof terrace surrounded by a glass balustrade, which would be accessed via a door created within the existing blind window. There are also a number of internal alterations proposed.

The proposals are a re-submission of the scheme that was resisted previously. As part of the preceding applications, changes have been negotiated with the applicant to enable grant of planning and listed building consents. The key changes previously included reduction in the height of the extension, omission of a roof terrace, retention of the blind window and preservation of vaults. The currently proposed scheme essentially returns to the original submission.

This planning application is accompanied by an application for listed building consent (Ref: 14/03181/LBA)

## PLANNING HISTORY

3718 - Change of use from residential to Royal Air Force Town Centre; and alterations to provide a caretaker's flat; provision of additional sanitary accommodation and new vehicular access from Sydney Road to new car park. Approved 4.12.51

6017/1 - extension to provide additional lavatory accommodation. Approved 5.6.62

6017/3 - Use as a driving test centre and the main building offices for the Ministry of Public Building and Works. No objections raised 6.6.67

6017-8 - Internal alterations to existing single storey toilet block and reinstatement of architectural features to existing building. Approved 22.3.95

DC - 04/00384/LBA - RF - 19 March 2004 - Erection of lettering to front elevation

DC - 05/02609/LBA - CONSSE - 25 October 2005 - Removal of safe room at ground floor level

DC - 12/03404/LBA - WD - 25 September 2012 - External alterations for the display of new signage and internal alterations.

DC - 13/04622/FUL - PERMIT - 24 April 2014 - Change of use from B1 offices to C3 residential, including restoration and extension to the house, demolition of existing additions to Cleveland House.

DC - 13/04623/LBA - CON - 24 April 2014 - Internal and external alterations for the change of use from B1 offices to C3 residential, including extension to the house, following demolition of existing addition to Cleveland House.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

(Full comments available on file)

CONSERVATION OFFICER - Recommended refusal. The height and bulk of the replacement extension together with the alteration of the first floor dummy window to a door and use of the extension roof as a terrace would cause substantial harm to the significance of the Grade II\* listed building and the character and appearance of this part of the conservation area.

ENGLISH HERITAGE - Attached considerable significance to the building; its reuse is the desirable outcome. Once again raised concerns with regards to introduction roof terrace/garden on top of the replacement extension. Current application will be harmful to the architectural composition of the house. The previously secured subservience would be lost; garden on roof would draw attention to the side extension; strong feature of designed blind windows would be lost.

THE GEORGIAN GROUP - Objected. The main concern is the proposed access to the terrace by means of opening the intentionally blind aedicule of the west façade which forms one of the most striking aspects of the building on the approach from Bath. This involves the loss of both historic fabric and the original architectural composition of the west façade.

BATH PRESERVATION TRUST - Previous revised scheme minimised harm to the heritage asset and wider conservation area. BPT did not object to the principle of providing an extension, but questioned suitability of a roof terrace on the side this building. Expressed concerns over the use of one of the blind windows as a stone door to provide access to the roof terrace.

BATH HERITAGE WATCHDOG - Objected. There is nothing in the submitted documentation that convinces that a roof terrace is required, appropriate or acceptable. The works, by virtue of the loss of original historic fabric, original plan form, and alteration detrimental to a main elevation is considered to be detrimental to the special architectural and historic character and interest of the listed building, adjacent listed structures, the Conservation Area and World Heritage Site

CLLR DAVID MARTIN - Supported. I support this application for internal and external alterations to the listed building Cleveland House in my ward. I would like to request that if the case officer is minded to recommend refusal that the application be determined by the Development Control Committee. My reasons are that the proposals do not constitute any detrimental impact to the building, and that they are in compliance with relevant planning policies including BH2, BH4 BH5 and BH6.

Third Party comments - 3 letters of objections received. Main points raised:

- adverse effects of the proposed roof garden upon the setting of Kennet House and the wider conservation area/World Heritage Site;

- loss of the privacy;
- property value should not be considered as being material to a planning decision;
- this is a highly significant and rare example of a Georgian purpose built office. The present extension should be demolished and the side restored as was

UPDATE (22 October 2014):

Further comments/correspondence received following re-consultation.

ENGLISH HERITAGE - We have no further comments to make on this proposal. I would add that I assume that the Planning Application description has also been altered to reflect the change of use. If so our comments on the planning application also still stand.

BATH PRESERVATION TRUST - (updated comment of objection - full comment on file)  
 The current proposal would cause the loss of important architectural features and composition, historic fabric and character, and would lead to substantial harm to the listed building. The height of the extension proposed would be harmful to the setting of the listed building, and would neither preserve nor enhance the character and appearance of Bath Conservation Area. For these reasons the proposed works would fail to preserve the architectural or historic interest and character of the heritage asset contrary to Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

CLLR DAVID MARTIN - wrote to inform that he wishes to speak on this application at the DCC meeting on 22 October

## **POLICIES/LEGISLATION**

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

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

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

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

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

D.2: General design and public realm considerations

D.4: Townscape considerations

BH.2: Listed Buildings and their setting

BH.4 - Change of use of a listed building

BH.6: Development within or affecting Conservation Areas

HG.4 - Residential Development in the urban areas

HG.12 - Dwelling subdivision, conversion of non-residential buildings and reuse of empty dwellings  
T.24: Highways safety  
T.26 - Access and parking standards

National Planning Policy Framework (2012) and Practice Guidance (2014)

Planning for the Historic Environment Practice Guide (2010)

### **OFFICER ASSESSMENT**

The main material considerations in relation to this application are:

- the acceptability of the principle of change of use to C3;
- the effect of the proposals upon the living conditions of current and future occupiers
- the effect of the works upon the special architectural and historic interest of the listed building and its setting; and
- the effect of the proposals upon the character and appearance of Bath Conservation Area and Bath World Heritage Site.

The access and parking arrangements will be retained and improved, and the highways authority expressed no concerns with regards to this proposal.

### **PRINCIPLE OF CHANGE OF USE**

It has been noted that the layout of the conversion has been changed and it is now proposed to provide 5 bedrooms (as opposed to the previously approved 7 bedrooms). This is mainly due to the changes within the annex, which previously included 3 bedrooms.

The annex is still designed as a potentially self-contained unit of accommodation that would benefit from its own entrance without any obvious functional connection with the main house, and the doors between it and the main house are indicated as 'lock doors'. However creation of a proportionally modest annexe does not always require a separate assessment as a dwellinghouse, provided the building is occupied by a family member or a member of staff.

If the building is to be used as two or more separate dwellinghouses in future, Section 55(3) (a) of the Town and Country Planning Act 1990 provides that this will involve a material change in the use of the building and will require a separate planning permission.

The building is sustainably located outside the designated City Centre of Bath and outside Bath Core Office Area (where the development leading to loss of office floorspace is generally resisted). In such locations Policy HG.4 of the adopted Local Plan supports the principle of residential development. Policy HG.12 sets out criteria for assessing conversion and sub-division schemes to form residential units. It states that such proposals would be permitted providing they protect the character and amenities of established uses and are not detrimental to the amenity of the future occupants. These matters are considered to be satisfactory.

However, the building partly owes its Grade II\* listing to being "a remarkable survival of a purpose-built Georgian office building". In this respect, the thrust of the saved Local Policy BH.4 (proposals for change of use of listed buildings) is to encourage retention/reinstatement of the use for which the building was originally designed, providing there is no adverse impact on the character and setting of such listed building, and, as such, the current office use is the preferred use for this building. This issue has once again been raised by The Georgian Group.

Marketing of the building was explored in detail during the previous application, and it is concluded that the loss of the appropriate historic use of this protected building must be weighed against other material considerations within this application as discussed below.

## RESIDENTIAL AMENITY

Objections have been received with regards to the impacts of the proposal on the residential amenity of the occupiers of Kennet House. The revised proposal will indeed create greater levels of overlooking from the western aspect of the building by introduction of an elevated platform, which will be facing towards the front garden of Kennet House. However, the distance between the properties is quite considerable (about 20m to the garden and almost 40m to the house itself). Furthermore, the views towards Kennet House itself would be partially obscured by Bath Orthodontics. There is therefore no justifiable reason for resisting this application on loss of privacy grounds.

## IMPACT OF ALTERATIONS ON LISTED BUILDING, CONSERVATION AREA AND WORLD HERITAGE SITE

The principal issue with the current resubmission relates to the harmful impacts on the protected building, its setting and the wider Conservation Area.

Cleveland House is a highly significant grade II\* listed building which has important historic as well as architectural value. It is a unique form of development in Bath that visually closes and contributes to an important established key view in the Conservation Area and the World Heritage Site looking south along the canal from the footbridge in Sydney Gardens (which is also a Registered Park and Garden).

The building is characterised by its classical architecture and symmetrical design. The existing mid C20 single storey flat roof extension at the western end of the house is of modest size and appearance which fortunately does not compete with the scale, appearance and dominance of the listed building itself. As with the previous applications its demolition is not objected to.

A key element to making the previous proposals acceptable in planning and listed building terms was the omission of the roof terrace, the reduction in height of the proposed extension, and the omission of opening a blind side window.

These problematic elements have now been reintroduced under these proposals and are discussed below:

- Larger extension:

The proposed flat roof replacement extension is considerably larger than the existing extension and would double its footprint and volume. It also will be about 1.2 metres higher. A glass balustrade protruding above the parapet wall would increase this height from 0.24m along the perimeter up to 1m against the building. The resulting height of the extension is especially of concern here as it would be encroaching on the long established view from Sydney Gardens and cause harm to the symmetry of design and setting of the historic building. The issue of scale was particularly identified by Historic Buildings Team and English Heritage who were anxious to secure the subservience of the extension.

- Roof terrace:

The issue of scale would be further exacerbated by the use of the flat roof as a terrace. Unlike discrete small-scale balconies which are a common characteristic throughout the city, a large terrace area, as proposed, is intended to function as the main outdoor space for the dwelling. It will inevitably attract extensive garden furniture and other such outdoor paraphernalia which would substantially intrude on and harm the character, appearance and setting of the listed building. This would draw attention away from the principal building to the side extension, and also will be visually intrusive within the conservation area and have a harmful effect on its character and appearance.

- Loss of blind window:

The intentionally blind window niches of the west façade form one of the most striking aspects of the building on the approach from the City centre. To achieve a roof terrace it is proposed to replace the most southerly blind window with a taller door to provide access.

The architectural composition of this public and prominent elevation will be substantially compromised and harmed by such an alteration. It is a balanced composition of three equally spaced blind windows with the central axis window emphasised with a pediment. This symmetry and harmony of design will be destroyed by converting the blind window to a door as proposed.

Use of stone cladding for the door is intended to ensure that it 'blends' with the existing stone work, but in reality it is likely to be in the open position for considerable periods of time, whilst the terrace is in use, and will have a visually incongruous appearance, harming the significant character and appearance of Cleveland House.

Furthermore, it is proposed to increase the depth of the window by almost one metre (approx. 900mm), cutting through the paired string course. The string course is another particularly strong feature of this elevation, and its interruption would exacerbate the harm to the symmetry and composition of this elevation and involve significant loss of important original historic fabric and architectural detailing which is unacceptable

## BALANCE OF ISSUES / OVERALL CONCLUSION

It is considered that the proposals would result in substantial harm being caused to this important heritage asset and its setting.

NPPF advises that harm to the significance of a designated heritage asset should be weighed against the public benefit of the scheme. Para 132, for example, states that

"Substantial harm to or loss of significance of designated heritage assets of the highest significance, notably ....grade I and II\* listed buildings....should be wholly exceptional".

It is highly desirable that the building is brought back to use. However the scheme in its current form leads to substantial harm to a nationally protected building, which should only be considered in exceptional circumstances leading to substantial public benefits. . Although a development of this scale does not ultimately harm the outstanding universal values of the World Heritage Site, due to the harmful impacts on the important views, the proposals fail to either preserve or enhance the character and appearance of this exceedingly picturesque part of Bath Conservation Area.

It is not considered that the desire to provide a roof terrace in order to increase property value should be considered as an exceptional situation envisaged by the NPPF, neither would it result in substantial public benefits that outweigh the harm caused as required by the NPPF (para 133). If an outdoor space was paramount, this could be provided in place of the extension/parking or by utilising the existing outdoor space. None of these options have been explored as part of the justification.

It is considered that the satisfactory outcome achieved on the approved applications presented a much more sensitive way of bringing this building back to use, and that it tipped the planning balance in favour of the proposal. On the other hand, the current scheme results in substantial harm and the positive outcomes of the proposals are unfortunately clearly outweighed by this harm.

It is therefore recommended that members refuse this application.

## **RECOMMENDATION**

REFUSE

## **REASON(S) FOR REFUSAL**

1 The proposed works of alteration lack justification and would lead to substantial harm to the protected building by loss of important architectural features and composition, historic fabric and character. Furthermore the proposal would fail to either preserve or enhance the character and appearance of Bath Conservation Area and would be harmful to the setting of the listed building. For these reasons the proposed works are regarded as not preserving the architectural or historic interest and character of the heritage asset contrary to saved policies BH.2, BH.6 and D.4 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

## **PLANS LIST:**

OS Extract	09 Jul 2014	SITE LOCATION PLANS
Drawing	09 Jul 2014	DOOR AND WINDOW PLANS
Drawing	09 Jul 2014	EXISTING SKIRTING AND EXTERNAL DOOR
Drawing	09 Jul 2014	PRELIMINARY SECTION
Drawing	09 Jul 2014	PROPOSED ELEVATIONS
Drawing	09 Jul 2014	PROPOSED ELEVATIONS
Drawing	09 Jul 2014	PROPOSED FLOOR PLANS
Drawing	09 Jul 2014	ROOF GARDEN DOOR, STEPS & HANDRAIL



Drawing 09 Jul 2014 SECTIONS  
 Drawing 09 Jul 2014 SURVEY ELEVATIONS  
 Drawing 09 Jul 2014 SURVEY PLANS

**DECISION TAKING STATEMENT**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Despite the advice provided during the pre-application stages and the previous applications, the applicant chose to submit the scheme in its current form. The proposals were considered unacceptable for the reasons given and the applicant did not wish to withdraw the scheme. Having regard to the need to avoid unnecessary delay, the Local Planning Authority moved forward and issued its decision

**Item No:** 002  
**Application No:** 14/03181/LBA  
**Site Location:** Cleveland House Sydney Road Bathwick Bath BA2 6NR



**Ward:** Bathwick                      **Parish:** N/A                      **LB Grade:** IISTAR  
**Ward Members:** Councillor Nicholas Coombes      Councillor David Martin  
**Application Type:** Listed Building Consent (Alts/exts)  
**Proposal:** Internal alterations and external alterations for the change of use from B1 offices to C3 residential including the erection of a single storey side extension with first floor terrace following the demolition of existing single storey extension lavatory block.  
**Constraints:** ,

<b>Applicant:</b>	Trevor Osborne Property Group
<b>Expiry Date:</b>	5th September 2014
<b>Case Officer:</b>	Sasha Coombs

## **REPORT**

### **REASONS FOR REFERRAL TO COMMITTEE**

This application was deferred at the last committee meeting on 22 October 2014 for a site visit.

### **DETAILS OF LOCATION AND PROPOSAL AND RELEVANT HISTORY:**

Cleveland House is a c1817-1820 Grade II\* listed building located in the Bath Conservation Area and greater World Heritage Site. It was designed by John Pinch as The Kennet and Avon Canal offices, partly built over the canal tunnel. The plinth, gates, railings and overthrows to Cleveland House are Grade II listed in their own right. This is an important landmark property in Bath. Its standalone commanding silhouette features in a number of key views in the Conservation Area and World Heritage Site - along the Canal, from Sydney Gardens and along Sydney Road.

The building is characterised by its classical architecture and symmetrical design and has generally managed to survive unaltered, with the exception of a small flat roofed 1960's toilet block to its western side. The application seeks to change the use from offices to a dwelling and to replace the 1960s extension with a larger one. The extension would feature a roof terrace surrounded by a glass balustrade, which would be accessed via a door created within the existing blind window. There are also a number of internal alterations proposed.

The proposals are a re-submission of the scheme that was resisted previously. As part of the preceding applications, changes have been negotiated with the applicant to enable grant of planning and listed building consents. The key changes previously included reduction in the height of the extension, omission of a roof terrace, retention of the blind window and preservation of vaults. The currently proposed scheme essentially returns to the original submission.

This planning application is accompanied by an application for planning permission (Ref: 14/03180/FUL)

### **PLANNING HISTORY**

3718 - Change of use from residential to Royal Air Force Town Centre; and alterations to provide a caretaker's flat; provision of additional sanitary accommodation and new vehicular access from Sydney Road to new car park. Approved 4.12.51

6017/1 - extension to provide additional lavatory accommodation. Approved 5.6.62

6017/3 - Use as a driving test centre and the main building offices for the Ministry of Public Building and Works. No objections raised 6.6.67

6017-8 - Internal alterations to existing single storey toilet block and reinstatement of architectural features to existing building. Approved 22.3.95

DC - 04/00384/LBA - RF - 19 March 2004 - Erection of lettering to front elevation

DC - 05/02609/LBA - CONSSE - 25 October 2005 - Removal of safe room at ground floor level

DC - 12/03404/LBA - WD - 25 September 2012 - External alterations for the display of new signage and internal alterations.

DC - 13/04622/FUL - PERMIT - 24 April 2014 - Change of use from B1 offices to C3 residential, including restoration and extension to the house, demolition of existing additions to Cleveland House.

DC - 13/04623/LBA - CON - 24 April 2014 - Internal and external alterations for the change of use from B1 offices to C3 residential, including extension to the house, following demolition of existing addition to Cleveland House.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

(Full comments available on file)

CONSERVATION OFFICER - Recommended refusal. The height and bulk of the replacement extension together with the alteration of the first floor dummy window to a door and use of the extension roof as a terrace would cause substantial harm to the significance of the Grade II\* listed building and the character and appearance of this part of the conservation area.

ENGLISH HERITAGE - Attached considerable significance to the building; its reuse is the desirable outcome. Once again raised concerns with regards to introduction roof terrace/garden on top of the replacement extension. Current application will be harmful to the architectural composition of the house. The previously secured subservience would be lost; garden on roof would draw attention to the side extension; strong feature of designed blind windows would be lost.

THE GEORGIAN GROUP - Objected. The main concern is the proposed access to the terrace by means of opening the intentionally blind aedicule of the west façade which forms one of the most striking aspects of the building on the approach from Bath. This involves the loss of both historic fabric and the original architectural composition of the west façade.

BATH PRESERVATION TRUST - Previous revised scheme minimised harm to the heritage asset and wider conservation area. BPT did not object to the principle of providing an extension, but questioned suitability of a roof terrace on the side this building. Expressed concerns over the use of one of the blind windows as a stone door to provide access to the roof terrace.

BATH HERITAGE WATCHDOG - Objected. There is nothing in the submitted documentation that convinces that a roof terrace is required, appropriate or acceptable. The works, by virtue of the loss of original historic fabric, original plan form, and alteration

detrimental to a main elevation is considered to be detrimental to the special architectural and historic character and interest of the listed building, adjacent listed structures, the Conservation Area and World Heritage Site

CLLR DAVID MARTIN - Supported. I support this application for internal and external alterations to the listed building Cleveland House in my ward. I would like to request that if the case officer is minded to recommend refusal that the application be determined by the Development Control Committee. My reasons are that the proposals do not constitute any detrimental impact to the building, and that they are in compliance with relevant planning policies including BH2, BH4 BH5 and BH6.

Third Party comments - 2 letters of objections received from the neighbour at Kennet House. Main points raised:

- adverse effects of the proposed roof garden upon the setting of Kennet House and the wider conservation area/World Heritage Site;
- loss of the privacy;
- property value should not be considered as being material to a planning decision
- this is a highly significant and rare example of a Georgian purpose built office. The present extension should be demolished and the side restored as was

UPDATE (22 October 2014):

Further comments/correspondence received following re-consultation.

ENGLISH HERITAGE - We have no further comments to make on this proposal. I would add that I assume that the Planning Application description has also been altered to reflect the change of use. If so our comments on the planning application also still stand.

BATH PRESERVATION TRUST - (updated comment of objection - full comment on file)  
The current proposal would cause the loss of important architectural features and composition, historic fabric and character, and would lead to substantial harm to the listed building. The height of the extension proposed would be harmful to the setting of the listed building, and would neither preserve nor enhance the character and appearance of Bath Conservation Area. For these reasons the proposed works would fail to preserve the architectural or historic interest and character of the heritage asset contrary to Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

CLLR DAVID MARTIN - wrote to inform that he wishes to speak on this application at the DCC meeting on 22 October

### **POLICIES/LEGISLATION**

From the point of view of the historic environment the primary consideration is the duty placed on the Council under S 16 of the Listed Buildings Act to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

From the point of view of the historic environment there is also a duty placed on the Council under Section 72 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework sets out the Government's high-level policies concerning heritage and sustainable development. (The Historic Environment Planning Practice Guide published jointly by CLG, dcms, and English Heritage provides more detailed advice with regard to alterations to listed buildings, development in conservation areas and world heritage sites.) The National Planning Policy Framework can be awarded significant weight.

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

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

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

- CP6 - Environmental quality
- B4 - The World Heritage Site

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

- BH.2 - Listed buildings and their settings
- BH.6 - Development within or affecting conservation areas

## **OFFICER ASSESSMENT**

The principal issue with the current resubmission relates to the harmful impacts on the protected building, its setting and the wider Conservation Area.

Cleveland House is a highly significant grade II\* listed building which has important historic as well as architectural value. It is a unique form of development in Bath that visually closes and contributes to an important established key view in the Conservation Area and the World Heritage Site looking south along the canal from the footbridge in Sydney Gardens (which is also a Registered Park and Garden).

The building is characterised by its classical architecture and symmetrical design. The existing mid C20 single storey flat roof extension at the western end of the house is of modest size and appearance which fortunately does not compete with the scale, appearance and dominance of the listed building itself. As with the previous applications its demolition is not objected to.

A key element to making the previous proposals acceptable in planning and listed building terms was the omission of the roof terrace, the reduction in height of the proposed extension, and the omission of opening a blind side window.

These problematic elements have now been reintroduced under these proposals and are discussed below:

- Larger extension:

The proposed flat roof replacement extension is considerably larger than the existing extension and would double its footprint and volume. It also will be about 1.2 metres higher. A glass balustrade protruding above the parapet wall would increase this height from 0.24m along the perimeter up to 1m against the building. The resulting height of the extension is especially of concern here as it would be encroaching on the long established view from Sydney Gardens and cause harm to the symmetry of design and setting of the historic building. The issue of scale was particularly identified by Historic Buildings Team and English Heritage who were anxious to secure the subservience of the extension.

- Roof terrace:

The issue of scale would be further exacerbated by the use of the flat roof as a terrace. Unlike discrete small-scale balconies which are a common characteristic throughout the city, a large terrace area, as proposed, is intended to function as the main outdoor space for the dwelling. It will inevitably attract extensive garden furniture and other such outdoor paraphernalia which would substantially intrude on and harm the character, appearance and setting of the listed building. This would draw attention away from the principal building to the side extension, and also will be visually intrusive within the conservation area and have a harmful effect on its character and appearance.

- Loss of blind window:

The intentionally blind window niches of the west façade form one of the most striking aspects of the building on the approach from the City centre. To achieve a roof terrace it is proposed to replace the most southerly blind window with a taller door to provide access.

The architectural composition of this public and prominent elevation will be substantially compromised and harmed by such an alteration. It is a balanced composition of three equally spaced blind windows with the central axis window emphasised with a pediment. This symmetry and harmony of design will be destroyed by converting the blind window to a door as proposed.

Use of stone cladding for the door is intended to ensure that it 'blends' with the existing stone work, but in reality it is likely to be in the open position for considerable periods of time, whilst the terrace is in use, and will have a visually incongruous appearance, harming the significant character and appearance of Cleveland House.

Furthermore, it is proposed to increase the depth of the window by almost one metre (approx. 900mm), cutting through the paired string course. The string course is another particularly strong feature of this elevation, and its interruption would exacerbate the harm to the symmetry and composition of this elevation and involve significant loss of important original historic fabric and architectural detailing which is unacceptable

- Internal alterations to the listed building:

As discussed above, the conversion of the blind window to a door will cause substantial harm to the original character and appearance of the listed building.

Further concerns relate to the proposed truncating of the front section of the historic vault to provide a passage link from the garage. Such works would harm the integrity and fabric of the listed building. It is possible to achieve such access in a more sensitive manner, without destroying historic fabric (as demonstrated by the approved scheme). Such alteration to the vault could only be justified if the overall scheme is considered to improve character and appearance and not cause harm. This is not the case here.

There are no objections to the other proposed internal alterations to the listed building.

## **BALANCE OF ISSUES / OVERALL CONCLUSION**

It is considered that the proposals would result in substantial harm being caused to this important heritage asset and its setting.

NPPF advises that harm to the significance of a designated heritage asset should be weighed against the public benefit of the scheme. Para 132, for example, states that "Substantial harm to or loss of significance of designated heritage assets of the highest significance, notably ...grade I and II\* listed buildings...should be wholly exceptional". Although a development of this scale does not ultimately harm the outstanding universal values of the World Heritage Site, due to the harmful impacts on the important views, the proposals fail to either preserve or enhance the character and appearance of this exceedingly picturesque part of Bath Conservation Area.

It is highly desirable that the building is brought back to use. However the scheme in its current form leads to substantial harm to a nationally protected building, which should only be considered in exceptional circumstances leading to substantial public benefits. Furthermore, given the harmful impacts on the important views, the proposals fail to either preserve or enhance the character and appearance of this exceedingly picturesque part of Bath Conservation Area and the WHS.

It is not considered that the desire to provide a roof terrace in order to increase property value should be considered as an exceptional situation envisaged by the NPPF, neither it would result in substantial public benefits that outweigh the harm caused as required by the NPPF (para 133). If an outdoor space was paramount, this could be provided in place of the extension/parking or by utilising the existing outdoor space. None of these options have been explored as part of the justification.

It is considered that the satisfactory outcome achieved on the approved applications presented a much more sensitive way of bringing this building back to use, and that it tipped the planning balance in favour of the proposal. On the other hand, the current scheme results in substantial harm and the positive outcomes of the proposals are unfortunately clearly outweighed by this harm.

It is therefore recommended that members refuse this application.

## **RECOMMENDATION**

**REFUSE**

## **REASON(S) FOR REFUSAL**

1 The proposed works of alteration lack justification and would lead to substantial harm to the protected building by loss of important architectural features and composition, historic fabric and character. Furthermore the proposal would fail to either preserve or enhance the character and appearance of Bath Conservation Area and would be harmful to the setting of the listed building. For these reasons the proposed works are regarded as not preserving the architectural or historic interest and character of the heritage asset contrary to Planning (Listed Buildings and Conservation Areas) Act 1990 and National Planning Policy Framework.

**PLANS LIST:**

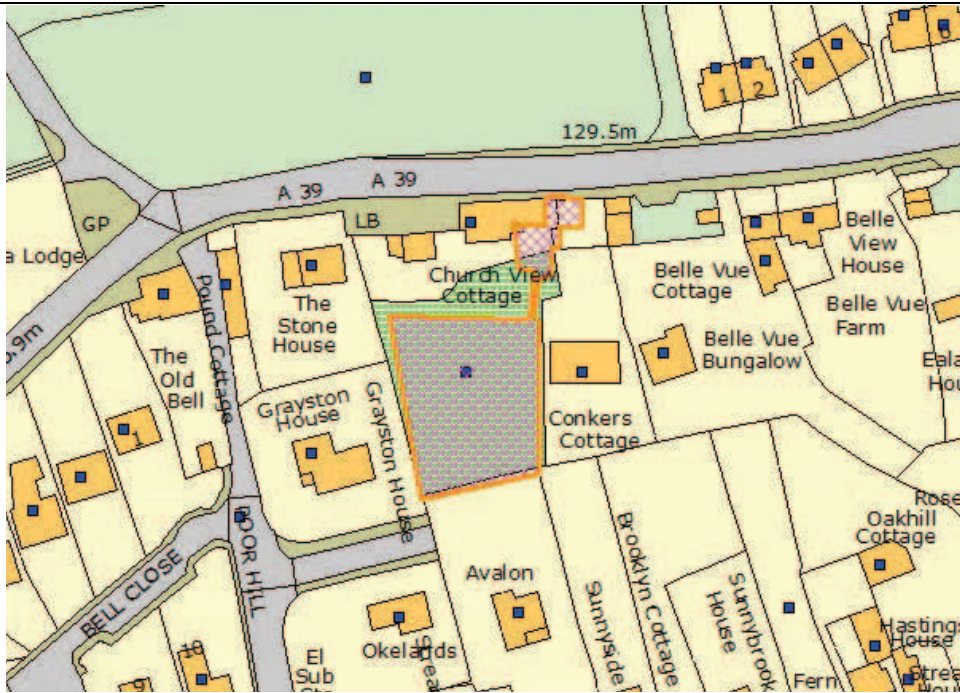
OS Extract	09 Jul 2014	SITE LOCATION PLANS
Drawing	09 Jul 2014	DOOR AND WINDOW PLANS
Drawing	09 Jul 2014	EXISTING SKIRTING AND EXTERNAL DOOR
Drawing	09 Jul 2014	PRELIMINARY SECTION
Drawing	09 Jul 2014	PROPOSED ELEVATIONS
Drawing	09 Jul 2014	PROPOSED ELEVATIONS
Drawing	09 Jul 2014	PROPOSED FLOOR PLANS
Drawing	09 Jul 2014	ROOF GARDEN DOOR, STEPS & HANDRAIL
Drawing	09 Jul 2014	SECTIONS
Drawing	09 Jul 2014	SURVEY ELEVATIONS
Drawing	09 Jul 2014	SURVEY PLANS

**DECISION TAKING STATEMENT**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Despite the advice provided during the pre-application stages and the previous applications, the applicant chose to submit the scheme in its current form. The proposals were considered unacceptable for the reasons given and the applicant did not wish to withdraw the scheme. Having regard to the need to avoid unnecessary delay, the Local Planning Authority moved forward and issued its decision

<b>Item No:</b>	003
<b>Application No:</b>	14/03709/FUL
<b>Site Location:</b>	Greenlands Bath Road Farmborough Bath BA2 0BU





**Ward:** Farmborough

**Parish:** Farmborough

**LB Grade:** N/A

**Ward Members:** Councillor S Davis

**Application Type:** Full Application

**Proposal:** Erection of detached garage and creation of new driveway and provision of acoustic fence. Provision of additional patio doors and WC window to bungalow. (Resubmission)

**Constraints:** Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,

**Applicant:** Mr And Mrs S Gould

**Expiry Date:** 7th October 2014

**Case Officer:** Alice Barnes

## REPORT

Reason for reporting application to committee

The application is being referred to the chair at the request of Councillor Sally Davis

The application has been referred to the Chairman of the Development Control Committee in accordance with the scheme of delegation (DCC) who has agreed that the application should be considered by the DCC.

Following the committee meeting of the 22nd October the committee resolved to defer the application for a site visit and the application will be considered at the meeting of the 19th November.

Description of site and application

The application site occupies a central position within Farmborough village. It is located within the housing development boundary and outside of the Green Belt.

The application relates to the erection of a detached garage and the creation of a new driveway, the provision of additional patio doors and window.

The application site is accessed from the Bath Road in Farmborough. The dwelling could be described as being back land development in that it is sited behind dwellings that front the Bath Road and is surrounded by residential properties. It is a new build property and on visiting the site appears to be largely completed.

The existing dwelling is a single storey property. Due to the topography of the site the dwelling is set down below the Bath Road. Therefore the access to the site slopes downwards along the boundary with the neighbouring property of Conkers Cottages.

Currently a parking area is permitted at the top of the slope and the applicant proposes to install a driveway that will slope downwards along the boundary in front of Conkers Cottage and in front of the dwelling. This would provide access to the proposed garage located on the west side of the property.

#### Relevant History

DC - 14/01809/FUL - RF - 9 June 2014 - Erection of detached garage and creation of new driveway.

DC - 11/02212/FUL - PERMIT - 22 July 2011 - Erection of a 3/4 bedroom bungalow on land to the rear of Church View Cottage.

DC - 07/03688/OUT - RF - 18 February 2008 - Erection of 2 bungalows and associated car parking

DC - 08/02981/FUL - RF - 8 October 2008 - Erection of new bungalow with associated parking

DC - 09/00098/FUL - RF - 12 March 2009 - Erection of new bungalow with associated parking (Revised application).

DC - 09/02262/FUL - PERMIT - 29 October 2009 - Erection of three bedroomed bungalow and parking spaces

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultations and representations

Farmborough Parish Council: Object. The application is very similar to 14/01809/FUL which was refused. The existing ramp will cause excessive noise and vibration. The steep access ramp is also considered to be a safety hazard. Surface water drainage has not been addressed. The ramp will be overbearing to neighbouring occupiers. The acoustic consultants report is not accurate.

Highways: No objection. Conditions 8, 9, 10 and 11 attached to permission 11/02212/FUL still apply.

Environmental Protection: No comment

Councillor Sally Davis: Object. The application is practically identical to the previous application which was refused. The acoustic report does not address the issues raised.

Representations: 6 representations have been received objecting to the application for the following reasons;

The soakaways should be kept clear.

The garage should be used for domestic purposes only.

The acoustic report is not accurate.

The power needed to drive a car up the sloped driveway would result in increased noise levels causing harm the amenity of neighbouring occupiers.

The driveway will be overbearing to neighbouring occupiers.

The driveway will be at an elevated level passing above window level.

## **POLICIES/LEGISLATION**

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

Core Strategy

Saved Policies in the B&NES Local Plan (2007)

Joint Waste Core Strategy

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

CP6 - Environmental Quality

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

D.2: General design and public realm considerations

D.4: Townscape considerations

T.24: General development control and access policy

ES.12: Noise and vibration

Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

National Policy

The National Planning Policy Framework adopted March 2012

National Planning Practise Guidance 2014

## **OFFICER ASSESSMENT**

The application relates to the erection of a detached garage and the creation of a new driveway. Permission was granted in 2009 and again in 2011 for the construction of a dwelling. The dwelling appears to be largely completed on site. The vehicle access to the dwelling is from the Bath Road and the site slopes downwards from the Bath Road. This is an infill development whereby the dwelling is surrounding on all sides by houses.

Currently a parking area is permitted at the top of the slope and the applicant propose in retain the temporary driveway that will slope downwards along the boundary of Conkers

Cottage and in front of the dwelling. This would provide access to the proposed garage located on the west side of the property.

### Planning history

When permission was granted for the dwelling the permission included a condition regarding a temporary access ramp. As access ramp was allowed to slope downwards to the dwelling to allow for construction, this access is conditioned to be removed after construction is completed. The reasons given for this condition being in the interests of residential amenity.

The applicant made an application for a driveway and garage which was refused in June 2014. This application was refused for the following reason;

The proposed ramped access, by reason of its design, size, height, bulk, mass and positioning would have an overbearing impact upon the amenities of the occupiers of Conkers Cottage. The ramped access would also cause an unacceptable level of noise from vehicular traffic causing harm to the occupant's living standards. The proposal is therefore contrary to Policy D.2 of the Bath and North East Somerset Local Plan including waste and minerals policies 2007.

Since the previous application was considered the applicant has erected a two metre high fence around the site boundary. In this application the applicant is proposing to site an acoustic fence along the boundary with Conkers Cottage which was not proposed on the previous application.

### Design

The proposed ramp would not be visible from the streetscene and will not encroach onto the outdoor amenity space of the dwelling. The proposed driveway would be surfaced in permeable block paving. This would complement the appearance of the host dwelling.

The proposed garage would be located adjacent to the neighbouring dwellings of Graystones and The Stone House. It will be constructed with materials to match the host building. It would include a pitched roof with a gable end which would complement the design of the host property. The garage would appear to respect and complement the host dwelling.

### Amenity

A number of applications have been refused on site. Applications 08/02981/FUL and 09/00098/FUL included the provision of the ramped access down to the proposed site. The applications were refused due to their impact on the amenity of the neighbouring dwelling of Conkers Cottage.

The proposed driveway would extend along the side boundary of Conkers Cottage and across the front of the new dwelling to allow access to the proposed garage on the west elevation. The garage would be located adjacent to the garden boundaries of Grayston House and The Stone House.

Conkers Cottage is set at a lower level to Greenlands. The front garden of Conkers Cottage slopes upwards to meet the road and boundary with Greenlands. A fence has been erected along the side boundary with Greenlands which is at a similar level to the driveway at Greenland's. The proposed acoustic fence would be located adjacent to the fence at Conkers Cottage so would not appear overbearing to the occupiers of Conkers Cottage.

The previous application was refused due to concerns over the impact on the amenity of the neighbouring dwelling of Conkers Cottage. The noise of cars running along the adjoining boundary of with Conkers Cottage was considered to result in unwanted disturbance to the occupiers of Conkers Cottage. The resubmitted application includes the provision of an acoustic fence along the boundary with Conkers Cottage. The proposed fence would mitigate against the unwanted noise from car movements to the boundary with Conkers Cottage.

Previous applications have been refused due to the potential overbearing impact and bulk of the proposed driveway in relation to neighbouring properties such as Conkers Cottage. The boundary between Conkers Cottage and Greenlands is heavily vegetated which provides further screening between the two properties. The combination of the vegetation which will continue to mature over time and the provision of the fence will mitigate against visibility of the driveway to the occupiers of Conkers Cottage. In addition the proposed acoustic fence will mitigate against the noise levels from passing cars. Therefore on balance the proposed development is not considered to harm the amenity of the occupiers of Conkers Cottage.

The garage has been set away from the boundary with neighbouring dwellings and is not considered to appear to be visually intrusive to the occupiers of the Stone house and Graystones. The garage would be located adjacent to the garden boundaries of Grayston House and The Stone House. Being a single storey it is not considered to appear overbearing to the occupiers of these properties.

#### Other matters

The proposed alterations to the windows on the rear elevation will result in a minor alteration to the permitted development and will complement the appearance of the existing building.

No objection has been raised by the highways officer and the proposed garage and access are not considered to cause harm to highway safety.

#### Conclusion

The proposed amendments made to the original scheme would not harm the amenity of nearby occupiers. The proposed design will not harm the appearance of the property and development will not cause harm to highway safety.

The application is recommended for permission.

#### **RECOMMENDATION**

PERMIT with condition(s)

## **CONDITIONS**

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

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

2 The proposed acoustic fence between Greenlands and Conkers Cottage shall be retained and should it be replaced then it shall be to a height and design which has first been agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: In the interests of residential amenity.

3 The existing vegetation on the boundary between Conkers Cottage and Greenlands shall be retained and should it be removed it 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.

Reason: In the interests of residential amenity

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

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

## **PLANS LIST:**

Site plan 14414-1 rev A  
Floor plan elevation and section 14412-2

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

<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Development Control Committee</b>
<b>MEETING DATE:</b>	<b>19th November 2014</b>
<b>RESPONSIBLE OFFICER:</b>	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)
<b>TITLE:</b>	<b>APPLICATIONS FOR PLANNING PERMISSION</b>
<b>WARDS:</b>	ALL
<b>BACKGROUND PAPERS:</b>	
<b>AN OPEN PUBLIC ITEM</b>	

AGENDA  
ITEM  
NUMBER

**BACKGROUND PAPERS**

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

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

**The following notes are for information only:-**

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

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

## INDEX

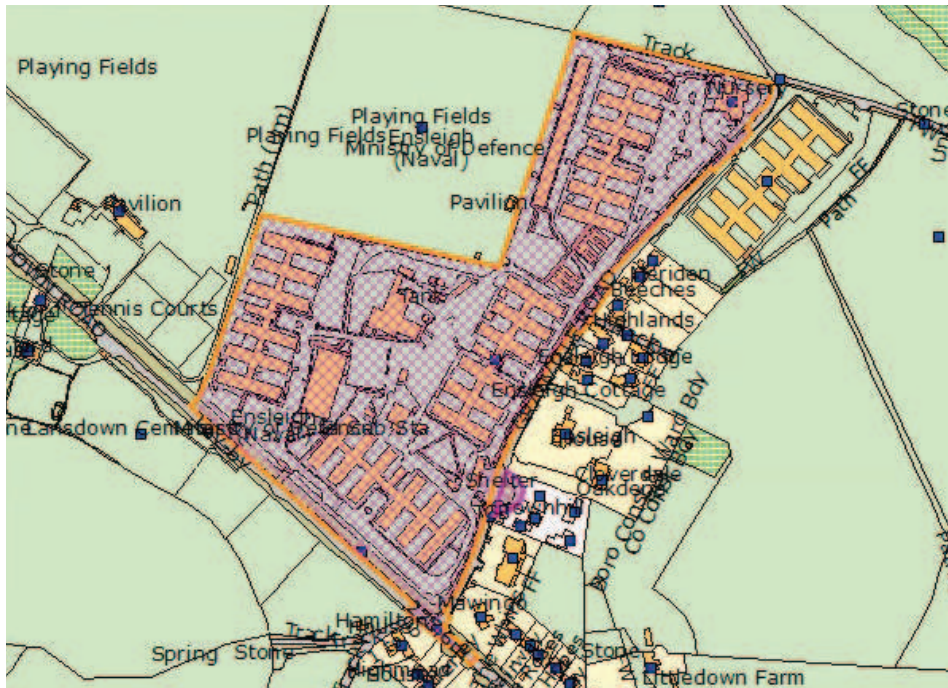
ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	14/01853/EFUL 27 August 2014	IM Properties, Linden Homes Western & Bloor Homes South West Ministry Of Defence Ensleigh, Granville Road, Lansdown, Bath, Full planning permission sought for the erection of 181 residential units (Use Class C3), a neighbourhood retail store of up to 267 sqm GIA (Use Class A1), associated highways works, infrastructure and public open space. Outline planning permission sought for a 72 unit Extra Care Facility (Use Class C3).	Lansdown	Gwilym Jones	PERMIT
02	14/04184/FUL 12 December 2014	Hope House Developments LLP Hope House, The Royal High School, Lansdown Road, Lansdown, Bath Residential development for the erection of 54 no. dwellings, including the conversion of Hope House, and associated infrastructure and parking following demolition of existing school buildings. (Resubmission of 13/04235/FUL)	Lansdown	Sarah James	Delegate to PERMIT
03	13/04185/LBA 17 September 2014	Hope House Developments LLP Hope House, The Royal High School, Lansdown Road, Lansdown, Bath Internal and external alterations for the conversion of existing building to provide 6 no. residential apartments and demolition of modern extension.	Lansdown	Sarah James	CONSENT
04	14/03702/FUL 26 November 2014	Mrs K Lewis 40 Bryant Avenue, Westfield, Radstock, Bath And North East Somerset, BA3 3SR Erection of a detached three bedroom two storey dwelling (Resubmission)	Westfield	Heather Faulkner	REFUSE



05	14/03511/FUL 21 November 2014	Miss Lisa Thompson Newhaven, Chilcompton Road, Midsomer Norton, Radstock, Bath And North East Somerset Erection of detached chalet style bungalow with access and car parking in the garden of 'Newhaven' Chilcompton Road.	Midsomer Norton Redfield	Heather Faulkner	REFUSE
06	14/03261/FUL 11 September 2014	Alan & Pamela Bevan & Lewis Land Rear Of 62, Sladebrook Road, Southdown, Bath, Erection of 1 no three bed dwelling.	Southdown	Chris Griggs- Trevarthen	PERMIT
07	14/02693/FUL 22 October 2014	Cafe Grounded 39 High Street, Keynsham, BS31 1DU, , Change of Use of Ground Floor from offices (B1) to Cafe/ Bar (A3) with alteration to street frontage windows to folding sliding doors, new extract flue and use of public highway for siting of 2no tables and 8no chairs.	Keynsham North	Suzanne D'Arcy	PERMIT
08	14/03465/FUL 22 October 2014	Mr Edward Lang Carisbrooke, Bathampton Lane, Bathampton, Bath, Bath And North East Somerset Erection of new house following the demolition of an existing 20th Century house	Bathavon North	Suzanne D'Arcy	PERMIT
09	14/03372/OUT 24 October 2014	Mr & Mrs Baker 52 Sladebrook Road, Southdown, Bath, Bath And North East Somerset, BA2 1LR Erection of 1 No. dwellings, a replacement garage, and associated works.	Southdown	Suzanne D'Arcy	PERMIT
10	14/04167/FUL 6 November 2014	Mr & Mrs G Peters 10 Chapel Road, Clandown, Radstock, Bath And North East Somerset, BA3 3BP Erection of single storey rear extension	Radstock	Alice Barnes	PERMIT
11	14/04493/FUL 28 November 2014	Dr J Farrar 9 Bloomfield Road, Bloomfield, Bath, Bath And North East Somerset, BA2 2AD Proposed enlargement of 2no. cellar windows and the formation of 2no. external light wells to the facade	Lyncombe	Sasha Coombs	PERMIT

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

**Item No:** 01  
**Application No:** 14/01853/EFUL  
**Site Location:** Ministry Of Defence Ensleigh Granville Road Lansdown Bath



**Ward:** Lansdown                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Patrick Anketell-Jones Councillor Anthony Clarke  
**Application Type:** Full Application with an EIA attached  
**Proposal:** Full planning permission sought for the erection of 181 residential units (Use Class C3), a neighbourhood retail store of up to 267 sqm GIA (Use Class A1), associated highways works, infrastructure and public open space. Outline planning permission sought for a 72 unit Extra Care Facility (Use Class C3).  
**Constraints:** Agric Land Class 1,2,3a, Article 4, Core Employment Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Tree Preservation Order, World Heritage Site,  
**Applicant:** IM Properties, Linden Homes Western & Bloor Homes South West  
**Expiry Date:** 27th August 2014  
**Case Officer:** Gwilym Jones

**REPORT**

The application site is located on the east side of Lansdown Road, bounded to the south/east by Granville Road and to the west and north by school playing fields and farmland. To the south the land falls away towards Bath and the escarpment rising up

from Charlcombe, and to the east towards the Woolley/Swainswick valley. To the north the land is flat, forming the plateau area that comprises part of the wider setting for the city.

The site is approximately 8.65 hectares in size and forms part of the former MOD Ensleigh complex that extended to a total of 10.35 hectares, the remainder being located on the south side of Granville Road. The site comprised a range of predominately single storey buildings used for office purposes, a number of which have been demolished. Surface car parking was provided within the site, with vehicular access from Granville Road and with an unused access from Lansdown Road. The perimeter is currently bounded by a 2m+ chainlink fence with barbed wire. The MOD has vacated the majority of the application site although will remain on part until 2018.

The site is located within the boundary of the City of Bath World Heritage Site and adjoins the site Cotswold AONB and Green Belt to the north, with the City of Bath Conservation Area boundary located on the west side of Lansdown Road. To the north/west of the site is Beckford's Tower (a Grade I listed building and which provides panoramic views across Bath and the surrounding countryside) and the grounds of a consecrated Victorian cemetery on Lansdown Road with listed cemetery gates (Grade II\*). Ensleigh House (situated on Granville Road) is a Grade II Listed Building. Further to the north west of the site are playing fields, Lansdown Park & Ride site and Bath Racecourse.

The planning application is a hybrid, seeking detailed planning permission for 181 residential units, a neighbourhood retail store, associated highways works, infrastructure and public open space; and outline planning permission for a 72 unit Extra Care building.

The application is accompanied by an Environmental Statement (ES).

#### PLANNING HISTORY

There have been no recent planning applications for development on the site on the site however prior notifications of demolition of the existing buildings have been determined (13/02819/DEM and 13/03579/DEM).

A Screening Opinion (13/03367/SCREEN) was submitted and following determination by the Council that the proposed development amounted to EIA development a Scoping Opinion request was submitted (14/00866/SCOPE).

Land forming part of the MOD Ensleigh site on the south side of Granville Road has been granted planning permission, subject to conditions and a s.106 agreement, for 39 dwellings (13/00734/FUL). The buildings on that site have been demolished however implementation of the permission has yet to commence.

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

##### STATUTORY CONSULTEES

English Heritage - the ES has not been compiled with any input from an expert on 1940's military camps so sensitivity of the MOD site remains uncertain. Whilst the ES uses a very odd methodology we broadly agree with their conclusions in respect of changes in the setting to designated sites including Beckford's Tower. Would like to see evidence that the ES has considered the significance and setting of scheduled ancient monuments close to the site. The location of the site suggests that there could be some visual

intrusion of the proposed structures within the site on the 'green bowl' attribute of the World Heritage Site. The main issue is to ameliorate or prevent any negative impact of this proposal on the Outstanding Universal Value of the World Heritage Site. The Landscape and Visual Assessment indicates that much of the development will be beyond the visual horizon and ridgeline on the plateau so that it should not be seen from the city. Whilst the proposals state that a set back for the development has been achieved to ensure minimal visual impact, we would suggest that there should be no visual impact and that any setback should achieve a robust visual break. We therefore seek assurances that this development will not break the ridgeline as it could harm the undeveloped appearance of the green bowl surrounding the city. We are also concerned about the more immediate settings to a number of designated heritage assets including Beckford's Tower and Lansdown Cemetery and local conservation areas. However we note that the built form will be low-rise, generally two storeys in height, and will be relatively inconspicuous within a strongly landscaped environment and should not impact adversely on these assets.

Environment Agency - no objection subject to conditions.

Natural England - ecology provision on this site should be considered at a more strategic level that acknowledges the probability of development of the adjacent RHS playing field. Mitigation for bats which takes the bat route around the edge of the playing field rather than through the middle of the eventual development site would be more coherent and certain at this stage, and could incorporate substantial ecological enhancement rather than merely retention of existing vegetation. If the Ensleigh site is considered in isolation, then I do not consider that the proposed mitigation (through planting and control of lightspill) is adequate. The vegetated lines on the northern boundary of the site and those boundaries that are shared with the playing field need to be strengthened through additional native planting, so that a dark flight line is maintained on the side away from the development. In addition whilst there is proposed GI provision in the centre of the site, this is not adequately connected to the identified routes for bats and other wildlife. Further green connections are needed so that the community garden and green are not simply an "island" in the centre of the site and so that the site as a whole becomes more "permeable" to wildlife. The proposed Lux levels with 1 lux falling on the vegetated northern and eastern boundary within the site but zero lux on those vegetated boundaries outside of the site, are acceptable. The Soft Landscape Strategy plan is acceptable. For the Ecological Management Plan, recommend some objectives and principles of management including ongoing monitoring of bat activity at the site to be agreed now rather than being left to condition.

#### BANES

Arboriculture - the contents of the Arboricultural Report are noted which provides detailed guidance regarding proposed construction activities close to trees based on the information which was available to the Arboricultural Consultant at that time. Noted that the proposed layout has evolved and been informed by previous arboricultural comments. No objection is raised to the proposed tree removals shown on the drawing titled Tree Retention and Removal Plan and the Proposed Site Layout provides opportunities to replant which mitigate for the losses. The Proposed Site Layout indicates that the existing hard surfacing along the frontage will be reduced in width and the grass extended into the site which is welcomed. What is not so clear is whether the foul sewer/ rising main shown on the Foul Water Drainage Strategy along the frontage by Lansdown Road, is existing or

proposed. If proposed then object to this since any excavations are too close to the existing trees. The proposed use of estate railings along the boundary with Lansdown Road is welcomed which will avoid root damage to the retained trees. The hedge along the northern section is at risk from the extended turning area and the proximity of plot 105. The Tree Protection Plan will require amendment to accommodate working space beside the side elevation of plot 19 next to the hedge. Concerns remain regarding the proposed car parking under the important off site trees along boundary with adjacent playing fields as residential parking under third party owned trees leads to complaints regarding nuisance and perceptions regarding safety and management. Since the current hard surfacing is to be removed this is an opportunity to soften the edge with vegetation and remove the hard surfacing from beneath the trees completely rather than in sections. At present this section of the site is reliant on off-site trees to soften the edge whilst placing them under threat once any development is completed. The Proposed Street Lighting Plan also shows a lamp column beneath the canopy (which should be removed). The same drawing does not show the location of the existing trees to be retained along the frontage so unclear if the siting of lamp columns has been informed by the presence of trees and canopy spreads.

Contaminated Land - a detailed remedial strategy and implementation scheme will be required to ensure appropriate further investigation/validation of areas around fuel storage tanks and of areas under buildings following demolition is undertaken. The remedial strategy should also provide a protocol for importing clean soils to site including details of topsoil source, testing frequency and criteria. Recommend conditions are applied to any permission if granted.

Development and Regeneration - the relocation of the 2,800 MOD jobs located at Foxhill, Warminster Road and Ensleigh will have a significant short term impact on Bath and the district's local expenditure and economic output. To assist in mitigating this impact each of the MOD Concept Statements include provisions for creating new economic activity. In relation to the MOD Ensleigh site the Concept Statement provides for the inclusion of up to 2,000m<sup>2</sup> of B1 employment floor space and a financial contribution towards the provision of replacement employment provision within the Bath City Riverside Enterprise Area. The site is considered a suitable and appropriate location for on-site employment provision, as recognised by the Concept Statement and the protection afforded to the site under the Local Plan, and the loss of employment more generally should be mitigated through a contribution to off-site replacement employment provision. Previous responses have provided costings for the re-provision of employment floorspace at an off-site location however the applicant has maintained the view that a contribution is not justified. So that Community Regeneration can be supportive of the scheme, a contribution towards employment delivery of £248,760 should be provided. The applicants should also be made aware that the Council will be seeking to include provisions within a s.106 Agreement relating to the redevelopment of the MOD Ensleigh site which will require a developer to make a financial contribution towards the cost of delivering a local training, skills and employment and regeneration package, participate in a Training Skills and Employment Management Board including an undertaking to facilitate an agreed level of local employment together with associated training and skills, both during the construction of a scheme and in connection with the subsequent occupation of the on-site employment space.

Ecology - Comprehensive ecological and protected species (including bats) surveys and assessment have been completed at the site. Bat surveys show limited bat activity by a range of species, dominated by pipistrelle and other more light-tolerant species, but including use of the northern and north west tree-lined boundary adjacent to the playing field by both greater and lesser horseshoe bats. The site lies in a location near to the city of Bath but surrounded by a landscape rich in wildlife with designated Sites of Nature Conservation Interest (SNCIs) comprising a mixture of woodland and species-rich grasslands in close proximity to the proposed development. The site lies approximately 4km from the nearest component Site of Special Scientific Interest (SSSI), site of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC). Much of the landscape surrounding the city of Bath provides important foraging and commuting habitat for bats of the SAC and the development site lies within such a landscape. Prior to any consent the local planning authority must be confident that the proposal will not result in a 'likely significant effect' on the SAC, or bats of the SAC, and this includes habitats on which the population depends. I note the comments raised by the Senior Arboricultural Officer and whilst I am not objecting to the scheme I agree with her concerns, especially where long term retention and viability of trees is a key part of the wildlife and bat mitigation. The local planning authority must therefore have the necessary confidence in ability of the scheme to retain these trees in the long term. I would also request the bollard beneath the trees be removed as it not only compromises tree health but also due to the location of lighting.

Education - estimate that the children generated by the development will create the following need (and developer contribution) - Early Years age 0-2 places, 8 places (£0 as sufficient provision in the area); Early Years age 3-4 places, 24 places (£0 sufficient provision in the area); Primary age pupil places, 67 places (£1,275,029); Secondary age pupil places, 38 places (£0 sufficient provision in the area projected); Post 16 places, 10 places (£0 sufficient provision in the area projected), Youth Services provision places, 27 places (£35,418). Sufficient land for a new 210 place primary school is also required. Due to significant increases in the birth rate seen in recent years and to the increasing number of children resident in the city, primary school places in Bath as a whole are under pressure. This is particularly so across the north of the city and there are projected to be insufficient places available in the area to accommodate the pupils calculated to be generated by this housing development. Due to the more remote location of the site in relation to the city there are no existing primary schools located close to the site that can be expanded to create places for this number of pupils. A new school will be required in order to provide places for the pupils generated by the development and this will need to be located on the development site or on a suitable alternative site to ensure the school places are accessible via sustainable methods of transport. On 9th April 2014 the Council Cabinet made the commitment to fund places in excess of those required as a result of housing development up to 210 places (capital for building and land costs) for the Ensleigh school.

Environmental Health - the proposal is likely to result in significant impacts from dust and noise and I would therefore ask that the applicant submit a construction management plan detailing but not limited to controls on hours of work, noise mitigation measures associated with plant and machinery and also dust mitigation measures appropriate to the development. The proposed neighbourhood retail store is likely to require associated air handling and refrigeration plant that will have potential to cause noise disturbance. The applicant should carry out a background noise assessment at the proposed development

site, the outcome of which can then be used to suggest an appropriate condition to mitigate potential noise nuisance from installed plant.

Highways - detailed pre-application discussions have been held with the applicant's transportation consultant and a level of agreement has been reached in respect of access, traffic impact and layout. In terms of the principle of residential development at this location, the site is a little detached from the existing built-up area and somewhat remote in terms of travel by modes other than the private car. It is however a brown-field site which has been used intensively in the past and while it might not be realistic for some occupants to consider walking and cycling a convenient option for access to the city-centre and other facilities, it is relatively well-served by public-transport. The application identifies measures which will encourage travel by foot and cycle by the introduction of a Travel Plan and provision of cycle parking, however it is realistic about the limited potential for travel by these modes and quite correctly identifies public transport as being the best alternative. Since the site has been vacated the No.2 service (which terminates on Granville Road) has struggled to remain viable and the need has been identified to secure revenue funding for the existing service in order that it is supported for the first few years following development to ensure its ongoing viability until this new customer-base is established. Bus stops on Lansdown Road have been upgraded quite recently, however the stop on Granville Road is old and in poor condition. Given this is likely to be the most convenient and popular bus stop for occupants of the development this must be upgraded to include real-time information etc. Subject to agreeing these contributions I would not raise in-principle objections in respect of the accessibility and therefore sustainability of the development.

Access into the site is taken from Lansdown Road and Granville Road. These proposals have been agreed in-principle in previous discussions and the detail provided with the application shows that they can be provided with appropriate geometry and visibility splays. There remains concern that the access from Lansdown Road is within the 40mph speed limit, close to the end of the 50mph limit, and although the design is appropriate for the likely speed of traffic of the main road it is considered that as the development effectively changes the environment of this road to that of a residential area it would be appropriate to reduce the speed limit accordingly. The 30mph speed limit (which currently starts to the north of Granville Road) should therefore be relocated to the north of the proposed access, probably with an appropriate length of 40mph 'buffer' beyond that. The exact extent of both can be agreed post-planning however the applicant would be expected to fund these changes including the legal and administrative costs of the Traffic Regulation Order (TRO). The 30mph limit will require enhancement in the form of a 'gateway' arrangement, possibly in the form of kerb build-outs, road markings etc. Granville Road currently sits within the 30mph speed limit and as a part of the same TRO it is required that this should be reduced to 20mph.

In overall terms the development will not generate traffic in excess of its use by the MOD when fully occupied. The Transport Assessment shows this to be the case, and also that there will not be a detrimental increase on key local junctions such as the Lansdown Road/Lansdown Lane junction and the Lansdown Road/Richmond Road junctions specifically during the peak hours of 07-45 to 08-45, and 17-00 to 18-00. The Transportation Planning team have considered the analysis undertaken in the Transportation Assessment and while they have queried the methodology of some

aspects, they point out that this does not affect the conclusion that there is no adverse impact of the traffic generated on the local highway network.

The layout of the site ensures good connectivity for pedestrians and cyclists within the site, and provides direct continuous links to the open-space areas and shop, and to the bus-stops on Granville Road and Lansdown Road. Provision of a crossing close to the bus stops on Lansdown Road, funded by the developer, is recommended. The S38 engineer has raised a number of concerns/queries regarding the proposed highway adoption plan that need further consideration.

Parking proposed is generally in accordance with the requirements of the Local Plan. I accept the view that garaging is often used for household storage and therefore might not be considered in the consideration of parking provision however there appear to be a number of dwellings with excessive parking provision. The Local Plan does not allow for any dwelling to have in excess of 3 parking spaces, however many of the larger 4 and 5-bed houses have 4 spaces plus garaging. I am also unclear on how parking is allocated to plots 57 to 69, and 30 to 35. It is important to get a clear understanding of this as there is a fine balance to be struck between providing sufficient parking to ensure excessive on-street parking does not occur, and not so much that the encouragement of alternative travel (and therefore sustainability of the development) is undermined.

Concerns over the level of construction access proposed from Granville Road where recent other development has caused some difficulties. Recommend a Construction Management Plan be conditioned. The plan must include road condition surveys to be undertaken to ensure any damage sustained during the construction period is rectified.

Historic Environment - the development is in close proximity to heritage assets including Beckford's Tower (Grade I), the cemetery, Conservation Area and greater World Heritage Site. There is no objection to the principle of development on this site but this should be of the highest design quality to ensure the setting of these assets is not compromised. The modern housing recently constructed to the south of the site depicts the imaginative quality of design that should be expected. I do not consider that the layout and design of the proposed scheme is of sufficiently high quality to justify approval.

The rigid layout makes no attempt to recognise that this is the urban/rural edge of the city. The development adjacent to the rural edge should be less dense and more fluid in its layout and design, with informal grouping of buildings providing a 'soft' edge treatment to blend with the countryside beyond. There will be important views of the development from Beckford's Tower and approaching the conservation area and World Heritage Site along Lansdown Road from the north. On this important approach to the city any development must avoid harming these established views, and should improve and enhance. Tree planting will help to screen some impact of the development on views, and it should not be visible in the skyline view from the city looking north due to the levels and position of development. However, its suburban appearance will still be clearly apparent and will subsequently harm the key views. The excessive use of three storey units is damaging to the setting of Beckford's Tower and the conservation area. The development should be predominantly two storey with three storeys used only at key locations such as road junctions. The design approach has an excess of narrow vertically proportioned three storey detached units interspersed with garages which lacks any visual connection with or reinterpretation of local character. This introduces a particularly 'any place anywhere'



visually bland type of development. The shop is prominently positioned on the northern approach and is of particularly mediocre design. This is the opportunity to create a truly 'landmark' design in this important entrance to the conservation area and World Heritage Site avoiding the standard suburban architecture proposed. Car parking should be much more discreetly positioned and screened, and full regard must be had to the visual impact of the lighting in the shop windows and potential signage that could appear intrusive in this sensitive setting. The location of the care home on the rural edge should provide the opportunity to integrate the development more sensitively with the adjoining open countryside but fails to do so. Higher quality imaginative design is needed to achieve this.

Housing - Housing Services are supportive of this application subject to the issues outlined below being addressed. This application is submitted on the principle of an affordable housing contribution consisting of 24 affordable houses and a 72 unit Extra Care facility. The affordable houses have been the subject of detailed discussions with Housing Services and the proposed mix should be confirmed with the applicant and no variation is expected. Plots 147 & 148 (both 3 bed dwellings), are proposed as the Wheelchair User dwellings however subsequent to liaison with Council, Sirona & RUH Occupational Therapist a request is made that plot 84; a 2 bed house becomes a wheelchair user dwelling in lieu of plot 148. This would provide a wider range of wheelchair user house types. There is an expectation of full compliance with Planning Obligations SPD design & other standards will be achieved and a pre-development certification of compliance issued. Parking to plots 30, 31, 32 & 35, 66 to 69, 147, 148, 154 to 156 do not appear to be Secure by Design. The implementation of the Core Strategy has resulted in an uplift of the affordable housing contribution, accommodated via an increase in the number of extra care dwellings from 60 to 72. The Housing Learning and Improvement Network (LIN) has documented an increase in the need for additional Extra Care Dwellings in the South West of England, particularly those areas that given their demographic profile require more extra care housing for rent, shared ownership & sale to be delivered. The design of the Extra Care element must follow current and emerging best practice industry standards. If the Extra Care scheme does not deliver the full 72 units proposed due to design restrictions, or does not proceed due to funding or other limitations, it is expected that the balance of affordable housing units to 40% will be sought elsewhere on site and/or through a commuted sum, secured in the s106 agreement.

Landscape - it is the perimeter of this site that provides the key to the successful development of the land behind it and the landscape treatment is therefore absolutely vital, especially given its importance as one of the key entrances into the City of Bath but also as a very important part of the World Heritage Site. The wide verge on the Lansdown Road frontage is good but this should be a very simple treatment of drystone walls at the back with simple tree and bulb planting in front of it to mirror the existing. Disagree with the proposed hedging, albeit native, on this frontage as need to be able to see the walling. Likewise, recommend a simple grass/bulb treatment on the east side of the wall. If there is to be hedging then it could sit behind the walling. Wholly disagree with the proposed location of the shop and associated car parking. This is the primary location as one approaches the city along Lansdown from the north and this view must not include a shop. This is more important as it is the nearest point to Beckford's Tower and has been given great prominence with the triangular shaped piece of ground in the NE corner. Whilst this is a key location for a building, the current solution (in terms of use) is not acceptable. Recommend that the shop be re-located closer to Granville Road, and closer to the bus

stop would seem to be much more logical. The triangular piece of land on Lansdown Road is perfectly located to provide a transition into the development but it should not be used as a 'play area' and 'allotments', this is a critically important location as one enters the city and this is not the correct use. It needs to be an understated, simple piece of open space. The northern perimeter, as it bounds the tennis courts, is equally important. Understand some of the rationale in respect of leaving a space for the Extra Care facility but this does not sit comfortably with the single line of houses on the north west corner. This is an awkward solution and consider that there should be at least two lines of housing and the remaining, smaller area earmarked for the Extra Care. If that happened, then the overall design would be balanced and work, almost irrespective of the Extra Care layout. It is important that there is a significant screen of new planting to the northern boundary and this must be enshrined in any forthcoming layout on this part of the site. The eastern boundary, abutting the RHS playing field, is now very thin and needs some greater reinforcement. In the (however unlikely) event that this site did not come forward, then this boundary needs to be more robust in its own right. The easternmost boundary of the site (units 1-8) works well and needs to form a robust barrier. The treatment of the housing along the southern boundary, Granville Road, works quite well in terms of the treatment of walling and changing house styles along its length, but suggest a stronger avenue of tree planting. The central green space is impressive and generally works well. The retained tree belt along the southern side of the adjacent RHS playing field is an important feature of the scheme and it is good to see that it is being bolstered. It would be better if the internal road (that joins unit1 and 175) was given a greater amount of tree planting so it formed a central green spine. The alignment of the main internal road structure is good and will help to form a strong spine. Overall, whilst the general scheme is generally working well, I do have a number of significant concerns that need to be addressed. As such, conclude that the scheme is not acceptable in its current format.

Parks and Open Spaces - the Council's data shows that there is a surplus of natural green space within the Lansdown Ward but deficits in respect of formal green space and allotment provision. The proposed quantum of development would create demand for formal green space and allotments but there is no surplus to absorb that demand, therefore it is necessary for the development to provide either on site or off site formal green space and allotment facilities, or for the applicant to make a financial contribution to the Council in order that it can provide and maintain such provision. The on-site provision falls short of meeting the demand for green space and allotment facilities and as such financial contributions are required in order that the Council can provide and maintain off-site provision to meet the remaining demand. In the event that planning permission is granted for the development as currently proposed, contributions will need to be secured by a S106 agreement amounting to £495,889.59 to cover land purchase, construction costs and annual maintenance. This does not take account of, nor preclude the need for, any on-site or off-site ecological or landscaping requirements that may be deemed necessary to make the development acceptable in planning terms.

The central location of the proposed open space is good (especially if it becomes a general thoroughfare for foot traffic). Recommend bins are located on pathways just outside the play area (for ease of collection); more benches for the whole site including the play area; shrubs are no closer than 1m to gateways to allow ease of access for people with pushchairs and children etc.

Urban Design - the submitted application scheme follows a significant amount of pre-application assessment and design development. Largely it is agreed that the scheme is well considered and based upon an analysis of local character and appearance. The overarching grid and connectivity approach and potential of connections to the RHS field is supported. The approach to the character and hierarchy of routes is supported. The DAS states a north-south pedestrian link is provided along the RHS boundary to connect to an existing footpath however unit 1 remains as an anomalous visual stop. Whilst the unit provides some overlooking, it pinches the green axis route at the point it could provide long views to the countryside and recommend it is moved east. The stature of tree planting in the southern section of the North South axis route connecting to the existing trees along the RHS field boundary needs to increase. The current street hierarchy for this route subdivides it, failing to harness the connections with the strategic Green Infrastructure of the existing tree line. Play space within the scheme is focussed at the central green area with most properties having rear gardens. There is no in-principle objection to this approach, however there is a need for the majority of residents to walk to the centralised communal facility and this reinforces the need to include a legible and continuous north - south spine to deliver Green Infrastructure connectivity through the development. The Extra Care unit will form a very high-density element of the scheme and it is of particular importance that related design parameters are cemented as the means to manage and assess any forthcoming proposal. The principle of the third storey and single mass in this location is considered to pose a significant risk of visual harm and concerned that the combination of the indicative mass, height and orientation of the extra care unit set out in the development parameters may conflict with the visual impact strategy on near views from Beckford's Tower and views across the westerly playing fields. As self-contained but connected and managed units, there should be a design solution that reduces the institutional scale and appearance of the complex and unites it more successfully with the distinct grain of the new neighbourhood. It will also be important to reference the HCA HAPPI report on the design of housing for the over 55's. Whilst the rectilinear grid enables good coverage of the site, the high proportion of 3,4 and 5 bed units across the majority of the site, reduces the density below the 35 dph stated in the Council's Adopted Concept Statement. It is noted that private gardens are generous in a masterplan that has equally significant access to communal open space and countryside. Off-street parking and garage space consume a significant amount of land, where street frontages in front of the wider frontage units capable of supporting parking (and probably will). There is scope to increase coverage of habitable units/rooms by reviewing both. It is noted that the shop with flats above is now two storeys. This removes previously stated height issues. Content that in principle, three storey housing elements strike an appropriate balance between place making and minimising visual impact. The overarching landscape approach works well with the development grid and street hierarchy although some high level concerns relating to the Green Infrastructure structure.

The appraisal of built character illustrates an understanding of historic and contemporary built context to inform development proposals. A strong characteristic is the random nature of building line and the off-setting of ancillary buildings and garages. The proposals adopt a more traditional suburban form, and character cues from Granville Road and Charlcombe Lane do not come through on the important Granville road frontage. More could be done to soften and break down the formality along this important frontage between the existing and new, particularly in its southern and middle sections. In principle the palette of contemporary materials is an acceptable basis for the development.

## Other Representations

Charlcombe Parish Council - although sited in the Lansdown Ward of the City, the MoD Ensleigh site is bordered by the Parish of Charlcombe to the north, east and south, and aspects of the development will have a significant effect on the Parish and its residents. The Parish Council recognises the benefits of developing the former MoD site for much needed housing and we are generally supportive however, there are specific issues of direct relevance to the Parish which cause us significant concern. The B&NES Concept Statement envisaged a single form entry Primary School as part of the development. The impact of traffic using local lanes is of concern to the Parish Council and to local residents especially on Colliers Lane and Charlcombe Lane heading down to Larkhall and Lansdown Lane heading down to Weston. This issue was recognised by the B&NES Concept Statement and the supporting Evidence Base refers to the possible need for a Traffic Regulation Order to restrict the use of Colliers Lane and acknowledges that there will be an increase in traffic using Weston Lane. The applicant's Transport Assessment comes to the opposite conclusion, stating that the overall vehicle numbers using Colliers Lane will be reduced following the site's redevelopment. It also concludes that the Ensleigh North traffic will only have a minimal Impact on the Lansdown Road/Lansdown Lane junction. We dispute this. What is certainly not right is the methodology and use of 2001 census data which casts significant doubt upon the validity of the whole report and the conclusions reached. The resulting output is highly questionable since it totally ignores the realities of the situation which will be far removed from what it was in 2001. Colliers Lane will certainly be used by residents from the development to access local shops and services in Larkhall and Batheaston. Colliers Lane also provides the logical route for anyone wishing to travel from the site to the south and east of Bath. We therefore anticipate a significant, potentially unacceptable, increase in the use of Colliers Lane. Colliers Lane, and Charlcombe Lane into which it feeds, are single track country lanes, nationally designated "Quiet Lanes" with 20 mph limits, and are not capable of handling any increase in traffic, particularly the 2-way traffic which will result from this development. Any increase in traffic on Lansdown Lane would certainly justify consideration of a roundabout, perhaps funded by the developer, at the Lansdown Road/Lansdown Lane junction. Colliers Lane is neither safe nor practicable for cycling. Lansdown is little better. The proposal to put a cycle lane on Lansdown (down into Bath) is questionable at best. We would like to see a firm commitment to the Extra Care Facility, which would undoubtedly benefit the wider community. The issue of construction traffic and access to the site needs closer attention. The residents of Granville Road, and those further along who live in the Parish, have had to endure unacceptable disruption whilst the current building work to the south of Granville Road is taking place. Granville Road is a narrow lane and is quite unsuitable for construction traffic. The road has become heavily rutted and potholed, the residents are regularly confronted by huge earth moving vehicles and heavy lorries, the pavements are damaged and there is a significant safety hazard to road users, both in car and on foot. The development of Ensleigh North will involve a significantly greater amount of construction traffic and the disruption will be equally greater. A traffic plan is needed which restricts all construction traffic to entering the site directly from Lansdown Road and prohibits all construction traffic from Granville Road.

The Georgian Group - our main concern is that any new buildings on the MOD site must respond sensitively to the Grade I listed Lansdown Tower and its associated structures as well as to the setting of the Grade II Registered historic cemetery. While the MOD Ensleigh site may be a suitable location for new housing it should of course be treated in

the same way as a virgin site, i.e. any new structures must enhance the setting of heritage assets and the significance of the World Heritage Site, rather than simply being seen as an improvement or augmentation on the existing site. It is also important to remember that Beckford built Lansdown Tower as a retreat from the town and the building requires a considerable degree of open space, or at least the appearance of siting in open space, for this aspect of its significance to read comprehensibly. The Group does not consider the current proposals to safeguard views of Lansdown Tower or to respond to the wider historic context. The proposed design and specification of the new buildings does not respond to either the historic context of the site or demonstrate good quality contemporary design. Proposals for this site must be informed by a full heritage impact assessment. We therefore object to this proposal and advise that it is refused consent.

Victorian Society - we wish to note that the application documents appear to underplay the significance of the grade II listed cemetery and its grade II\* gates and walls opposite the site. The impact on the cemetery and the grade II\* status of its walls and gatehouse are mentioned only rarely (particularly in the design and access statement), and the cemetery and its walls are generally not shown on illustrative drawings where Beckford's Tower is shown. The existence of the impressive roadside gatehouse does not appear to have been included at all, and the cemetery's significance and the impact of the development on it has not been fully assessed. The Environmental Statement, section 8, does provide some analysis, but without making any mention of the existence of a gatehouse, and providing very little information as to the actual significance of, and impact on, the cemetery. The illustrative views provided show that the new development will be clearly visible from the cemetery, and the impact of this on its setting is rightly assessed as negative. However, the impact on the setting of the cemetery when viewed from the road, including Goodridge's striking grade II\* gatehouse, is not assessed. The cemetery, its walls and gatehouse, and their significance, including in views from Lansdown Road itself, should be given due weight in assessing this application.

The Beckford Tower Trust - support the provision of housing on brownfield sites but object to the application. The lack of a full Heritage Impact Assessment means the significance of Grade I listed Beckford's Tower and its setting, and the harm the proposed development will cause to it, has not been adequately considered. The importance of consideration to the setting of Beckford's Tower is reinforced by the NPPF which states that substantial harm to the significance of a designated heritage asset can be caused by development within the setting of that asset, and that any harm should require clear and convincing justification. Substantial harm to heritage assets of the highest significance, such as Beckford's Tower, should be wholly exceptional. The layout of the site, the axis of roads and creation of vistas fails to take account of views of Beckford's Tower and will have a permanent negative impact on views of Beckford's Tower from the site with no single clear view to the Tower from the site and very few views of the Tower at all. Question why the Tower has not been used as a focal point for a view/vista down a street or across the open space. The view of the Tower would be almost entirely blocked from the site by the bulk and height of the care home facility and the adjacent tall dwellings. Glimpsed views of only the very top of the Tower is not good enough. The proposed mitigation for the permanent negative impact the development will have on views from Beckford's Tower and Lansdown Cemetery (identified in ES as through the 'provision of open space between built forms') does not adequately address or mitigate this issue given the continuous bulk of built form and minimal amount of open space between plots that creates a barrier to any through views both to and from the central open space. The view

from Beckford's Tower to Ensleigh House will be entirely obstructed. The view from Beckford's Tower will have direct sight of the proposed shop and strongly feel that it is highly inappropriate for a building of such commercial nature to be visible in views from the Tower or the Lansdown Cemetery Gateway. We also feel that the design and materials of the proposed shop are inappropriate and fail to reflect or enhance the local character of the area. We would strongly object to the provision of any illuminated signage relating to the shop. The Extra Care building will be a serious obstruction to the views from Beckford's Tower and the unbroken bulk of the building will be a termination of the view rather than offering views through the site. Similarly, views to Beckford's Tower from the site will be severely obstructed. We would encourage that the continuous bulk of this building be broken down into a variety of buildings. Lansdown Cemetery is closed but not deconsecrated and there is a failure in the ES to assess the permanent negative impact on Lansdown Cemetery. The proposed development have a significant (increased) negative impact in contrast to the relatively low negative impact the MOD occupation of the site has had on this quiet space for contemplation. No evaluation of the impact of having a shop opposite Lansdown Cemetery or the impact that the building heights overlooking the cemetery. Also a failure to acknowledge and assess Grade II\* listed Lansdown Cemetery Gateway as a heritage asset.

Local residents, Beckford's Tower & Museum, Landmark Trust, Parochial Church Council of St Swithin's Walcot, Transitions Bath and other interested parties:

- lack of heritage impact assessment in application documents.

- substantial harm to heritage assets of the highest significance, notably Grade I and II\* listed buildings, such as Beckford's Tower and Lansdown Cemetery gateway. The development does not take account of views towards the Tower or of views from the Tower and there is no reason why the development should not be planned in relation to these unique architectural features. There is no vista of the Tower and no proper view of Ensleigh House, but, cynically, merely a chimney view. The planned development is in isolation and exhibits a negative relationship with Tower and cemetery. Additional tree planting, while admirable, does not address the problem.

- impact on attractive approach to World Heritage City.

- impact on cemetery and its ambience as a beautiful and tranquil place for contemplation and spiritual refreshment.

- the pattern of traffic will change radically. Whereas the majority of traffic now tends to be generated by workers moving in one direction families will journey throughout the day and those wishing to avoid congestion by St. Stephens Church will 'rat-run' both lanes to and from Larkhall. Concern at increased traffic and congestion on Granville Road which is narrow and effectively a 'country lane'. Visibility along Granville Road is almost impossible when traffic is parked on the road making vehicular exit/entrance to properties extremely dangerous having more access directly onto it is simply not practical.

- impact of construction traffic on Granville Road (which should be from Lansdown Road only).

- layout and design - the Ensleigh site was an eyesore and there is now an opportunity to compensate. The size and scale of the development is not in keeping with the site.

The predominance of 3 storey buildings is against the City Council's Building Heights Study zoning for this area (Zone 5 is 2 storey). The plan is completely lack-lustre, the plots are too close together and give the impression of a monobloc of built form. Good

street views are a fundamental feature of Bath but the developer takes no account of this and has applied to create an environment which could be anywhere in the country. The heights of buildings, in particular those around the central open space of the site, make what minimal open space between buildings there is indecipherable when seen from the public viewing level within Beckford's Tower. There is a crass intention to place the highest buildings closest to the Tower.

- the proposed Extra Care building is of an inappropriate height and bulk, too big and overbearing and its unbroken bulk will be a termination of the view rather than offering views through the site. Encourage that the continuous bulk of this building be broken down into a variety of buildings. It is as much an eyesore as the MOD buildings were. Additional planting and lowering one small part is a mere sop to objections raised against the bulk and height of the unit. The development needs rethinking in terms of how it relates to the surrounding area.

- the planned shop is completely out of context.

- lack of provision for affordable housing and site is an inappropriate location for a care home, a long way from access to facilities in the city centre. The concept of an affordable care home sounds unconvincing.

- supportive of the provision of additional housing but object to the imbalance of the scheme which does not provide sufficient employment opportunities. The site is formerly an employment generating site and has the capability to continue as such, balanced with a mix of uses and should make a significant contribution towards employment, either on-site or through off-site mitigation.

- buildings should be more energy efficient and provision for 'Lifetime Homes' is inadequate.

- serious under-provisioning of allotments and 'natural areas'.

- late night public transport serving the site should be improved plus dedicated space for 'Car Club' parking, charging of electric bikes with cycle storage areas and provision for electric car charging.

- the amendments to the application go no way to meeting the substantial objections

## **POLICIES/LEGISLATION**

The development plan comprises the Adopted Core Strategy (July 2014) and saved policies in the Bath and North East Somerset Local Plan (including minerals and waste policies) (Adopted October 2007). Policies of relevance are:

Core Strategy:

DW1 - District-Wide Spatial Strategy

B1 - Bath Spatial Strategy

B4 - World Heritage Site and its Setting

CP2 - Sustainable Construction

CP5 - Flood Risk Management

CP9 - Affordable Housing

CP10 - Housing Mix

Local Plan (Saved Policies)

- IMP.1 Planning obligations

- D.2 General design & public realm considerations

- D.4 Townscape considerations

- ET.2 Office development

- ET.3 Core Business Areas

- CF.3 Contributions from new development to community facilities

- ES.5 Foul and surface water drainage
- ES.15 Contaminated land
- GB.2 Visual amenities of the Green Belt
- NE.2 AONB
- NE.4 Trees
- NE.10 Nationally important species and habitats
- NE.14 Flooding
- BH.2 Listed buildings and their settings
- BH.6 Development within/affecting Conservation Areas
- BH.12 Important archaeological remains
- T.3 Promotion of walking and use of public transport
- T.24 General development control and access policy
- T.25 Transport assessments and travel plans
- T.26 On-site parking and servicing provision

In the light of the Government's announcement that the Ensleigh site (and other MOD sites on Warminster Road and at Foxhill) were to close the Council prepared Concept Statements to inform prospective purchasers of the Council's aspirations for the sites and to guide development proposals. The Concept Statements provide guidance on site layout and scale of development as well as the Council's expectations in terms of matters such as the mix of uses, social infrastructure, sustainability and open space provision. The Concept Statement for the Ensleigh site envisaged a single comprehensive application for the entire site (i.e. land north and south of Granville Road) comprising a residential-led mixed-use development of up to 350 dwellings (in total across both parts of the site) including a new Primary school and up to 2,000m<sup>2</sup> of employment space. Following public consultation on draft documents, Cabinet endorsed the Concept Statements for development management purposes in September 2012.

Supplementary Planning Documents and other guidance of relevance is Planning Obligations SPD (2009).

National Planning Policy Framework (NPPF) March 2012 and Planning Practice Guidance.

## **OFFICER ASSESSMENT**

This application raises the following issues:

- i) the principle of residential-led mixed-use development
- ii) site layout and design, and the impact of the proposed development on heritage assets including the City of Bath World Heritage Site and setting of listed buildings
- iii) the proposed housing mix and quantum, including affordable and Extra Care housing
- iv) site access, parking provision and highway impact
- v) provision of a Primary School
- vi) other planning considerations including the impact of the proposed development upon the local ecology, Green Belt, Cotswolds AONB and other features of the local environment.

### **1. Principle of Residential-Led Mixed-Use Development**

In the adopted Local Plan the former MOD Ensleigh site is identified as being a Core Business Area where Policy ET.3 (2) states that planning permission will not be granted for proposals that would result in the loss of land or floorspace for non-office business use



(i.e. B1c light industrial, B2 general industrial and B8 storage). The proposed development will also result in a loss of stand-alone office floorspace contrary to Saved Local Plan Policy ET2 (4). To mitigate the loss of employment arising from the closure of the MOD site the Council's Concept Statement for Ensleigh North encourages the provision of up to 2,000m<sup>2</sup> of employment space on the site, or a financial contribution towards off-site provision. The current application does not propose any dedicated B1 floorspace but does include a shop and Extra Care accommodation, both of which will provide employment opportunities, together with space for 'home-working' in the form of small scale office space above garages on selected plots. However this is likely to provide only 35-40 jobs on site compared with the 165-170 that could be accommodated by 2,000m<sup>2</sup> of B1 space.

To balance new housing and employment opportunities in Bath the Council's target for employment growth is to achieve a net increase of 7,000 jobs, as set out in the report "Smart Economic Growth for B&NES - Achieving a Higher Growth Economic Scenario to 2026" which forms part of the evidence base for the Core Strategy. This growth is to be achieved through increases to the stock of office premises, primarily within and adjoining the city centre but also through the development of mixed-use out of centre sites such as the former MOD Ensleigh. Accordingly whilst the Council's proposals for office development are focussed in the city centre including the Riverside Enterprise Area, and these sites will contribute significantly towards the target, additional floorspace is required to achieve the planned employment growth. In the circumstances, whilst the inclusion of a small retail store is supported in principle and together with the Extra Care will provide employment opportunities the Council's Development and Regeneration Team object to the proposals on the grounds that it undermines the approach to employment growth in Bath. In the absence of providing 2,000m<sup>2</sup> of B1 space on site Development and Regeneration Team have proposed that the applicant makes a financial contribution towards the delivery of off-site employment space. In seeking to justify the mix of uses on the site the applicant has challenged the evidence base to support the provision of up to 2,000m<sup>2</sup> as well as the suitability of Ensleigh North as an employment location, noting that there is generally limited demand for office accommodation in Bath and that the Core Strategy highlights the city centre as the focus for new office space. The applicant is also not proposing a financial contribution to support the provision of off-site employment space, arguing that it would be contrary to the CIL Regulations on planning obligations and that level of contribution has not been justified. Officers have contested this position however the Concept Statement does not specify a formula for calculating the level of contribution. In the circumstances it is considered that the failure to make such a payment is not a defensible reason to refuse planning permission in this case.

Whilst the proposals are not in strict compliance with Saved Local Plan Policies and will not deliver the quantum of employment space identified in the Concept Statement (or financial contribution towards off-site provision), this needs to be weighed against other relevant policies and material considerations. The spatial strategy for Bath set out in Policy B1 in the Adopted Core Strategy identifies the Ensleigh MOD site (as well as Foxhill and Warminster Road) as contributing towards the development of new homes within the city as well as the city's development needs generally through the re-use of previously developed land. In addition Policy B1 supports neighbourhood retail services on the site. Also relevant is the NPPF, which is founded on a presumption in favour of sustainable development and identifies the reuse of land that has been previously developed and mixed-use development as core planning principles. The proposed development will bring

a brownfield site back into use, facilitates the delivery of new homes (including affordable housing), includes floorspace that will provide employment opportunities and will provide social infrastructure including facilitating the provision of a new Primary School. In the circumstances it is considered that the principle of residential-led development and the overall mix of uses and quantum proposed is acceptable.

## 2. Site Layout and Design and Impact on Heritage Assets

The layout of the site is based on a grid pattern with streets running east-west from Granville Road and intersected by two main north-south routes (one connecting with Lansdown Road the other a tree-lined route broken by the open space but linking the site with open land to the north) together with a series of shorter connecting routes. A large area of open space runs east-west through the site from Granville Road (opposite Ensleigh House) and terminating at the site for the proposed Extra Care building. Vehicular access to the site utilises an existing (currently unused) junction from Lansdown Road as well as creating new access points into the site from Granville Road. Houses on the northern edge are accessed from a route parallel to the track linking from Colliers Lane to the Royal High School playing fields. Vehicular access to the proposed shop and Extra Care accommodation would be from within the site.

The scale of buildings is a mix of two and three-storeys with the taller buildings generally fronting onto the central open space as well as sections of Granville Road where buildings on the opposite side of the road are of a similar height. Buildings are set back from Lansdown Road behind a wall and retained/new trees, with the frontage along Granville Road becoming increasingly less dense and more open towards Colliers Lane. Areas of open space are also provided at the northern end of Granville Road and the western corner of the site on the approach to Bath across the plateau.

The design of individual buildings is modern/contemporary comprising a range of styles with pitched and gable-end buildings fronting onto the streets, and roofs with projecting eaves and generally shallow pitches that reflect the architectural language and form of recent development in the locality. The palette of materials picks up on and continues the pattern elsewhere on Lansdown Road and along Granville Road with a mix of rubble stone, render and reconstituted ashlar with slate roofs. On key corners and more important frontages the stone level increases to the first or second floor level with rubble stone generally used on projecting gables or to define bays. Side elevations adjacent to the public realm and next to exposed side gardens have stone at the ground floor level of the façade, which links into stone boundary walls and with hedge planting and metal railings above.

In the absence of a specialist operator for the Extra Care building (to be located on the western edge of the site) this part of the proposals are submitted in outline only with no details regarding appearance or materials. Buildings parameters submitted as part of the application propose a part three/part two storey building. Whilst the principle of a part detailed/part outline application is considered acceptable, given the sensitivity of the site's location and scale of the proposed building and so that the Council can be satisfied that an appropriate design will come forward it is appropriate that design guidance for the building is agreed prior to the submission of a reserved matters application. This would be secured by condition. The scale of the building is considered further below.

In terms of the principle of comprehensive redevelopment of the site, this is established in the Concept Statement and Core Strategy and therefore some form of built development of the site is envisaged in statutory and supporting planning documents. As a brownfield site its redevelopment is also supported by national and local planning policy. However strong objection has been raised by Bath Preservation Trust, Beckford's Tower Trust and other bodies and individuals to the layout, scale, design and architectural quality of the scheme. Particular concern has been raised about the impact of the development on the World Heritage Site, views on the approach to Bath along Lansdown Road, and on views from (and to) as well as the setting of nearby heritage assets notably the Grade I Beckford's Tower and the cemetery and its Grade II\* gates on the opposite side of Lansdown Road. These issues have also been raised by the Council's Historic Environment Team, and concerns raised to the initial proposals by Landscape and Urban Design officers.

The Council's adopted Concept Statement includes a high-level 'illustrative concept plan' and whilst this is not prescriptive it provides general guidance regarding the layout. This comprises zones of built development and a central area of open space, with vehicular access from Lansdown Road and Granville Road, and more local links within the site and to adjacent land. This approach has been interpreted and developed by the applicant in a grid form with opportunities for connection into the adjacent Royal High School playing field site. Suggestion has been made in objections from various heritage groups that the layout of the application site should have been informed by the views from (and to) Beckford's Tower. Whilst the location of the site close to Beckford's Tower is an important consideration, given the scale of the application site it is appropriate that the site establishes its own identity. Beckford's Tower allows for long and short distance panoramic views over the surrounding countryside, of which a section is across the Ensleigh MOD site. Accordingly subject to the layout of the development not harming the setting of and range of views from the Tower, or otherwise detracting from this key heritage asset (and others in the vicinity of the site), it is not considered appropriate that the layout of the site, buildings and routes is oriented by reference to the view from Beckford's Tower. Glimpsed views of the tower across buildings on the site (as existing) will be maintained and the opening up of the site to the public will allow additional views to be gained from within the open space. Accordingly the general approach to the layout of the site is considered acceptable and English Heritage has raised no objection to this aspect of the scheme.

In terms of scale, there are particular sensitivities in respect of development on and along the edge of the plateau. The Concept Statement notes that the height and massing of new buildings will need to be very carefully considered to avoid adverse visual impacts on the World Heritage Site (and the AONB), and English Heritage has raised concerns about possible visual intrusion of buildings into views from the city. The application site is set back from this edge of the plateau and being located on the west of Granville Road is generally screened in longer distance views from the south and east by other development on Granville Road, and from the north by Sopers Wood. In this area the Bath Building Heights Study (2010) recommends "building shoulder height of 2 storeys, with one additional setback storey generally acceptable, and one additional storey could be acceptable where it aids legibility for example local centres, creates better enclosure or provides regeneration benefits and does not intrude into views onto the plateaux by exceeding the height of the tree cover." The proposed development is a mix of two and three storey buildings, with the taller buildings generally located towards the centre of the

site and away from the plateau edge. Whilst elements might be visible in longer distance views, when viewed from the south such as Alice Park on London Road and elevated locations such as Bathampton Down and Little Solsbury Hill buildings on the MOD Ensleigh site will not intrude unduly into these views and will form part of the skyline with other developments along Granville Road. In the circumstances the height and massing of houses on the site is considered acceptable.

The Concept Statement notes that building and public realm elements must be detailed well to ensure a high quality environment that befits the setting of the World Heritage Site. Clearly, the replacement of generally single storey flat-roofed buildings with two/three storey buildings with pitched roofs will change the appearance of the site on the approach into Bath along Lansdown Road. The applicant's design team has acknowledged the sensitivity of this route and elements of the scheme have been designed to reduce its impact, and also amended to address concerns raised by Officers and third parties commenting on the application. This includes siting buildings away from the Lansdown Road frontage, tree planting along this boundary and provision of open space rather than built development at the first (north western) view of the site in the approach along Lansdown Road. In addition, the design of the building comprising the shop with flats above has been amended so it appears more as a 'gatehouse' rather than lightweight glazed building as originally proposed. This has the effect of reducing its visual impact and it now relates more to the residential scale and design of buildings around it. The retention of trees and additional planting, with buildings set behind low stone walls, is considered to provide an appropriate transition between the open and rural character to the north and west with the urban edge of Bath where the wide tree-planted verge is replaced by low stone walls on the back edge of the pavement.

In terms of the setting of the key heritage assets in the immediate vicinity of the site whilst the development will be visible through the trees, as were the MOD buildings, the new houses along the Lansdown Road frontage are generally detached (other than a terrace of three, two-storey houses) allowing for gaps and glimpses through. Whilst generally taller than those previously on the site, the closest properties on the application site are approximately 150m from Beckford's Tower, 80m from the entrance gateway and 50m from the cemetery (with a green buffer of open space opposite). These are all located on the opposite side of Lansdown Road, as is the City of Bath Conservation Area. Therefore whilst the wider setting for the heritage assets will change it is considered that given the distance between these heritage assets and the nearest buildings on the site and the landscaped buffer along Lansdown Road the siting and scale of buildings on the application site will not result in substantial harm to them or their setting. Given the distance of the site from scheduled ancient monuments in the locality it is considered that their setting will not be harmed by the proposed development.

As noted above, objection has been raised to development in terms of the impact on views from Beckford's Tower. English Heritage also raised concerns about the impact on Beckford's Tower (and Lansdown Cemetery) although they conclude that given the scale of buildings and strongly landscaped environment the development should not impact adversely on these assets. The views across the application site take in Lansdown Cemetery with Bathampton Down, Little Solsbury Hill and high ground beyond. The cluster of trees around Ensleigh House on Granville Road is also evident in this view. The introduction of two and three storey buildings will introduce new built form into this view, with the proposed three storey buildings framing the open space within the site being

particularly evident. In response to objections the applicant has amended the building types around the open space to break the roofline in this view. More generally, key longer distance views from Beckford's Tower will be maintained with the trees around Ensleigh House still visible and the longer distance views towards Little Solsbury Hill and the ridges beyond maintained. Whilst the number and scale of buildings on the site will increase from that existing, the overall impact on views to and from these heritage assets is considered acceptable.

The proposed Extra Care building, located on the north-western edge of the site is submitted in outline only and so at this stage approval is being sought only for the siting and minimum / maximum height of the building. This is shown as predominately 3 storeys, reducing to 2 storeys along its western edge (i.e. closet to Lansdown Road). The massing shown in the Design and Access Statement and landscape and visual assessment in the ES appear monolithic however this building has yet to be designed. The applicant's design team has identified precedent Extra Care schemes that have successfully introduced local building forms and materials and Officers are satisfied that a high quality design to complement the wider scheme can be achieved. This needs further work and it is appropriate that further information on the design approach is discussed and agreed with the Council prior to detailed designs being developed.

Concern has been raised about the design quality of the houses and detailed aspects of the scheme. The design of the individual buildings is simple, contemporary and robust and picks up on local styles and materials whilst avoiding pastiche. The applicant has made a number of changes in response to comments from the Council's Urban Design and Landscape Officers and these are considered to have resulted in improvements to a number of key elements of the scheme as well as refined aspects of the design of individual buildings. The general approach and details are considered an appropriate response on this site. Detailed building elevations and the proposed materials palette provides further information including and subject to the submission for approval of materials samples and colour schemes the design of the houses is considered acceptable. The existing 2m+ chain-link metal fence topped with barbed wire that site surrounds the site will be removed and where buildings front on to Lansdown Road and Granville Road it is proposed that there will be a low stone wall and simple low metal fences with hedge behind. This approach is considered appropriate for the location and will complement the existing and emerging character of the area.

In conclusion, the location of the proposed development in the World Heritage Site and effect of the development on the setting of several listed buildings has been taken into consideration when assessing the proposed development. It is considered that sufficient information is available for the Council to assess the effects of the development on heritage assets and an appropriate assessment has been undertaken. Special attention has been given to the desirability of preserving or enhancing heritage assets, with appropriate weight being given to the importance of those assets and any harm likely to result. In this case it is concluded that less than substantial harm to heritage assets will occur, although even this level of harm gives rise to a strong presumption against planning permission being granted. In reaching a conclusion on this application this has been weighed against other material planning considerations including the re-use of a brownfield site and provision of new housing together with the presumption in favour of sustainable development as set out in the NPPF and it is considered that these outweigh the less than substantial harm that arises from the development as proposed.

### 3. Housing Mix and Quantum

The application proposes 181 dwellings (153 market and 28 affordable), plus a 72 unit affordable Extra Care development comprising:

#### Market

3 x 2 bed  
65 x 3 bed  
62 x 4 bed  
23 x 5 bed

#### Affordable

2 x 1 bed  
17 x 2 bed  
8 x 3 bed  
1 x 4 bed

#### Extra Care (illustrative)

54 x 1 bed flats  
18 x 2 bed flats

The application was submitted in advance of adoption of the Core Strategy and originally proposed 35% affordable (in line with former Local Plan Policy HG.8) comprising 60 Extra Care flats and 24 houses. However the site falls within the 40% affordable housing area in the Adopted Core Strategy and the applicant has increased the level of affordable on site. This comprises 12 additional Extra Care flats and 4 flats as affordable homes resulting in a total of 100 affordable dwellings, equivalent to 40% of the total. Housing and Adult Services have reviewed the proposed quantum, mix, tenure split and location of affordable housing and it is considered that proposals (including the provision of Extra Care accommodation) will meet a local need. The affordable tenure houses are designed to SPD space and layout standards and are interspersed with market housing across the site. Given the nature of Extra Care accommodation it is appropriate that this is designed to meet Learning and Improvement Network (LIN) and Housing our Ageing Population: Panel for Innovation (HAPPI) standards and this will be secured through the s.106 agreement.

Extra Care housing typically provides self-contained flats with associated facilities such as a café/restaurant and multi-purpose room/communal lounge. At this stage no provider has been identified and as a consequence the number and tenure of the Extra Care dwellings and funding for the facility (as well as details of the scheme including the site layout and elevations) have still to be progressed. As well as agreeing the design parameters of the building, in the circumstances it is considered appropriate that a mechanism is included in the s.106 agreement to secure a commuted payment for off-site provision (related directly to the actual subsidy cost of providing affordable housing on site) should the number or tenure mix in the final scheme be different from a policy compliant base position. Subject to agreeing details and delivery of the affordable housing the proposals are considered acceptable.

The development will provide a total of 253 dwellings compared with the 285-290 dwellings (assumed to be provided on this part of the site) proposed in the Adopted Concept Statement. Whilst this is marginally lower than envisaged, this needs to be

balanced against the significant area of public open space that is incorporated into the layout of the site and which is considered to be of benefit to the scheme and locality. Accordingly the number of dwellings proposed is considered to be acceptable.

#### 4. Transport and Access

The Transport Assessment submitted with the application has assessed trip generation from the site and concludes that in overall terms the development will not generate traffic in excess of its use by the MOD when fully occupied and that there will be no adverse impact of the traffic generated on the local highway network. The Transport Assessment also concludes there will not be a detrimental increase on key local junctions, such as Lansdown Road/Lansdown Lane, and Lansdown Road/Richmond Road, specifically during the peak hours of 07-45 to 08-45, and 17-00 to 18-00. Concern has been raised by Charlcombe Parish Council and others regarding the methodology used in the assessment however based on the quantum and mix of uses proposed Officers consider that the findings are robust. Concern has also been raised about capacity at local junctions including the Lansdown Lane junction and traffic from the site using Colliers Lane (to access Larkhall and the A46/A4). It is considered however that the level of additional traffic generated from the development does not justify the introduction of a roundabout at the Lansdown Lane junction and whilst Colliers Lane is likely to be used by residents on the site, based on the trip generation from the site and likely direction of traffic it is considered that it would be difficult to justify the introduction of restrictions to prevent or discourage use of this route.

Although the site is a little detached from the existing built-up area, it is relatively well-served by public-transport and the application identifies measures to encourage travel by foot and cycle. Nonetheless public transport is likely to be the main alternative to use of the private car and the applicant has agreed to a financial contribution to maintain the existing No.2 bus service that stops adjacent to the site on Granville Road. The bus stop on Granville Road would also be upgraded to include real-time information. The suggestion that the development makes a contribution towards a bus service to the RUH is not however considered to be justified. Subject to securing these contributions then no in-principle objection is raised in respect of the accessibility and therefore sustainability of the development.

The layout of the site ensures good connectivity for pedestrians and cyclists within the site, and provides direct continuous links to the open-space areas and shop, and to the bus-stops on Granville Road and Lansdown Road. Details of highway adoption will be addressed through a s.38 agreement. The access points into the site from Lansdown Road and Granville Road are considered acceptable and can be provided with appropriate geometry and visibility splays. Detail of servicing for the shop is also acceptable. The proposed location of the new school is very convenient for the development although it will inevitably generate traffic both from staff and from parents of children who will travel from further afield. A preliminary assessment of the impact of the school on the site access junction from Lansdown Road indicates that it will operate within capacity, even with the addition of school traffic. Further assessment will be undertaken as part of the application for the development of the Royal High School site and, if appropriate, necessary highway improvements will be identified at that stage.

The access from Lansdown Road is currently within the 40mph speed limit, close to the end of the 50mph limit, and given that the proposal is for residential development on the

application site it is appropriate to reduce the speed limit to 30mph speed limit to the north of the proposed access with an appropriate length of 40mph 'buffer' beyond that. The applicant has agreed to fund these changes including the legal and administrative costs of the Traffic Regulation Order including associated enhancements. The details will be agreed through the TRO process. Granville Road currently sits within the 30mph speed limit, and as a part of the same TRO this would be reduced to 20mph.

Parking proposed is generally in accordance with the Council's adopted standards although there are a number of dwellings that appear to have a higher level of parking provision. The applicant has clarified that although certain larger plots on the site have been proposed with more than three parking spaces, this occurs mainly on properties along the Granville Road and northern countryside boundaries and is a consequence of landscape/urban design considerations on these plots where garages are set back from the street frontage to maintain an openness on these edges of the site. Setting the garages back provides off street parking space in front of them however the number of cases where this occurs is limited and it is considered that on balance the overall layout and design benefits from this arrangement.

Given the scale of development and likely construction traffic it is appropriate that there is a Construction Management Plan, with the objective of minimising the use of Granville Road to access the site.

#### 5. Primary School

Based on the proposed housing mix the estimated child yield from the development is 8 Early Years (age 0-2) places, 24 Early Years (age 3-4) places, 67 Primary age pupil places, 38 Secondary age pupil places, 10 post-16 places and 27 Youth Services provision places. Existing capacity in schools in Bath means that there is sufficient provision in the area for all age groups other than Primary and Youth Services.

To address the population growth arising from the development of the Ensleigh MOD site the Council's adopted Concept Statement requires that a school is included on the site, or at a suitable alternative location. The applicant is proposing that land to accommodate the school (including playing fields) is provided on the adjacent Royal High School playing fields site. This site is allocated in the Adopted Core Strategy for housing, and including a school unless suitable alternative provision can be made. The owner of the Ensleigh MOD site has agreed terms to purchase the site from the Royal High School and it is proposed that in addition to the applicant, the land owner and MOD that the Royal High School (Girls Day School Trust) are signatories to the s.106 agreement so that all parties with an interest are bound into the agreement. Subject to agreeing details to secure the delivery of this land (which does not form part of the application site) as well as matters such as the timing of release and condition of the site this is considered to be an acceptable solution.

In terms of funding the Council is seeking a contribution (or in this case, in-kind provision) reflecting the capital cost of the school and also land purchase cost. Under the Community Infrastructure Levy Regulations as well as being necessary to make the scheme acceptable in planning terms and directly related to the development planning obligations must be fairly and reasonably related in scale and kind to the development. For Ensleigh North the child yield amounts to about 30% of the total number of places in a 1 Form Entry school (210 places) and the contribution from the current scheme has been



calculated on a pro rata basis commensurate with the impacts arising from the development i.e. the demand for school places attributable to the development. Funding for the balance of places will come from a combination of financial contributions from other sites such as Ensleigh South and Royal High School playing fields site (and Hope House should planning permission be granted for its development) and also Council funding. Education have indicated their support for the proposal and Heads of Terms relating to the school and financial contribution to Youth Services have been agreed with the applicant and will be set out in the s.106 agreement. Subject to this being concluded then this element of the proposal is considered to be acceptable.

## 6. Other Planning Considerations

Green Belt and AONB - the site is located outside the Green Belt and Cotswold AONB but adjoins them along the site's northern boundary. The site as a whole is visible from these designated areas with the existing single storey buildings visible in short and longer distance views. The proposed buildings will also be visible in these views and by virtue of their height are likely to have a greater impact than the existing in certain views. However as a consequence of the site layout, which intersperses buildings with open space, and the opportunities for tree retention and planting, it is considered that the openness of the Green Belt and the special character of the AONB will not be adversely affected.

Ecology - the application site is within a wider area of known ecological importance and there is evidence of bats foraging along the tree line around the perimeter of the site. Following discussions with Natural England the applicant has made adjustments to the layout as well as to the lighting strategy to reduce the impact on protected species. Whilst the context will change again when the Royal High School site comes forward for development, the current proposals are considered to be an acceptable solution. The overall approach is supported and subject to the submission and approval of full details of an Ecological Management Plan and implementation of the recommended and proposed ecological mitigation the proposals are considered acceptable.

Habitats Regulations 'Test of Likely Significant Effect' - the majority of the site is not well used by horseshoe bats but their occurrence along the tree-lined boundaries to the north indicates this area could form part of connective habitat they use, and potentially contributes to some foraging resource for the species. The bat report makes recommendations regarding reinforcement planting and sensitive lighting, and habitat provision around the site and it is considered that the recommendations of the report are appropriate. Revised plans have been submitted which provide predicted light levels and these are within acceptable limits at the tree lines along the north and north western boundaries, which will remain sufficiently dark to continue to be attractive for use by bats. Additional details have also been provided regarding proposed planting and an outline Ecological Management Plan sets out principles for long term habitat management and future monitoring of bat activity. If implemented these measures further reduce any risk of significant harm to greater and lesser horseshoe bats or their population at large and to the SAC. This is in any case considered to be low due to the close proximity to the site of a wide range and choice of suitable habitats and flight-lines for bats in the wider landscape, and the distance from the component SAC sites, being 4km and above. There are also some features at the site such as existing bright lighting and lack of planting which currently are not attractive to wildlife and it is considered that these conditions will be improved upon following development. It is concluded that the local planning authority can have confidence that the risk of a likely significant effect on the SAC, or bats of the

SAC, has been excluded in this case. This includes consideration of further possible 'in combination' effects with other projects and developments that could add to the pressures on the species of the SAC and their habitats. In conclusion it is not considered likely that there will be any impacts from this proposal significant enough to be implicated in cumulative effects in combination with other projects.

Landscaping and Trees - the site is covered by a Tree Preservation Order and existing trees around the perimeter as well as a existing oak within the site are to be retained. There are a limited number of other trees within the site some of which will be removed however significant new planting is proposed to frame with site and the open space as well as reinforce and extend the existing tree and hedge lines. The Council's Arboriculturalist has raised concerns about the siting of selected trees as well as parking areas beneath tree canopies, particularly along the boundary with the Royal High School playing fields. It is considered however that the layout of buildings within the MOD site along this edge (with buildings facing onto the street towards the existing playing fields and parking along the boundary) is the appropriate response to this part of the site. The trees along this boundary are located outside MOD site and will therefore need to be incorporated into the wider landscape strategy with the MOD site when proposals for development of the Royal High School playing fields comes forward.

Open Space - there is a deficit of formal green space and under-supply of allotments in the locality however there is a significant surplus of natural green space and the site is well located and connected to the surrounding countryside. The proposed development provides a mix of private gardens for the houses, a significant area of publicly accessible open space in the centre of the site (with play equipment) and community allotments. The main area of open space will be privately maintained by a management company rather than adopted. The total area of natural open space and allotments proposed within the site is below that set out in the Council's Planning Obligations SPD and the applicant is proposing a financial contribution towards the enhancement of existing provision. Given the surplus of formal open space on the site and easy access to natural open space it is considered that the overall level of provision is acceptable.

Sustainability and Renewable Energy Measures - the site is close to the Park and Ride facility on Lansdown and the applicant is proposing a financial contribution to support the no.2 bus service that has its terminus opposite the existing site entrance. This is welcomed and will support sustainable transport objectives. The inclusion of a local retail store also supports the sustainability of the development given that other local facilities are some distance from the site, and the inclusion of a school will reduce the need for travel for some pupils although part of the school intake will be from sites beyond the immediate vicinity. A Code for Sustainable Homes pre-assessment submitted with the application shows that the dwellings will achieve Level 3. The Council's adopted Concept Statement specifies Code for Sustainable Homes Level 5. This issue has been explored with the applicant however in the light of the amendments to Policy CP2 in the Adopted Core Strategy (removing the table of CfSH targets) it is considered that the application is acceptable.

Archaeology - the site lies within a significant historic landscape and the Council's Archaeologist has recommended that conditions are imposed to monitor and record any finds during development.

## **RECOMMENDATION**

A) Authorise the Planning and Environmental Law Manager to enter into a Section 106 Agreement to secure the following:

Affordable Housing - 28 dwellings. 72 Extra Care flats (final provision/mix subject to funding with any shortfall to be secured as commuted payment for off-site provision)

Primary School - dedication of a serviced plot (0.8ha) on adjacent Royal High School site for building of new primary school. Council to design and procure school.

Transport - works to local highway network, funding for Traffic Regulation Orders, sustainable transport measures including financial contribution to bus service.

Open Space - public access and management/maintenance by management company. Financial contribution to green space.

B) Subject to the prior completion of the above agreement, authorise the Group Manager to PERMIT subject to the following conditions

## **CONDITIONS**

### 1 Time Limit (Detailed Application)

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

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

### 2 Time Limit (Outline Application)

(a) No part of the Outline Application hereby permitted shall be commenced unless and until an application or applications for written approval of the matters reserved by this planning permission in respect of that part of the Development have been submitted to and approved in writing by the Local Planning Authority and the reserved matters applications shall include detailed plans, sections and elevations showing:

- Layout
- Appearance
- Landscaping

(b) Application(s) for approval of the matters reserved by this planning permission must be made not later than the expiration of two years from the date of this decision notice

(c) The Outline Application 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: This is in part an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and to avoid the accumulation of unimplemented planning permissions.

3 The development hereby permitted shall be implemented in accordance with the phasing sequence shown in Figure 4.2 of the Environmental Impact Assessment (April 2014) or such other phasing sequence that has been first submitted to and approved in writing by the Local Planning Authority.

Reason: The local planning authority need to be satisfied that development of the site is undertaken in a coherent and comprehensive manner.

4 Prior to the submission of a reserved matters application for that part of the approved in outline a Design Guide for the relevant part of the site shall have been submitted to and approved in writing by the Local Planning Authority. The Design Guide shall include guidance on site layout, the design and treatment of building elevations and roof, materials, landscaping, pedestrian and vehicular access, site servicing. The reserved matters application shall include a Design Statement setting out how the proposals comply with the Design Guide.

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

5 Details of the finished site levels and floor levels shall be submitted to and approved by the Local Planning Authority before development commences. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To ensure that the amenities of the site and the impact of the development on the surrounding area are safeguarded and appropriately mitigated.

6 No phase of the development as defined by Condition 3 shall commence until for that phase samples of the materials to be used in the construction of the external surfaces including elevations, windows, doors, balconies, roofs of buildings for that phase have been submitted to and approved in writing by the Local Planning Authority and a sample panel of all external walling materials to be used has been erected on site and kept on site for reference until the development is completed. 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 area.

7 No phase of the development shall commence until samples of hard landscape materials for that phase of the development has been first submitted to and approved in writing by the Local Planning Authority. The details shall include all walls, fences and other boundary treatments and finished ground levels; details of the surface treatment of the open parts of the site; and a programme of implementation.

No phase of the development shall commence until details of the soft landscape scheme for that phase of the development has been first submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all trees, hedgerows and other planting which are to be retained; 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.

8 All hard and/or soft landscape works shall be carried out in accordance with the approved details. The landscape works for each phase approved under Condition 3 shall be carried out prior to the occupation of any part of that phase 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 scheme 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

9 No development shall commence 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 first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains.

10 No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish record and protect any archaeological remains.

11 The relevant phase of the development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in respect of that phase in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site may produce significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

12 No phase of the development shall commence until details of the BRE Digest infiltration tests undertaken by Robson Liddle Ltd (June 2013) to determine the suitability of soakaway drainage at the site, together with the related soakaway sizing calculations have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of flood risk management.

13 No phase of the development shall commence until Electronic Micro Drainage files (.mdx files) have been submitted to the Local Planning Authority so that the performance of the proposed system can be simulated. These simulations should demonstrate that no flooding to property will occur on site up to the 1in100 year (+30% for climate change) rainfall events. Details of the existing surface water runoff rates and volumes should be presented, illustrating that the proposed method of drainage will as a minimum result in no increase in these rate and where feasible reduce them.

Reason: In the interests of flood risk management.

14 No phase of the development shall commence until 'witnessed soakaway tests' have been conducted with the Council's Highways Developments team in attendance to demonstrate the infiltration feasibility for the proposed highway soakaways.

Reason: In the interests of highway safety.

15 No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should be in accordance with the approved Flood Risk Assessment (PFA Consulting, dated 16 April 2014, issue 6). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

16 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

17 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

18 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 17.

19 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

Reason (Condition 16, 17, 18, 19): To prevent pollution of the water environment and to ensure that there are no unacceptable risks in relation to contamination and that the land is suitable for the intended use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

20 No work, including site preparation work, shall commence in any phase approved under Condition 3 until a Construction Environmental Management Plan for that phase including but not limited to details of working methods and hours, control measures and monitoring requirements, deliveries (including storage arrangements and timings), contractor parking and traffic management (including routing of vehicles to and within the site) during each stage of the development, and ecological protection and mitigation has been submitted to and approved in writing by the Local Planning Authority. The

development shall thereafter be carried out in accordance with the approved Construction and Environmental Management Plan.

Reason: To safeguard the amenities of adjoining residential properties and ensure the safe operation of the highway.

21 No phase of the development shall commence until the protective measures set out in the Arboricultural Report (revised 15 April 2014) and as shown on the Tree Protection Plans (140811-ENS-TPP-Rev A-LI &AM dated August 2014) are implemented. These fences shall not be removed until the development has been completed 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. The Local Planning Authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

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

22 Prior to first occupation of the retail floorspace approved under this permission details of any plant and equipment including any air handling and refrigeration plant shall be submitted to and approved by the Local Planning Authority. Any plant or equipment approved shall be installed in accordance with the submitted details and any subsequent changes to the specification or additions to the approved plant and equipment shall be submitted to and approved by the Local Planning Authority prior to installation.

Reason: To protect the amenity of the locality, especially for people living above and adjacent to the shop.

23 The retail store (Use Class A1) shall be open to customers only between the hours of 7.00am-22.00pm Monday to Saturday and 8.00am-8.00pm on Sundays. No deliveries shall be taken at or dispatched and no delivery vehicles shall park within the application site outside these hours

Reason: To protect the amenity of the locality, especially for people living nearby.

24 No Phase of the Development shall be occupied until junctions on the internal access roads serving that Phase have been constructed with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

25 The garaging 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.



26 The proposed parking and turning areas for each dwelling shall be constructed in such a manner as to ensure that before it is occupied each dwelling shall be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

27 No part of the development identified on the submitted plan for shared parking and turning shall be brought into use unless details of their construction have been submitted to and approved in writing by the Local Planning Authority. Thereafter they 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 highway safety.

28 Before any dwelling is first occupied new residents Welcome Packs, the content of which shall have been approved in writing by the Local Planning Authority, shall be issued to occupiers of the property. The Packs should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Better, Live Better publication, to encourage residents to use public transport.

Reason: In the interests of sustainable development.

29 Prior to occupation full details of proposed methods and measures contained in the submitted Ecology Management Plan shall be submitted to the Local Planning Authority and approved in writing, and thereafter must be implemented, these to include details for specific dates and methods for proposed bat monitoring. Detailed results of all ecological monitoring shall be reported annually to the Local Planning Authority and data provided to the Bristol Regional Environmental Records Centre (BRERC). A brief report to demonstrate habitat management methods are in compliance with the stated wildlife objectives shall also be provided. Should the results of future monitoring give rise to concerns regarding the success of the mitigation then a remediation plan to address identified problems will be submitted and agreed in writing with the Local Planning Authority and subsequently implemented.

Reason: To avoid harm to bats and their habitats and provide ecological mitigation and enhancements

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

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

#### **PLANS LIST:**

1 13011\_(L) 001 Rev.C, 004 Rev.D, 092 Rev.C, 093 Rev.C, 102 Rev.C, 103 Rev.D, 104 Rev.D, 110 Rev.D, 111 Rev.E, 112 Rev.C, 113 Rev.E, 114 Rev.E, 118 Rev.E, 124 Rev.C, 131 Rev.C, 132 Rev.C, 148 Rev.D, 159 Rev.C, 161 Rev.E, 174 Rev.E, 175 Rev.D, 176

Rev.D, 177 Rev.D, 178 Rev.L, 184 Rev.E, 195 Rev.D, 196 Rev.E, 198 Rev.A, 199 Rev.A, 201 Rev.C, 202 Rev.B, 203 Rev.D, 204 Rev.F. 209 Rev.A, SK 213 Rev.B, NPA 10630 102 P01, 301 P03, 311 P01, 401 P02, 402 P02, 403 P02, 501 P02, 502 P02, 503 P02, 401 P02, 401 P02, 401 P02, Tree Protection Plan S02, L256/36 REV D

## 2 INFORMATIVES

Any lighting scheme should comply with the Institution of Lighting Engineers Guidance Note on Light Pollution dated 2005. It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

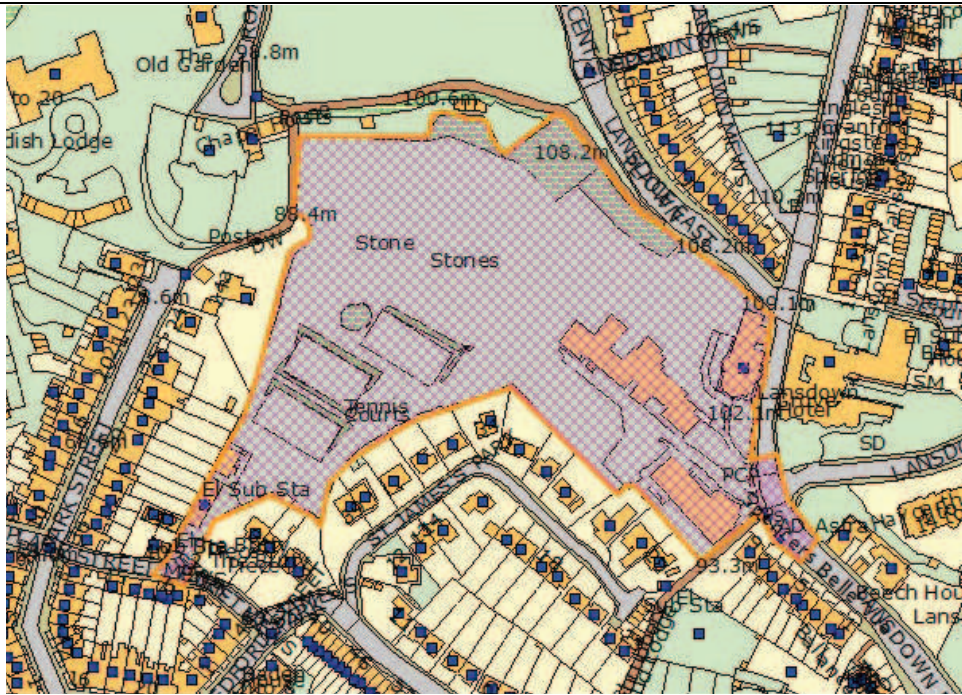
The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.

Measures should be taken to prevent the runoff of any contaminated drainage during the construction phase. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches. Any oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

Details submitted in respect of Condition 21, the applicant should carry out a background noise assessment at the proposed development site in accordance with the methodology specified in British Standard 4142: 1997 Method for Rating Industrial Noise affecting Mixed Residential and Industrial Areas. The assessment should determine the lowest measured background noise level at the nearest residential façade.

<b>Item No:</b>	02
<b>Application No:</b>	14/04184/FUL
<b>Site Location:</b>	Hope House The Royal High School Lansdown Road Lansdown Bath



**Ward:** Lansdown

**Parish:** N/A

**LB Grade:** II

**Ward Members:** Councillor Patrick Anketell-Jones Councillor Anthony Clarke

**Application Type:** Full Application

**Proposal:** Residential development for the erection of 54 no. dwellings, including the conversion of Hope House, and associated infrastructure and parking following demolition of existing school buildings. (Resubmission of 13/04235/FUL)

**Constraints:** Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, Tree Preservation Order, World Heritage Site,

**Applicant:** Hope House Developments LLP

**Expiry Date:** 12th December 2014

**Case Officer:** Sarah James

## REPORT

The site is located approximately 1 km (0.4 miles) from the City centre within the Bath urban area. It is located within the Bath conservation area, the World Heritage Site, Bath Hot Springs Protection Area and Forest of Avon. There are various existing buildings on the site including Hope House, which is to be retained and which is Grade II listed. There is a site wide tree protection order in place. The site is within Flood Risk Zone 1 (low risk) from fluvial flooding.

The site itself is 2.5ha site (6.18 acres). Lansdown Road passes along its east boundary, Lansdown Place East and Lansdown Crescent lie to the north boundary, Park Street to the west, Park Street Mews to the south and St James' Park to the south and south east. The Lansdown Road and Lansdown Place East boundaries are walled (1-2m high). Along the boundary with dwellings on St James' Park the boundary is mostly walled, in varying states of repair and condition. The west and north west boundaries are fenced and well

vegetated with scrub and trees. Development around the site boundaries is largely residential of mixed character and height.

The site has formerly been in use for the Royal High School which has now relocated leaving the site vacant. Hope House and the associated school buildings lie in the north east of the site, accessed from Lansdown Road. The existing buildings on the site would be demolished with the exception of Hope House which would be converted. The north east of the site is dominated by Grade II listed Hope House (originally built c.1781-2 but substantially rebuilt after WWII) and the modern school buildings. Three hard tennis courts lie towards the south of the site, where there is an existing gated access on to Park Street Mews. Elsewhere the landscape has a parkland character with mown grass and scattered trees. The site is an important green open space on the south-facing ground above the city centre. The land slopes steeply from north-east to south-west sloping down from Lansdown Place East to St James' Park.

The application is for the development of 54 no. new homes and associated works, including landscaping, access, and the conversion of Hope House for residential use. The proposed new development would be located in the general vicinity of the existing buildings on site (all of which with the exception of Hope House would be demolished) but would extend further into the parkland. The significant portion of open parkland would remain undeveloped providing communal open space for the residents.

The scheme as currently proposed comprises of a new terrace style street (blocks A, B and C) south of Hope House coming off the main access onto Lansdown Road and located broadly in the area currently occupied by existing school buildings proposed to be demolished. Further new development (blocks D and E) would be located along the northern boundary on existing hard surfacing to the north of Hope House (i.e. block F).

Block A -To the north of the proposed street, below Hope House itself, is Block A, a 2 storey terrace with an additional roof storey. The terrace is split into 6 units with its south facing frontage constructed in ashlar and its north facing rear elevation rendered in stucco with ashlar quoins.

Block B - Across the street is Block B, a stepped terrace containing principally 2 storey houses that are split into 20 apartments (with some roof accommodation in the eastern end). Similar to Block A in appearance it has stepped terracing and detailing constructed largely in ashlar stone.

Block C -This is the more dominant of the development elements comprising 14 units in 3 storey blocks with a basement level with 2 west facing apartments and parking underneath. The front elevations would be south facing and would be ashlar whilst the rear north facing elevations would be ashlar and rubble stone.

Block D - Block D is a small terrace of 4 houses running along the northern boundary of the site. The houses are 2 storey facing toward Lansdown Place East. The ridge height of the terrace does not exceed the height of the boundary wall north of the development and in front of Lansdown Place East. Beneath the block, dug into the hillside, are a further 2 apartments each with a single aspect facing south comprised of four large arched windows. The north elevation is rendered and the two lower apartments are set below rubble stone with glazed arches. The development would have ashlar detailing.

Block E -Block E acts as a link between Block D and Hope House and is positioned in the top corner of the site, taking the place of an existing extension that would be demolished. The block aims to be much more subservient to the main house than the existing structure, with a lower roofline and a glazed link to physically separate it from the house itself. Block E consists of 4 apartments over 2 storeys. The front elevation would be in ashlar and the rear rendered in stucco.

Block F (Hope House) It is proposed that Hope House itself be converted from its current state into a block of 6 residential apartments. The lower ground floor, with a new access introduced between the house and Block E, will feature 2 garden apartments. The ground floor will retain the existing access from Lansdown road, opening into an entrance hall, and introduce a large 3 bed apartment. 2 more apartments are proposed on the first floor and a further 2 bed apartment on the top floor, extending into the unused attic roof space. Stair and lift access is provided to all floors. - All external features of Hope House are to be retained with the only exception being the existing roof: replacing the existing dormers and introducing new dormers to the south-east.

The following background reports have been submitted with the application :- Planning Statement, Design and Access Statement, Landscape and Visual Appraisal (LVIA), Tree Quality Survey Report, Ecology Report, Archaeological Assessment, Heritage Report, Transport Statement, Flood Risk Assessment and Drainage Report, Sustainability, Statement of Community Involvement, Accurate visual representations, Environmental Site Assessment, Lighting report, Sustainability checklist, community involvement, Heads of Terms.

Relevant history:

DC - 13/04185/LBA - PCO - - Internal and external alterations for the conversion of existing building to provide 6 no. residential apartments and demolition of modern extension.

DC - 13/04235/FUL Refused - Residential development for the erection of 58 no. dwellings, including the conversion of Hope House, and associated infrastructure and parking following demolition of existing school buildings. Reasons for refusal were The proposed development by virtue of the unacceptable design and appearance of the 4 new dwellings on the lower site ( accessed from Park Street Mews) would have a harmful impact upon the character and appearance of the conservation area.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Drainage Officer comments made - No objections to the proposed development subject to further details of drainage run off and ownerships and written agreement from Wessex Water that discharge to their network is acceptable.

Land Contamination Officer - No comments made for this application but previous comments advised that based on the sensitive use of the proposed development (residential) and the findings of the environmental site assessment report: for further

investigation and subsequent remediation works, I recommend that the contaminated land model planning conditions be applied to the application if granted.

Natural England - no comments made for this application but previous comments advised that subject to conditions there were no objections to the proposals. A Habitats Regulations assessment should be made.

Archaeological Officer comments made - A desk-based archaeological assessment has been submitted with the application. Whilst large parts of the site may have been disturbed by the previous building and landscaping works, there is still a potential for significant archaeological remains to survive in less disturbed areas. Consequently conditions are recommended.

Highways Officer comments made - no highway objection to the proposals subject to a S106 legal agreement securing:-

Highway works indicated on AWP plan PHL/102A

£65k funding to allow reconsideration of the pedestrian crossing facility after the development is fully occupied (as pedestrian and vehicular activity will change post development).

This sum includes for the cost of upgrading the facility to a controlled crossing if shown to be necessary. Any unspent contribution to be returned within 5 years.

£25k funding for Variable Message Signing on both approaches to crossing/site Access

Public Rights of Way comments - Public Footpaths BC45/2 and BC45/4 run along the perimeter of the proposed development site. No effect must be made to the line and width of the footpaths during or after development.

Wales and West Utilities - No comments made for this application but previous comments advised No objection in principle subject to appropriate protection of their apparatus during construction activities.

Urban Design Officer - no comments made for this application but previous comments advised - the northern elements are broadly acceptable subject to refinement and detailed design development.

Environmental Health Officer no comments made for this application but previous comments advised - an assessment to establish road noise levels is sought and appropriate measures to control against nesting gulls are suggested appropriate.

Housing Officer comments made - The site is within an area whereby 40% affordable housing delivery is required. Based upon a 37% on site affordable housing delivery being agreed with the Council the proposed affordable housing mix is acceptable. Subject to the scheme delivering the same high standards as negotiated in connection with the application refused in September the proposals are acceptable.

Arboriculture Officer comments make no objections to the scheme subject to adequate landscaping proposals. Tree losses are noted and these have been commented on in

detail and are accepted in the context of the new planting and the longer term strategy for landscaping of the site.

Wessex Water comments made - The site will be served by separate systems of drainage constructed to current adoptable standards. Discussion will continue if planning is agreed to ensure that on site springs are not compromised.

Education Officer comments made - A contribution sought of £102,476.14 for school places £1,600.80 for Youth provision plus land contribution of £40,990.43 will be required to accommodate the needs generated by this development.

English Heritage comments raise no in principle objection with the redevelopment of the site. They identify its heritage importance and highlight the need to achieve a high quality development that does not impact adversely on the setting of listed buildings the World Heritage Site or conservation area. They note that long distance views will generally not be impacted on but short distance views will be. The need for quality mitigation landscaping is acknowledged and tree loss is also noted the advice being to reduce tree loss as far as possible and look for any short term mitigation that can take place whilst new planting establishes as well as take tree officer advice on these issues which are outside of English Heritage specialist area.

Historic Building Comments made - The existing school buildings have no architectural or historic merit and their demolition provides an opportunity to significantly improve this important part of the City Conservation Area and World Heritage Site. The site levels are challenging, but with terracing of the northern site following the contours, characteristic of this area, the development will integrate with this high quality local environment and positively contribute to local distinctiveness. I am therefore supportive in principle of new development in this area which includes retention of a large part of the site as open space to conserve existing historic local character. The majority of concerns I initially raised on the proposed development have been successfully dealt with in the design as now submitted. Potential harm to heritage assets has been addressed and it accords with NPPF guidance.

Police Liaison Officer no comments made for this application but previous comments advised the social housing within this development is likely to require 'Secured by Design' part 2 accreditation. Secured by Design part 2 sets minimum standards for the security of the dwellings which includes doors, windows and lighting.

Parks and Open space officer no comments made for this application but previous comments advised a requirement for formal green space provision: Land purchase: £6,642.90 Construction costs: £52,874.80 Annual maintenance: £56,753.18  
Natural green space provision: Land purchase: NIL Construction costs: NIL. Annual maintenance: £99,185.00  
Allotment Land purchase: £1,900.80, Construction costs: £3,317.76, Annual maintenance: £3,832.32. Enhance existing facilities: NIL

Ecologist comments made - No objection. Should the details of the proposal, landscaping or tree retention, be subject to revisions, further ecological assessment should accompany this.

Habitats Regulations "Test of Likely Significant Effect" Greater and Lesser Horseshoe bats that are likely to be associated with Bath & Bradford on Avon Bats Special Area of Conservation (SAC) utilise the site. I can confirm that, that given the retention of the majority of the parkland area

of the proposed development site; the proposed conservation measures and parkland management; retention of tree lines, foraging areas and commuting routes with associated dark corridors and sensitive lighting scheme, and conditions to secure these, I am confident that impacts on bats and their habitats at this site will be neutral and I am satisfied that the risk of any "likely significant effect" on the SAC or bats of the SAC arising from this development, alone or in combination with other projects, can be eliminated.

Economic Development Officer no comments made for this application but previous comments advised Provision of employment related opportunities during construction is sought.

Waste Services no comments made for this application but previous comments advised - The key requirements for storage and collection of waste and recycling are identified and provision should be made to accommodate these requirements within the development.

#### Third Party Representations

Bath Preservation Trust comments The Trust is generally happy with the scale of development on the upper site, reserving its concerns for a few details that we believe would make the scheme more comfortable in the setting. These details are outlined within the full response.

St James Park Residents association object to the development on the basis it contains inadequate information, the height and scale of buildings, overlooking, loss of trees and the impact of the large car parking area, security concerns and harm to the conservation area and World Heritage Site.

65 letters of objection have been received on the following grounds (comments represent summary points of representations and full details of the objection comments can be seen on the Councils website) :-

Significant and excessive tree loss

Loss of historic parkland

New trees would take years to establish

The development would not comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on conservation area, World Heritage Site and listed buildings

Overbearing impact of the buildings due to mass and proximity

New development should be contained within the existing height and footprint of existing development.

Buildings are higher than existing and extend much further into the parkland

36 trees will be removed many of which provide existing screening

The development would be harmful to baths heritage

Risks to security of adjacent properties if pedestrians can access the park

Block C is actually 4 stories due to the levels changes and under parking.

Noise



Light impact  
Pollution  
Too many units are being proposed  
The proposals allow no provision for communal space  
Traffic impact (including communal impact with the MOD development)  
Harm to conservation area  
Scale of development and height  
Parking is inadequate  
Impact on residential amenity  
Loss of daylight and sunlight  
Inadequate and ineffective mitigation  
Too high a density  
Overlooking loss of privacy  
The lack of clear and precise information and sufficient evidence with the application  
The uses will be 24 hour which is more intensive than the existing school use.  
A significant amount of windows will overlook adjoining properties.  
Block C has a single storey apartment platform and viewing platform  
Inadequate notation of construction materials  
The car parking and service roads will harm amenity  
lack of proper and adequate visualisations

#### Support

The Lansdown Crescent Association (LCA) supports the application as it fulfils the Associations three key aims

1 further letter of support has been received on the basis the scheme improves the range of housing available and the scheme is superbly designed.

#### **POLICIES/LEGISLATION**

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

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

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

The saved policies of the Bath and North East Somerset Local Plan most relevant to this case are :-

IMP1 : Contributions  
SC1 : Settlement classification  
D2: General Design and Public Realm considerations

D4: Townscape considerations  
CF1: change of use of community facilities  
CF3: Contributions from new development to community facilities  
SR3 : Sports and recreation  
ES2 Sustainable design  
ES4 : Water supply  
ES10: Air quality  
ES12: Noise  
ES15: Contaminated land  
HG1: Housing mix  
HG7: Residential density  
HG12 : Conversion of buildings  
NE4: Trees and woodland  
NE9: Locally important wildlife sites  
NE10: Nationally important species and habitats  
NE11: Locally important species and habitats  
NE12: Natural Features  
BH2: Listed buildings and their settings  
BH4 : change of use of a Listed building  
BH6, BH7 and BH8: development within Conservation Areas  
BH12: Archaeology  
BH22 : External Lighting  
T1 : Sustainable travel  
T3: Pedestrian safety  
T5, T6 and T7: Provision for cyclists  
T24: General development control and access policy  
T26: On-site parking and servicing  
WM4 : Waste

Policies from the adopted Core Strategy relevant to the considerations of this application are :-

DW1 : District wide spatial strategy  
B1 : Bath spatial strategy  
B4 : World Heritage Site  
SD1 : Sustainable development  
CP1: Energy efficiency  
CP2 : Sustainable construction  
CP3 : Renewable Energy  
CP6 : High Quality design  
CP7 : Green Infrastructure  
CP9 : Affordable housing  
CP10 : Dwelling mix to meet needs

#### NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (the Framework) was published in March 2012 and superseded much previous Government guidance. It contains a number of paragraphs that are relevant to the application and these are summarised below:-

## Presumption in favour of sustainable development

The Framework introduces a presumption in favour of sustainable development. This is defined as being made up from economic, social and environmental elements. It says that, when taking decisions on applications, this presumption means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, it means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or where specific policies in this Framework indicate development should be restricted.

## Core Planning Principles

Amongst the core planning principles set out in the Framework are that planning should:- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

## Good Design

The Framework continues the theme from previous Government guidance that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It says that planning decisions should aim to ensure that developments:- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit are visually attractive as a result of good architecture and appropriate landscaping

The Framework goes on to say that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

The following adopted Planning Documents are also relevant to the consideration of this application:-

Archaeology in Bath and North East Somerset SPG (2004) and Archaeology in Bath SPG (2004)

Bath City-wide Character Appraisal SPD (2005)

Cherishing Outdoor Spaces, A Landscaping Strategy for Bath (1994)

City of Bath World Heritage Site Setting SPD

Planning Obligations SPD (2009)

Streetscape Manual SPD (2005)

Sustainable Construction and Retrofitting SPD

## **OFFICER ASSESSMENT**

Principle

## Loss of the existing use

As the site is currently being used for educational purposes, saved Local Plan Policy CF.1 is relevant to this application. Policy CF1 introduces a number of criteria that must be met by a proposal in order to permit the loss of use of the site for community purpose. It is not necessary to meet all relevant criteria. In this case criteria iii) is relevant to this proposal. This requires 'alternative facilities of equivalent community benefit to be provided'.

The redevelopment of this site is part of a planned improvement and expansion of the Royal High school. The school when resident at Hope House purchased Cranwell House in 2008 and its pupils moved from Hope House to Cranwell House at the start of the 2013 academic term. The re-provided facilities that are now operational are of at least equal benefit and are in fact considered an enhancement of the schools facilities with greater capacity than Hope House. Therefore the redevelopment of this site is compliant with the policy.

Notwithstanding these conclusions it is of note that educational provision in the area is at capacity with no further room for expansion. We therefore know that there is to be a projected shortfall of school places in the near future. and this is discussed further in the report below.

## Redevelopment for Housing.

The site is in the central area of Bath whereby it is appropriate to focus new housing. Notwithstanding that part of the site is parkland (and will remain so) the significant portion of the site that will be redeveloped has existing development on it and can be considered brownfield. The site is identified within the councils SHLAA as part of its projected housing delivery with a housing target in the region of 50. There is no in principle objection to the redevelopment of the site for housing.

## Education

There is a clear projected shortfall in terms of education provision in the area. Whilst there is no objection in principle to development on this site from the education officer it is the case that this site, along with others in the vicinity, combine to increase the pupil numbers and therefore the need for school facilities. Consistent with other developments that are coming forward the education officer seeks contributions from this developer (and others) based on the adopted Supplementary planning guidance document Obligations. The requirements include a land contribution that would alongside a similar contribution from others combine to provide the facilities as needed. This is an acceptable way forward and the applicant has expressed a willingness to meet the contributions as sought. It is of note that there is cabinet approval to address any shortfall in the funding required to provide necessary school places.

## Affordable Housing

The proposed scheme would deliver 54 units 20 of which would be delivered within Block B to meet affordable housing requirements. This would equate to 37% of the total housing provided. The amount of affordable housing has to be considered in light of the Core Strategy now adopted and therefore its policies are afforded full weight. In particular it is

key to note that whereas 35% was the previous policy requirement for affordable housing on this site, for certain areas of the central area of Bath, including this site, the provision would now be expected to reach 40%. In this case however there are relevant factors to take into account. All units are 1 bedroom properties and the scheme represents a bespoke provision for the over 55s. The scheme was negotiated prior to adoption of the core strategy and was based upon a 35% delivery and if core strategy policy standards of 40% were applied the development overall would need to be revisited fundamentally to look at redistribution of housing or commuted sums. This is because the 20 units are located within a single bespoke housing block and an increased number could not be accommodated within that block. The Housing officer supports the scheme as it stands (as was previously the case) based upon the specific benefits that having the housing delivered in this way on this site would deliver. There is an acknowledged shortage of this housing and the scheme has been delivered fully in accordance with, taking account of, and following the advice, of both the Councils Housing officer and in association with a local Housing provider. The quality of accommodation and standards applied are more stringent than general needs affordable housing. The application site is delivering above policy requirements in terms of accessibility standards (10% wheel chair and 90% Lifetime Homes) and meets all other housing policy requirements and is supported as submitted. Due to the very tailored nature of this provision which results in an over 55s scheme that sits within a single housing block any increased provision of 1 or 2 units would be problematic in terms of management and distribution within the site and may affect the existing supported and tailored approach. Taking account of the overall package of affordable housing benefits and the extensive negotiations that have led to this position the affordable housing as proposed is acceptable.

#### Access and highways.

The site is in a sustainable location with good access to all facilities and services within the town centre. The nearest bus stop to the development site (providing access to northbound services) is located on the western side of Lansdown Road directly adjacent to the site and approximately 50m from the existing site access. The nearest railway station to the development site is Bath Spa, approximately a 20 minute walk to the south. There is no objection in principle to the development from a highway perspective subject to contributions as identified.

#### Historic Buildings, Conservation Area and Design

##### Historic context

The local heritage assets include the conservation area and World Heritage Site, together with a high proportion of listed buildings and other buildings of local interest as identified and recognised in the submitted 'Planning Heritage' document which has informed the design process. The development overall must preserve or enhance the character and appearance of this extremely sensitive part of the conservation area and the World Heritage Site and the settings of the adjoining listed buildings and other local heritage assets.

##### Listed Building

The principle building on site is Hope House which is a 4 storey Grade 2 listed Regency mansion dating from 1790. The building was subject to considerable change when it was converted to a school in the 1900's. Virtually the whole of the interior of the building was lost through bomb damage, and the original staircase and other significant architectural features are either replaced or relocated. The interior now has an 'institutional' character. The original plan form is unknown and what remained has been obliterated. Internally the proposed new room divisions are sensitively located and respect the existing (and original) openings.

The poorly designed C20 extension on the north side of the listed building will be replaced by a new building lower in height with a subservient link structure allowing exposure of the original side wall of Hope House and views of it. The important building will once again appear as 'stand-alone' as originally designed.

Overall there is certainty that the proposals will result in significant improvements to the appearance of the building and reinstatement of character. This improvement will also lead to enhanced views of the house in the conservation area. The conversion of the listed building to residential uses is considered an appropriate and beneficial re-use of that building which would not be harmful

#### Demolitions

There are 2 other significant buildings on the site The Anderson Building and the Gloucester Building both of which are recent 1960s construction. These existing school buildings have no architectural or historic merit and their demolition provides an opportunity to significantly improve this important part of the City Conservation Area and World Heritage Site.

#### New development

The principle of new development on the site is acceptable. It is considered appropriate to direct that largely within the area currently occupied by built form or other ancillary development. Any new development must when viewed overall preserve or enhance the Conservation area as a statutory test. Set out within saved local plan policy BH6.

#### Site proposals

##### Layout

The site levels across the site are challenging, but the new development has taken the form of terracing in streets following the contours, characteristic of this area. The new 'street' respects the topography and grain/pattern of existing historic development. This approach will enable the development to integrate within this high quality local environment.

The position of Block E (at the northern side of the existing listed building reflects the historic location of the former billiards room and link structure at Hope House. In the context of this historic precedent for development on this part of the site this is acceptable. The ridge of these properties will be no higher than the wall on Lansdown Place East to

avoid blocking the now established views across the City south to the valley slopes beyond.

### Significant views

Existing long distance views of and across the World Heritage Site from the south are not considered to be harmed by the development as it will harmonise with and complement the existing grain of historic development on the northern valley slopes. The roof-scape, including the chimney stacks adding variety and visual interest, the natural slate material of the roofs and Bath ashlar stone walling all reinforce this empathy with local character in such views. There will be more impact on the existing medium to short distance views, particularly from Lansdown Road and Somerset Place East in the conservation area. Those from Somerset Place East are not considered to be harmed due to the steep nature of the site which significantly reduces the impact of the development. Existing views of the mediocre design school buildings will be improved by their removal and replacement with the attractively designed roof-scape of the new development. Immediate views on Lansdown Road itself and into the site will benefit from enhanced built enclosure which positively contributes to views in the local conservation area townscape.

### Architecture and elevation treatment

The deliberate classical approach to the architecture of the scheme is considered acceptable in this historic context. The Palladian formula of podium, first floor Piano Nobile and attic storey unifies the Georgian style of housing in the City, and this is evident in the proposed elevation treatment of the development. This is compounded by a regular rhythm of openings and use of appropriate architectural detail including string bands and canopies with console brackets, all contributing to local distinctiveness.

The deep plan forms of the blocks reflect local historic character but roofs are single span, unlike the double mansard pitches which are perhaps more characteristic of the city. However this is considered acceptable as a modern interpretation of historic types. The stepped form of the terraces is welcomed, together with the use of details such as the dividing roof parapets and tall ashlar chimney stacks. There is also recognition of varying terrace design - some grand, some artisan - adding variety and visual interest to the scheme.

### Design and historic impact conclusion

This is a significant development being introduced within a sensitive area. The development of the site is assessed against its current status. The removal of the significant 1960s buildings will bring an improvement and the replacement buildings are very much more appropriate. On balance taken as a whole the development is considered to preserve the character and appearance of the conservation area and will bring positive benefits to the listed building and will not harm the World Heritage site.

### Trees and Landscape

All trees within the site are protected by virtue of the Bath Conservation Area designation. Bath and North East Somerset (The Royal High School, Hope House, Lansdown Road, Bath) Tree Preservation Order 2006 also protects selected individuals and groups of

trees. The Tree Preservation Order was made following a review of an older order which had been made in 1969. The application has included an arboriculture assessment. There is significant concern clearly identified by residents with regard to tree losses and a detailed assessment of all of the trees lost has been made by the Council's tree officer. These losses have been considered as a comprehensive package. All trees have been assessed based upon their condition and amenity and the losses are considered acceptable in the context of this information combined with the package of enhancement planting. There are 2 tree losses in particular that raise notable issues. The first relates to the loss of a significant Poplar tree that currently sits between the existing school block to the south and the residential properties in St James Park. Residents would like to see this retained however the tree officer having considered this possibility has advised that there would be no justification to retain this tree and a tree preservation order would not be placed on it on account of its condition and previous work carried out to it. Whilst the tree makes a contribution now it would not be practical to retain the tree with the development and a longer term view of the site is being taken. Some tree loss in the immediate to short term is accepted to obtain longer site wide benefits for planting overall including tree replacements where appropriate. A second tree of note is the yew tree at the front end of the site. This is a significant specimen and is currently in good condition. However it is causing damage to an existing retaining wall. It is accepted that on safety grounds that wall irrespective of the proposed development would require work to render it safe. The structural works required make the retention of the tree unlikely to be feasible (however that option is not ruled out) In the event that the tree is lost to accommodate the works it will be necessary to replace a tree on the site and that could be a replacement Yew.

## Ecology

The site's ecological potential has been investigated comprehensively. A number of species are present on the site including badgers and various bats (including protected species). However the development has been confirmed not to be harmful to these. The very significant proportion of new development will take place on previously developed areas and large areas of the parkland will be maintained. Whilst some trees will be lost there will also be new planting. The key consideration and potential impact is considered to be on bats and flight lines and particular along the southern boundaries. However the planting buffer will be sufficient to address this and with mitigation and conditions to control lighting the scheme would not warrant refusal on ecological grounds. The development has been assessed in accordance with the habitat regulations and has been concluded not to have significant effect.

## Residential amenity

The whole of the proposed development is located on the upper slopes near to the existing Hope House. Particularly sensitive relationships are with regard to proposed residential development to the south of Lansdown Crescent and to the north of St James Park.

Development south of Lansdown Crescent would be relatively well hidden being set down behind an existing very substantial wall, roofs being set down behind that wall. It is considered that the development would have little or no impact on existing residents to the north on Lansdown Crescent.



To the south of the site St James Park backs out onto the existing site. There is an existing substantial former teaching block located along the southern boundary that would be demolished. Block B would be located principally over the same footprint as that demolished building. Block B would however extend further west than the existing building but would also be set slightly back. The new development would be approximately 25 metres from the rear of existing dwellings which are located facing onto St James Park with rear gardens abutting the site. The existing dwellings would be set at a significantly lower level than those proposed. This would have a positive effect in taking sight lines from the new development generally above the roof tops of those properties. As the new dwellings would be located north of existing it would not create any overshadowing of the existing gardens. An existing Poplar tree currently acts as a clear buffer between the existing site and its former school buildings and the existing dwellings. This Poplar tree is proposed for removal and this is of great concern to residents. However this tree is accepted for removal by the Councils tree officer as part of an overall package that would see landscaping improvements in the longer term including in the area of the Poplar tree. It is accepted that in the short term residents would experience a different and more exposed environment than exists. However the proposals are for residential uses and the distances and relationships between existing and proposed development are not unusual and are well within the parameters generally found acceptable within the Bath area. The effect of landscaping as it establishes will go some way toward improving the relationship in the medium term. On balance the proposed development has an acceptable relationship with properties along James Street Park to the south.

Concern is raised by residents in respect of Block C also which extends development further west into the parkland than development currently exists. This Block however is effectively set a further street back than Block B from residents to the south and taking account of distances between existing and proposed development this is considered an acceptable relationship.

Consideration has also been made of external activities. In particular there would be additional car movements accommodated in and along the street that have the potential to cause noise and disturbance to residents to the south. However the scheme has been designed to minimise that impact. Taking account of the location and design of streets and parking and the other mitigations such as boundary planting it is considered that in this centralised City environment the vehicles movements and parking within the site as proposed would not be so harmful so as to warrant refusal of the application.

#### Noise

No noise assessment is sought as the new development would be located in an urban environment and in the main is enclosed by other residential development. Controls over appropriate sound construction can be suitably addressed by building control measures.

#### Contamination

Investigative reports have been provided and there are no particular concerns that cannot be adequately addressed by condition.

#### Description of application

Third parties have raised concerns that the officer's report does not accurately describe the development. Officers in response do not consider this to be the case but in relation to the points raised advise that the site and the development is complex in nature with various levels and relationships with off site development. The report has referred to these aspects however a written description alone may not be fully sufficient to ensure complete understanding of the site and its context. However for that reason members will be familiar with the site having undertaken a detailed site visit with officers and have been able to see the trees levels changes and relative location of buildings with off site development. In addition as is usual members will also be presented with full plans of the proposals to ensure that the application is fully clear. In that regard officers do not consider it to be the case that members do not have the full facts of the case in front of them to enable its proper consideration.

#### Other matters

It is of note that Japanese knotweed is present on the site and a condition to remove and eradicate this is proposed for this purpose.

#### Conclusion

This is a high quality redevelopment of an existing developed site and for the reasons as set out in the report above it is considered to be acceptable and in accordance with the relevant planning policies that apply.

### **RECOMMENDATION**

Authorise the Divisional Director, Development to PERMIT subject to condition(s)

### **CONDITIONS**

A) Authorise the Planning and Environmental Law Manager to enter into a Section 106 Agreement to secure the following :-

- i) highway works in accordance with the highways officers advice and a financial contribution towards highway improvements to the pedestrian crossing and variable messaging.
- ii) Affordable Housing - 20 units within Block B to a specification as agreed with the Housing Officer
- iii) Parks contributions as identified within the main report
- iv) Education contributions on the basis of a sum towards land and other provisions agreed in accordance with the councils SPD Obligations.
- v) Lifelong learning contribution in accordance with the SPD

B) Subject to the completion of (A) authorise the Group Manager - Development Management to PERMIT the development with the following conditions;-

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

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

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

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

3 No development shall commence 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 first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains.

4 No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish record and protect any archaeological remains

5 The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site may produce significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

6 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is

subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (a) a survey of the extent, scale and nature of contamination;
- (b) an assessment of the potential risks to:
  - (c) human health,
  - (d) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - (e) adjoining land,
  - (f) groundwaters and surface waters,
  - (g) ecological systems,
  - (h) archaeological sites and ancient monuments;
- (i) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptor

10 No development shall take place until full details of an Ecological and Landscape Management and Enhancement Scheme, in accordance with the approved Ecological Assessment Report by ACD dated September 2014 have been submitted to and approved in writing by the local planning authority. These details shall include all necessary wildlife protection measures during the demolition and construction phases, including exclusion zones and details of protective fencing; specifications for provision of all recommended ecological features and enhancement measures, including details of numbers, positions and specifications of bat and bird boxes; long term wildlife friendly habitat management including details of ecological objectives; management prescriptions, personnel, funding mechanisms and future monitoring and remediation as applicable. All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: for the long term safeguarding of wildlife habitat at the site and retention of habitat for protected species including bats

11 Prior to the commencement of construction, final details of proposed lighting shall be submitted to the LPA for approval in writing. The scheme shall demonstrate using lux level contour plans where applicable, avoidance of light spill onto trees and vegetation that form flight lines for bats, and shall include details of post-construction measurement and monitoring of light levels, reporting of this to the LPA, and proposed remedial measures (replacement of or adjustment to lights if necessary) if light spill onto tree lines exceeds levels that would enable their use by bats.

Reason: to avoid harm to bat activity and other wildlife

12 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management and any need for cranes for construction. Development shall thereafter proceed in accordance with the approved plan.

Reason: To ensure the safe operation of the highway.

13 Notwithstanding any landscaping details submitted with the application the commencement of development of the new buildings hereby approved shall not begin until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme shall include details of all street furniture and street lighting, 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

14 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

15 The commencement of development of the new buildings hereby approved shall not begin until samples of the materials to be used in the construction of the external surfaces, including roofs, gates, railings, and boundary walls, 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

16 No works or deliveries required to implement this development shall take place outside the hours of 0800 to 1800 each day Monday to Friday and 0900 to 1300 on Saturday. No works or deliveries shall take place on Sundays or Bank Holidays.

Reason: To safeguard the amenity of nearby occupiers.

17 Prior to the commencement of development at the site details of a Construction Dust Management Plan for all works of construction and demolition shall be submitted to and approved in writing by the Local Planning Authority. The Construction Dust Management Plan shall comply with the guidance for London as set out in The Control of Dust and Emissions from Construction and Demolition: Best Practice Guidance, published in 2006. The details so approved shall be fully complied with during the construction of the development.

Reason: To protect the amenities of the occupants of adjacent residential properties.

18 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the LPA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason : To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

19 No development shall take place until a plan showing existing and proposed ground levels across the site and details of slab levels for the dwellings has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development

20 Prior to the commencement of development a scheme for the management of Japanese knotweed shall be submitted and approved in writing by the Local Planning authority. Development shall take place in accordance with the approved scheme.

Reason : In the interest of protection of the environment

21 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 highway safety.

22 No development shall commence until a Landscape Management Plan, detailing how the communal areas or other open or landscaped areas will be maintained in the future, has been submitted to and approved in writing by the Local Planning Authority. The agreed Landscape Management Plan shall thereafter be fully implemented.

Reason In the interest of the appearance of the development

23 The development hereby approved shall not be occupied until works for the disposal of sewage have been provided on site to serve the development in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason : In the interests of the amenity of residents

24 No site works or clearance shall be commenced until protective fences which conform to 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 arboriculture or landscape works.

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

25 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 24 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.

26 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.

27 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, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

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

28 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 or boundary fences or walls shall be erected within the curtilage of the dwelling(s) hereby approved, other than



those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

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

29 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no solar PV or solar thermal shall be installed on the dwelling house(s) or other building(s) hereby approved unless a further planning permission has been granted by the Local Planning Authority.

Reason : In the interests of the appearance of the building(s) and the character of the area.

30 The gradient of the access shall not at any point be steeper than 1 in 12.5 for a distance of 10 metres from its junction with the public highway.

Reason: In the interests of highway safety.

31 The proposed access roads, including footpaths and turning spaces, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access

32 The garaging 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

33 Before the dwellings are first occupied, new resident's welcome packs shall be issued to purchasers which should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., together with complimentary bus tickets for each household to encourage residents to try public transport. The packs shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

34 Prior to the commencement of development the applicant shall submit further evaluation of structural options for the re-instatement of the entrance wall adjacent to the Yew tree with a view to establishing the optimum method of reconstruction so as to allow retention of the yew tree. In the event that retention of this tree is agreed in writing by the

Local Planning Authority as impractical to achieve, a replacement tree of a size, species and in a location agreed in writing with the Local Planning Authority shall be planted and maintained for a minimum period of 5 years.

Reason : In the interest of visual amenity.

35 The development shall not commence on site until details of measures to control roof top nesting (by gulls) have been submitted to and approved in writing by the Local Planning Authority. No occupation of any part of the development shall take place until the approved measures have been installed on that part of the development.

Reason: In the interests of amenity.

36 Prior to the commencement of development large scale details of the following shall be submitted to the local planning authority for approval in writing:

- a) the sash window joinery including the position/set-back of the frames in window reveals the front and rear entrance doors
- b) the stone work, including detailing (chimney stacks, cornices, string bands, canopies etc) - this should include erection of a sample panel(s) of the stonework which are to be agreed in writing by the LPA and thereafter retained on site during the works.
- c) the glazed verandas/sun rooms on Block D.  
balconies.
- d) dormer windows.

The development shall be completed in accordance with the approved details.

Reason : In the interests of the appearance of the development and the visual amenities of the conservation area and world heritage site.

37 No development shall commence until 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.

38 No demolition, site preparation or development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit phasing and provision of records and certificates of completion to the local planning authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals

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

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

## **PLANS LIST:**

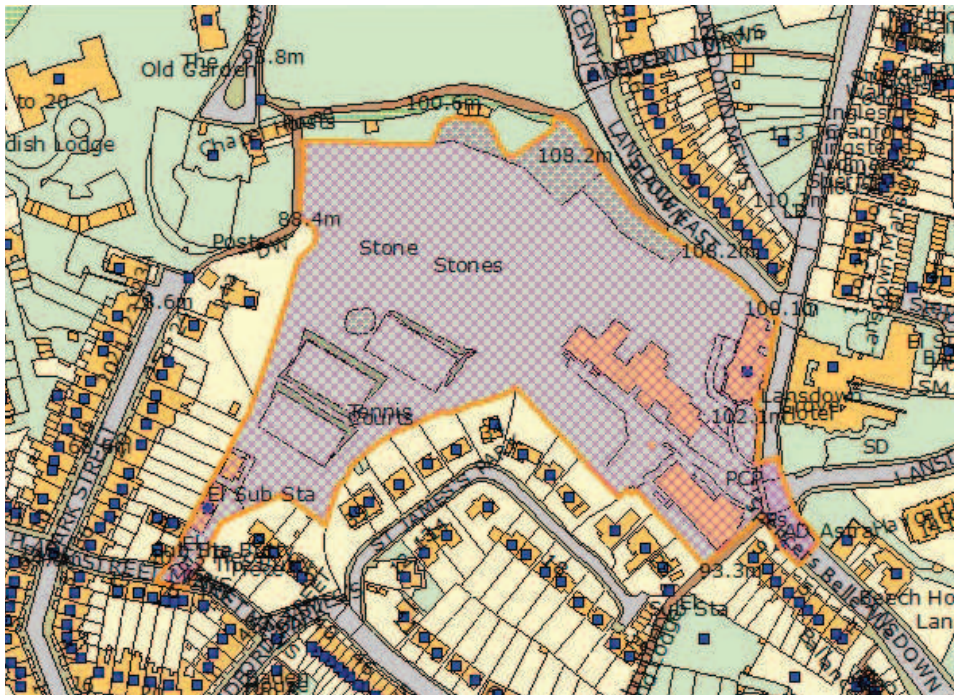
Site Location Plan, 0158/72826, 1866 - PE- 32 rev C - Block B Main Elevations, 1866 - PE- 33 rev B - Block A and B End Elevations, 1866 - PE- 34 rev C - Block C Front Elevation, 1866 - PE- 36 rev D - Block C End Elevation, 1866 - PP- 31 rev C - Block A Plans, 1866 - PP- 32 rev E - Block B LGF and GF Plans 1866 - PP- 33 rev E - Block B FF and Roof Plans, 1866 - PP- 34 rev C - Block C LGF Plans, 1866 - PP- 35 rev A - Block C GF and FF Plans, 1866 - PP- 36 rev A - Block C SF Plan, 1866 - PP- 37 rev A - Block D LGF Flats and GF and FF Plans, 1866 - PP- 38 rev B - Block E GF and FF Plans, GA Roof Plan rev D, AN1083:110 Site Plan: Landscape Proposals, AN1083:111 Landscape Proposals (north part of site), AN1083:112 Landscape with existing tree outlines & existing building footprints, AN1083:113 Landscape Sections (Blocks A, B and C), AN1083:114 Landscape Section (30 St James' Park Blocks A & B, Block B Unit 10 and 11 Plans, 1866 PE 31 Block A Main Elevations, 1866 PE 35 Block C Rear Elevations, 1866 PE 37 Block D and E Main Elevations, 1866 PE 38 Hope House Elevations, 1866 PP 39 Hope House LGF and GF Plans, 1866 PP 40 Hope House 1st and 2nd Floor Plans, WSP-1642-GA-630-ST-201 Existing Lighting - Lux Measurement Site Survey, WSP-1642-GA-630-ST-202 External Lighting Initial Concept Scheme, WSP-1642-GA-630-ST-203 External Lighting Revised Concept Scheme, GF1, FF1, SF1, TF1, ELEV1, ELEV2, ELEV 3, BAT13, BAT15, 3160-1, 3160-2, 3160-3, DB31, 32, PS31, PD31, PD32, PD33, PD34, PD35.

## **DECISION TAKING STATEMENT**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework and has worked positively with the applicant in bringing forward the proposed development. Notwithstanding the case officers recommendation, for the reason set out within this refusal the Development Control Committee has determined that the development is unacceptable.

Informative : residents of this development will not be eligible for parking permits.

**Item No:** 03  
**Application No:** 13/04185/LBA  
**Site Location:** Hope House The Royal High School Lansdown Road Lansdown Bath



**Ward:** Lansdown                      **Parish:** N/A                      **LB Grade:** II  
**Ward Members:** Councillor Patrick Anketell-Jones Councillor Anthony Clarke  
**Application Type:** Listed Building Consent (Alts/exts)  
**Proposal:** Internal and external alterations for the conversion of existing building to provide 6 no. residential apartments and demolition of modern extension.  
**Constraints:** Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, Safeguarded Roads, Tree Preservation Order, World Heritage Site,  
**Applicant:** Hope House Developments LLP  
**Expiry Date:** 17th September 2014  
**Case Officer:** Sarah James

## REPORT

This application should be read in conjunction with planning report 14/04184/FUL also on this agenda. This report will not repeat what has previously been said but will cover only the issues that are in addition to that report relevant to the listed building application alone.

Relevant history:

DC - 13/04185/LBA - PCO - - Internal and external alterations for the conversion of existing building to provide 6 no. residential apartments and demolition of modern extension.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Listed Buildings Officer comments made 4th November 2014 - Recommendation Grant listed building consent. Overall there is certainty that the proposals will result in significant improvements to the appearance of the building and reinstatement of character. This improvement will also lead to enhanced views of the house in the conservation area. All proposals are therefore considered to fully meet the historic environment requirements of the National Planning Policy Framework (NPPF).

English Heritage comments made 7th November 2013 - Listed Building Consent: We do not wish to raise any issues concerning the demolitions within the Grounds of the school buildings or to the internal and external alterations proposed for the main Grade II building. We welcome the retention and reuse of the principal listed building as the focal point for the new scheme.

### Third Party Representations

No representations to the listed building proposal have been made.

## **POLICIES/LEGISLATION**

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

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

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

The saved policies of the Bath and North East Somerset Local Plan most relevant to this case are :-

- D2: General Design and Public Realm considerations
- D4: Townscape considerations
- HG12 : Conversion of buildings
- NE12: Natural Features
- BH2: Listed buildings and their settings
- BH4 : change of use of a Listed building
- BH6, BH7 and BH8: development within Conservation Areas

Policies from the adopted Core Strategy relevant to the considerations of this application are :-

- DW1 : District wide spatial strategy
- B1 : Bath spatial strategy

B4 : World Heritage Site  
SD1 : Sustainable development  
CP1: Energy efficiency  
CP2 : Sustainable construction  
CP3 : Renewable Energy  
CP6 : High Quality design

## NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (the Framework) was published in March 2012 and superseded much previous Government guidance. It contains a number of paragraphs that are relevant to the application and these are summarised below:-

In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

The following adopted Planning Documents are also relevant to the consideration of this application:-

Archaeology in Bath and North East Somerset SPG (2004) and Archaeology in Bath SPG (2004)  
Bath City-wide Character Appraisal SPD (2005)  
Cherishing Outdoor Spaces, A Landscaping Strategy for Bath (1994)  
City of Bath World Heritage Site Setting SPD  
Planning Obligations SPD (2009)  
Streetscape Manual SPD (2005)  
Sustainable Construction and Retrofitting SPD

## **OFFICER ASSESSMENT**

Historic Buildings and Conservation Area and Design

Historic Buildings

Section 16 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, "the LBCA Act", imposes a statutory duty upon a local planning authority, In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Conservation Area

Section 72 (1) of the LBCA Act imposes a statutory duty upon a local planning authority in the exercise of its planning powers with respect to any buildings or land in a conservation area (including the determination of applications for planning permission) to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

## Historic context

The local heritage assets include the conservation area and World Heritage Site, together with a high proportion of listed buildings and other buildings of local interest as identified and recognised in the submitted 'Planning Heritage' document which has informed the design process. The development overall must preserve or enhance the character and appearance of this extremely sensitive part of the conservation area and the World Heritage Site and the settings of the adjoining listed buildings and other local heritage assets.

## Listed Building

The principle building on site is Hope House which is a 4 storey Grade 2 listed Regency mansion dating from 1790. The building was subject to considerable change when it was converted to a school in the 1900's. Virtually the whole of the interior of the building was lost through bomb damage, and the original staircase and other significant architectural features are either replaced or relocated. The interior now has an 'institutional' character. The original plan form is unknown and what remained has been obliterated. Internally the proposed new room divisions are sensitively located and respect the existing (and original) openings.

The poorly designed C20 extension on the north side of the listed building will be replaced by a new building lower in height with a subservient link structure allowing exposure of the original side wall of Hope House and views of it. The important building will once again appear as 'stand-alone' as originally designed.

Overall there is certainty that the proposals will result in significant improvements to the appearance of the building and reinstatement of character. This improvement will also lead to enhanced views of the house in the conservation area. The conversion of the listed building to residential uses is considered an appropriate and beneficial re-use of that building which would not be harmful

## Demolitions

There are 2 other significant buildings on the site The Anderson Building and the Gloucester Building both of which are recent 1960s construction. These existing school buildings have no architectural or historic merit and their demolition provides an opportunity to significantly improve this important part of the City Conservation Area and World Heritage Site.

## New development

The principle of new development on the site is acceptable. It is considered appropriate to direct that largely within the area currently occupied by built form or other ancillary development. Any new development must when viewed overall preserve or enhance the Conservation area as a statutory test. Set out within saved local plan policy BH6.

## Upper Site (Lansdown Road area)

## Layout

The site levels across the site are challenging, but the new development has taken the form of terracing in streets following the contours, characteristic of this area. The new 'street' that respects the topography and grain/pattern of existing historic development. This approach will enable the development to integrate within this high quality local environment.

The position of Block E (at the northern side of the existing listed building reflects the historic location of the former billiards room and link structure at Hope House. In the context of this historic precedent for development on this part of the site this is acceptable. The ridge of these properties will be no higher than the wall on Lansdown Place East to avoid blocking the now established views across the City south to the valley slopes beyond.

## Significant views

Existing long distance views of and across the World Heritage Site from the south are not considered to be harmed by the development as it will harmonise with and complement the existing grain of historic development on the northern valley slopes. The roof-scape, including the chimney stacks adding variety and visual interest, the natural slate material of the roofs and Bath ashlar stone walling all reinforce this empathy with local character in such views. There will be more impact on the existing medium to short distance views, particularly from Lansdown Road and Somerset Place East in the conservation area. Those from Somerset Place East are not considered to be harmed due to the steep nature of the site which significantly reduces the impact of the development. Existing views of the mediocre design school buildings will be improved by their removal and replacement with the attractively designed roof-scape of the new development. Immediate views on Lansdown Road itself and into the site will benefit from enhanced built enclosure which positively contributes to views in the local conservation area townscape.

## Architecture and elevation treatment

The deliberate classical approach to the architecture of the scheme is considered acceptable in this historic context. The Palladian formula of podium, first floor Piano Nobile and attic storey unifies the Georgian style of housing in the City, and this is evident in the proposed elevation treatment of the development. This is compounded by a regular rhythm of openings and use of appropriate architectural detail including string bands and canopies with console brackets, all contributing to local distinctiveness.

The deep plan forms of the blocks reflect local historic character but roofs are single span, unlike the double mansard pitches which are perhaps more characteristic of the city. However this is considered acceptable as a modern interpretation of historic types. The stepped form of the terraces is welcomed, together with the use of details such as the dividing roof parapets and tall ashlar chimney stacks. There is also recognition of varying terrace design - some grand, some artisan - adding variety and visual interest to the scheme.

## Southern Site



Following initial submissions an amended architectural treatment was sought which has improved the design of the building. The building is now set further down in the important landscape with the interior stepping down the hillside respecting topography and rear gardens now merging with the landscape. In addition there is now a substantial area of green roof. Consequently the visual and physical presence of buildings at the lower end of the site has been minimised and the impact on the heritage assets is significantly reduced. The much simplified contemporary form of architecture does take some references from Bath's distinct architectural character. It will satisfactorily terminate views looking north into the site from Park Street Mews, and be of subservient appearance in the important views looking south over the open space and towards the city centre. On balance the introduction of the new buildings within this location is acceptable.

#### Design and historic impact conclusion

This is a significant development being introduced within a sensitive area. The development of the site is assessed against its current status. The removal of the significant 1960s buildings will bring an improvement and the replacement buildings are very much more appropriate. On balance taken as a whole the development is considered to preserve the character and appearance of the conservation area will bring positive benefits to the listed building and will not harm the World Heritage site.

#### Conclusion

It is considered that overall there are very clear benefits arising from the development with regard to the Heritage assets of the site.

### **RECOMMENDATION**

CONSENT with condition(s)

### **CONDITIONS**

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

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

2 Prior to commencement of development large scale details of the glazed link structure are to be submitted to the local planning authority for approval in writing. Development shall only proceed thereafter in accordance with the approved details.

Reason To safeguard the character and appearance of the listed building

3 Prior to commencement of works full details of any installations required as a result of fire prevention and other such regulations together with any external vents, meter boxes or other such fixtures are submitted to the local planning authority for approval in writing. Development shall only proceed thereafter in accordance with the approved details.

Reason To safeguard the character and appearance of the listed building

4 Prior to commencement of works full details of all rainwater goods are submitted to the local planning authority for approval in writing. Development shall only proceed thereafter in accordance with the approved details.

Reason To safeguard the character and appearance of the listed building

5 Prior to commencement of works large scale detailed drawings of the sash windows at 1:2 scale are to be submitted to the local planning authority for approval in writing. Development shall only proceed thereafter in accordance with the approved details.

Reason To safeguard the character and appearance of the listed building

6 Prior to commencement of works a sample panel shall be erected on site to illustrate the treatment for any areas of new stonework, including mortar mix and pointing for approval in writing by the local planning authority, and retained on site as a reference for the duration of the works. Development shall only proceed thereafter in accordance with the approved details.

Reason To safeguard the character and appearance of the listed building

7 Prior to commencement of works details of the proposed stonework repair method are to be submitted to the local planning authority for approval in writing. Development shall only proceed thereafter in accordance with the approved details.

Reason To safeguard the character and appearance of the listed building

8 Prior to commencement of development large scale detailed drawings are to be submitted to the local planning authority for approval in writing of the replacement dormer window on the west elevation. Development shall only proceed thereafter in accordance with the approved details.

Reason To safeguard the character and appearance of the listed building

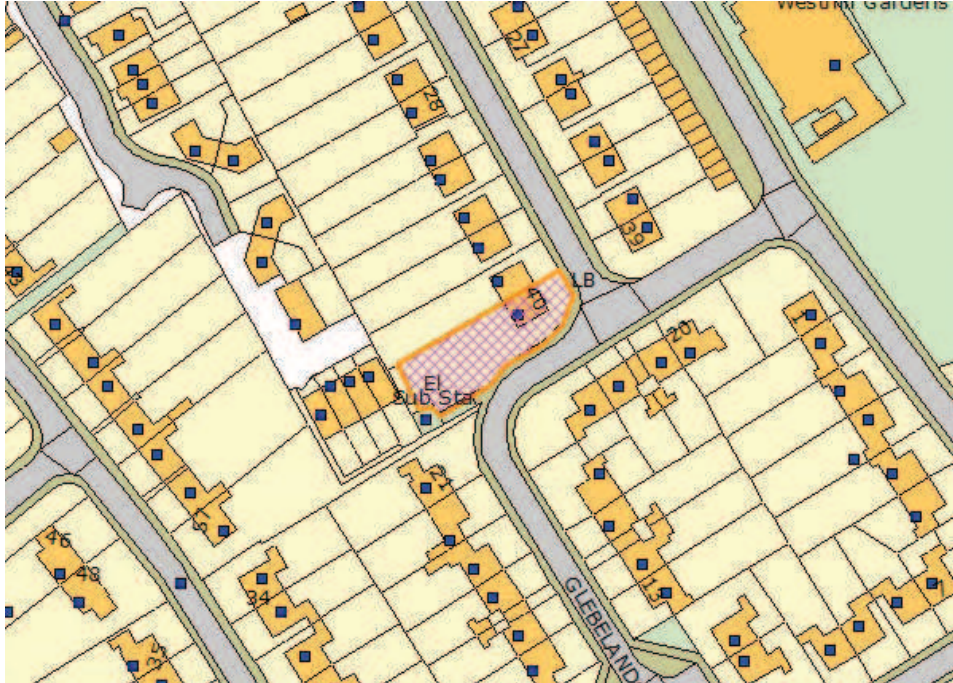
9 Prior to commencement of development any proposed changes to existing boundary walls, railings, gates or other such structures are to be submitted to and approved in writing by the local planning authority. Development shall only proceed thereafter in accordance with the approved details.

Reason To safeguard the character and appearance of the listed building

**PLANS LIST:**

Site Location Plan 0158/72826, GF1revA, FF1revA, SF1revA, TF1revA, ELEV1, ELEV 2, ELEV 3, 17revA, 15revA, 3160-1, 3160-2, 3160-3, DP-31, DP-32, PS-31, PD-31, PD-32revA, PD-33, PD-34, PD-35, 1866 PE 38, 1866 PP 39, 1866 PP 40.

**Item No:** 04  
**Application No:** 14/03702/FUL  
**Site Location:** 40 Bryant Avenue Westfield Radstock Bath And North East Somerset  
BA3 3SR



**Ward:** Westfield                      **Parish:** Westfield                      **LB Grade:** N/A  
**Ward Members:** Councillor R Appleyard      Councillor Robin Moss  
**Application Type:** Full Application  
**Proposal:** Erection of a detached three bedroom two storey dwelling  
(Resubmission)  
**Constraints:** Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of  
Avon, Housing Development Boundary, SSSI - Impact Risk Zones,  
**Applicant:** Mrs K Lewis  
**Expiry Date:** 26th November 2014  
**Case Officer:** Heather Faulkner

**REPORT**  
REASON FOR REPORTING APPLICATION TO COMMITTEE

The application is being referred to the committee at the request of Councillor Appleyard who is in support of the application

The Parish Council also requested the application to be determined by the Committee.

The application has been referred to the Chairman of the Development Control Committee (DCC) who has agreed that the application should be considered by the DCC.

## DESCRIPTION OF SITE AND APPLICATION

The application relates to land to the rear of 40 Bryant Avenue, the site itself is accessed from Glebelands and is situated on a bend in the road. To the east of the site is a new housing development, Perry Close.

The application proposes the erection of a detached dwelling on the site broadly facing towards Glebelands. The drawings show the house having three bedrooms. A driveway is proposed to the side of the house.

This current application has been submitted following the previous application being refused by the Development Control Committee in accordance with the officer recommendation. Prior to this application a similar application was refused under delegated authority for similar reasons. The previous reasons for refusal were as follows:

1 The proposed dwelling due to its scale, bulk, siting and design within close proximity of the neighbouring boundaries is considered to have an overbearing impact. The windows on the rear elevation would also result in loss of privacy and a greater perception of being overlooked. The residential amenity currently enjoyed by these neighbouring occupiers is therefore considered to be significantly harmed. This would be contrary to policy D2 of the Bath and North East Somerset Local Plan (including minerals and waste) 2007 and the National Planning Policy Framework (March 2012).

2 The proposed development by reason of its scale, siting and design would result in the overdevelopment of the site and would result in a cramped form of development which fails to respond positively to the built form of this locality and is considered detrimental to the character and appearance of the streetscene and surrounding area contrary to policy D.2 and D.4 of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007 and the Nation Planning Policy Framework (March 2012).

The current application is for a dwelling which would be sited in a similar location to the previously refused proposal although it would have a larger footprint due to the inclusion of an attached single garage.

The design of the elevations has been amended to include a hipped roof as well as alterations to the window details.

The windows on the rear elevation at first floor level which serve two bathrooms and a bedroom are shown to have obscure glass. However, an additional window has been added in the end elevation so that the bedroom would have a clear glazed window.

### Planning History

14/00217/FUL - REFUSED - 15th April 2014 - Construction of new dwelling

13/03590/FUL - REFUSED - 25 October 2013 - Erection of detached three bedroom dwelling (Resubmission)

13/00717/FUL - Withdrawn - 30 April 2013 - Erection of a detached three bedroom dwelling

12/05085/FUL - PERMIT - 14 January 2013 - Erection of a single storey side extension/conservatory.

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Westfield Parish Council raise no objections to the application and made the following comments:

"The Parish Council had no objections and commented that it appeared to fit well within the street scene and the existing community and that there was a precedent for this type of development in the area. It was requested that this application be determined by Committee."

Highways - There is no objection to the erection of dwelling at this location which is sustainable in travel/transportation terms, being close to key residential facilities and public transport. The access is proposed at a location where visibility is at a maximum, and appropriate vehicle parking and manoeuvring is available. Conditions recommended in respect of parking.

Councillor Appleyard supports the application and requested that the application be referred to the Planning Committee. "There have been several applications for this site and at the last planning committee the members did not object to the principle of development but asked that a more imaginative design could be submitted. I believe the applicant has changed the design to meet this request, bearing in mind the site is surrounded by ex-authority dwellings of a standard and dated design. The applicant has sought to deal with any overlooking issues with obscured windows. There is not to my knowledge any objections from neighbours, at time of writing, Highways have no issues".

No representations have been received from any neighbouring properties.

### **POLICIES/LEGISLATION**

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

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

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

- DW1 - District Wide Spatial Strategy
- CP6 - Environmental Quality

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

D.2 - General Design and public realm considerations

D.4 - Townscape considerations

HG.4 Residential development in the urban areas and R.1 settlements

ES.15 - Contaminated land

T.24 - General development control and access policy

National guidance in the National Planning Policy Framework (NPPF) is also a material consideration.

## **OFFICER ASSESSMENT**

### Principle of development

The site is within the housing development boundary. Therefore, in policy terms, there is a favourable presumption towards development providing it complies with other policies including, design and amenity.

The site is garden land and as such is not designated 'brownfield' site, and development is not encouraged as stated within the National Planning Policy Framework (NPPF) whereby residential gardens are excluded from the definition of previously developed land. Furthermore the NPPF suggests Local Authorities should set out policies to resist inappropriate development of residential gardens.

### Design and Layout

Whilst the plot itself is of a reasonable size its relationship to the road and the location of adjacent dwellings make it difficult to develop. The siting of the proposed house would be in front of the side elevation of 40 Bryant Avenue and beyond the rear elevations of the new properties on Parry Close and this has not changed from the previous application. Due to the bend in the road it is also difficult for the proposed house to directly address the street in the same manner as the surrounding houses and as a consequence it will appear out of keeping with the other houses in the area. Also, the size of the property and its siting make it appear rather at odds with the character of the surrounding area. The depth of the house would also fill a significant proportion of the depth of the plot and it is also close to the rear of 40 Bryant Avenue as well as the properties on Parry Close. Whilst the design of the house has been altered from the previous application and this is considered to be an improvement there are still concerns that a large dwelling on this plot would appear cramped and the site over developed.

### Impact on Neighbouring properties

In terms of impact on neighbouring properties there are a number of properties to consider. The proposed house would be around 11 metres with the garage being less than 8 metres from the rear of 40 Bryant Avenue and would also reduce the size of the garden so that it would only be about 4 metres deep which is uncharacteristically small for

the area. The building would also be located only 1.8 metres from the side boundary of the adjoining property. It is considered that due to the height of the building and its siting it would cause an overbearing impact to the gardens adjacent to the site.

The issue of overlooking was also previously a concern. The windows to the front elevation are considered to be an acceptable distance from surrounding properties and would only overlook areas which are already in public view. The windows on the rear elevation previously raised concern and these are now shown to all be obscurely glazed. Whilst this would prevent overlooking the perception of overlooking the neighbours remains a concern. A first floor side window is also proposed facing towards the properties on Perry Close. There is a small window on the side elevation of this property which appears to relate to a bathroom. The proposed windows in the new dwelling would not create any significantly harmful overlooking and is acceptable.

### Highways

In terms of parking and highway safety there have been no objections from the Highways Team. The proposed dwelling is in a sustainable location in travel/transportation terms, being close to key residential facilities and public transport.

The access is proposed at a location where visibility is at a maximum, and appropriate vehicle parking and manoeuvring is available. If approved a condition would be recommended in respect of the parking and turning area being kept clear.

### Other matters

If approval were recommended conditions would be required in respect of drainage, materials and a landscaping plan including details of boundary treatments.

### Conclusion

Overall despite the alterations to the design the siting of the proposed house, its size and the cramped nature of the site would result in a development which would have a harmful impact on the character and appearance of the area and would also cause harm to the living conditions of neighbouring properties.

## **RECOMMENDATION**

REFUSE

## **REASON(S) FOR REFUSAL**

1 The proposed dwelling due to its scale, bulk and siting within close proximity of the neighbouring boundaries is considered to have an overbearing impact. The windows on the rear elevation would also result in a greater perception of being overlooked. The residential amenity currently enjoyed by these neighbouring occupiers is therefore considered to be significantly harmed. This would be contrary to policy D2 of the Bath and

North East Somerset Local Plan (including minerals and waste) 2007 and the National Planning Policy Framework (March 2012).

2 The proposed development by reason of its scale and siting would result in the overdevelopment of the site and would result in a cramped form of development which fails to respond positively to the built form of this locality and is considered detrimental to the character and appearance of the streetscene and surrounding area contrary to policy D.2 and D.4 of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007 and the Nation Planning Policy Framework (March 2012).

#### **PLANS LIST:**

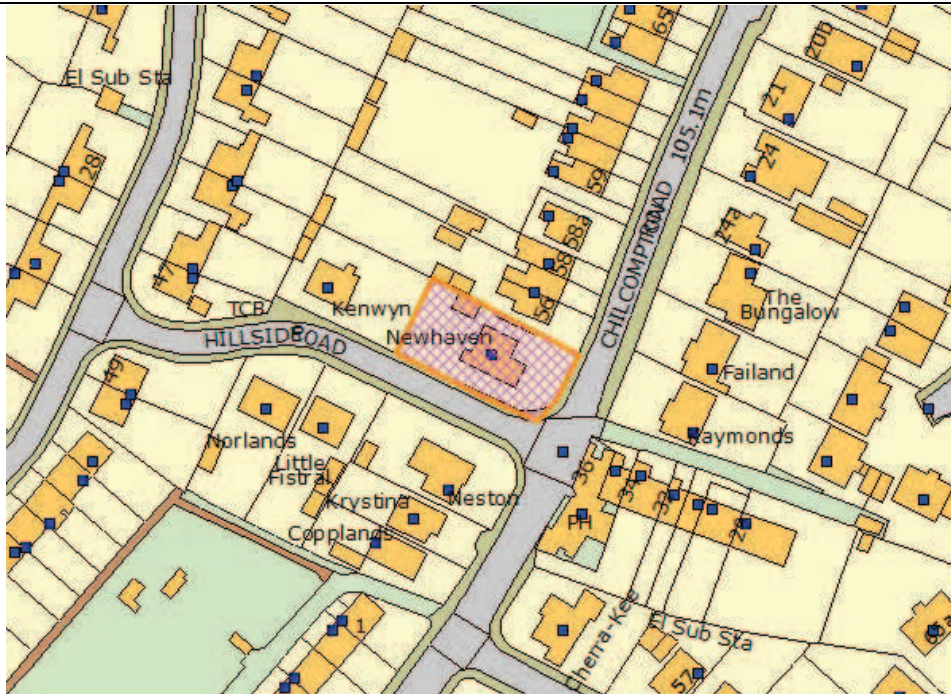
1 Drawing Sheet No's 1,2,3 and 4, and Site Location Plan received 12th August 2014

#### **DECISION TAKING STATEMENT**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Further advice was sought following the previous application being refused and changes were made to the proposals. However, the proposal is still considered to be unacceptable for the reasons given and the agent was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to this the Local Planning Authority moved forward and issued its decision.

<b>Item No:</b>	05
<b>Application No:</b>	14/03511/FUL
<b>Site Location:</b>	Newhaven Chilcompton Road Midsomer Norton Radstock Bath And North East Somerset





**Ward:** Midsomer Norton Redfield      **Parish:** Midsomer Norton      **LB Grade:** N/A  
**Ward Members:** Councillor C Watt    Councillor Paul Myers  
**Application Type:** Full Application  
**Proposal:**                                   Erection of detached chalet style bungalow with access and car parking in the garden of 'Newhaven' Chilcompton Road.  
**Constraints:**                               Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,  
**Applicant:**                                   Miss Lisa Thompson  
**Expiry Date:**                               21st November 2014  
**Case Officer:**                              Heather Faulkner

## REPORT

Reason for referring this application to Committee

Cllr Meyers has offered support to this planning application and has requested for the application to be heard at committee. The Councillor considers that the proposed bungalow would be in keeping with the newly constructed property adjacent and would not be overdevelopment. He also considers there is a need for small bungalows in Midsomer Norton for people would wish to downsize.

Site description and proposal

The application relates to the rear garden of Newhaven which is small bungalow fronting onto Chilcompton Road. The site itself fronts onto Hillside Road. Adjacent to the site permission was granted for a small bungalow and this is in the process of being constructed.

The site is located within the Housing Development Boundary and is not within a conservation area.

The application seeks full planning permission for the erection of a three bedroom bungalow. Two of the bedrooms would be in the roof and two dormer windows are proposed on the rear roof slope.

#### Planning history

Planning consent granted for adjacent plot garden of Kenwyn ref. 12/05640/FUL 14th March 2014.

Prior to this application being submitted pre-application advice was sought and it was advised that the development of this site would be unlikely to gain officer support due to the development being cramped and out of keeping and concerns regarding impacts on adjacent properties.

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

#### Midsomer Norton Town Council - Comments only

The Parish were unable to reach a decision on a recommendation and made the following observations:

##### Negative

- i) that the application represented the overdevelopment of the site
- ii) that there was a potential loss of amenity
- iii) that it was unfortunate that a precedent had already been set with neighbouring properties

##### Positive

- i) That the application would fulfil the potential of smaller dwellings near the town centre
- ii) That a precedent had been set with neighbouring properties.

Flood Risk Management and Drainage - no objections to the development but would encourage the use of Sustainable Urban Drainage techniques. Soakaways need to conform with Building Regulations and confirmation from Wessex Water is required in respect of connecting to the mains sewer.

Highways - object to the application due to inadequate information in respect of visibility and access to the site and parking arrangements.

Comments were received from Councillor Meyers referred to above. A letter of objection was received from the adjacent neighbouring property at 56/57 Chilcompton Road. Concerns raised include the impact on the value of the property, overcrowding of personal space and the positioning of windows affecting privacy.

### **POLICIES/LEGISLATION**

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

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

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

DW1 - District Wide Spatial Strategy  
CP6 - Environmental Quality  
SV1 - Somer Valley Spatial Strategy

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

D.2: General design and public realm considerations  
D.4: Townscape considerations  
HG.4: Residential development in the urban areas and R.1 settlements  
T.24: General development control and access policy  
T.26: On-site parking provision

National Planning Policy Framework - March 2012

## **OFFICER ASSESSMENT**

Principle of development

The site is within the built up area of Midsomer Norton where new residential development can be supported in principle subject to the compliance with the relevant policies of the Development Plan.

Character and appearance

The character of the area is defined by linear development following the roadside; the erection of a new dwelling within the garden of the above property would be against the grain of development which is predominantly void of back land residential development. To the rear of properties on Chilcompton Road there is a clear degree of separation at the rear of the properties and the properties all have rear garden space. The dwelling previously approved on the adjacent plot mirrored the dwellings opposite and was not considered to significantly impact on the space to the rear of the Chilcompton Road properties. The construction of a further dwelling on this site of Hillside Road when viewed in conjunction with the adjacent dwellings would appear overly cramped. This would result in significant harm to the visual amenities of the immediately area. It should be

noted that the National Planning Policy Framework (NPPF) does not encourage the use of garden land for development.

There are no objections to the elevation designs of the proposed dwelling only its location in the context of the surrounding area.

Overall, the development due to the unacceptable siting and scale would form an incongruous proposal that would be at odds with the established pattern of development in the area, appearing cramped in the street scene and would have a resultant harmful impact upon the character and appearance of the area.

#### Residential amenity

Due to the cramped nature of the proposed dwelling on the site there would be detrimental impact on the living conditions of Newhaven. The proposals include the blocking up of windows within Newhaven and the enlargement of other openings. This would alter the appearance of the property overall but more severely the proposed development would compromise the amenity of the occupiers of this property as it would be left with only very limited private amenity space.

The proposal would also result in additional development being constructed close to the boundary with the closest property on Chilcompton Road resulting in an increased level of overlooking and an increased sense of enclosure due to dwelling being constructed along the entirety of its side boundary.

#### Highways and Parking

The site is located at the junction of Chilcompton Road a classified road with a 30mph speed limit and Hillside Road, a residential distributor road with a 30mph speed limit. Access to the proposed dwelling will be taken from Hillside Road and visibility splays of 2.4m x 25m in which there is no obstruction over 0.6m will be required and this may require that the boundary wall is reduced in height this detail has not been provided with the application but can be conditioned.

The site is located in a sustainable area and the proposal to provide a dwelling in this location is acceptable and should provide 2 parking spaces which have been provided however the layout of the parking spaces is not currently acceptable. The proposed access to the site will be over a dropped kerb serving 2 perpendicular parking spaces which have dimensions of 2.4m x 4.8m, however, these parking spaces are flanked by the wall of the house and the boundary with Newhaven which will require that an additional 0.3m is provided each side to enable doors to be opened in order to allow adequate means of access to the vehicle and the spaces should therefore be widened to 2.7m x 4.8m each. There is insufficient space within the width of the plot without moving the dwelling onto where there appears to be a drain. However there is space for two parking spaces to be provided on the site if they were provided one in front of the other, further details would be required by condition.

The proposed dwelling will be erected on the rear garden of Newhaven and will eliminate most of the parking for this dwelling. However the applicant proposes to provide 2 replacement parking spaces with turning to the front of Newhaven over the existing access, which is a requirement for this site as Chilcompton Road is a classified road, and

will be acceptable. The Block Plan shows gates on the boundary of Newhaven and Chilcompton Road and these should be removed so that vehicles will not have to wait on Chilcompton Road while gates are being opened/closed causing inconvenience and obstruction to other motorists again this can be conditioned.

#### Other issues

No other issues have arisen as a result of this planning application, but due to the concerns relating to the unacceptable impact upon the character and appearance of this area as outlined above, this application is recommended for refusal.

### **RECOMMENDATION**

REFUSE

### **REASON(S) FOR REFUSAL**

1 The development, due to the unacceptable siting and scale would form an incongruous proposal that would be at odds with the established pattern of development in the area, appearing cramped in the street scene and would have a resultant harmful impact upon the character and appearance of the area. The development would therefore be contrary to saved policies D2 and D4 of the Bath and North East Somerset Local Plan - 2007 and policy CP6 of the Core Strategy July 2014

2 The proposed dwelling due to its scale and siting within close proximity of the neighbouring boundaries is considered to have an overbearing impact creating an increased sense of enclosure. The windows on the rear elevation would also result in a greater perception of being overlooked. The proposals would lead to an unacceptable reduction in private amenity space for the occupants of Newhaven. The residential amenity currently enjoyed by these neighbouring occupiers is therefore considered to be significantly harmed. This would be contrary to policy D2 of the Bath and North East Somerset Local Plan (including minerals and waste) 2007 and the National Planning Policy Framework (March 2012).

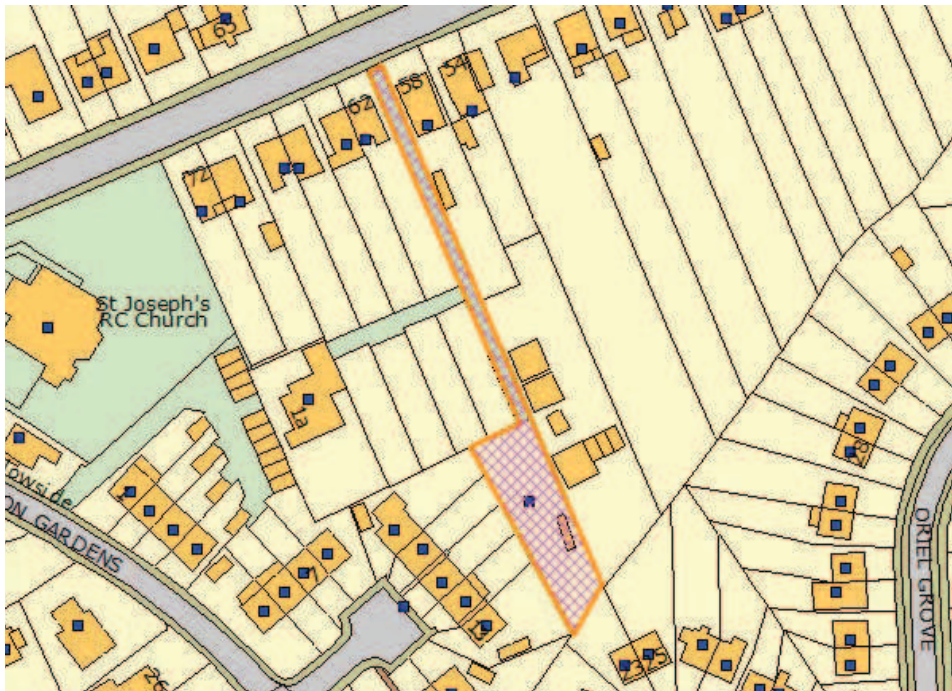
### **PLANS LIST:**

1 This application relates to the following drawing 14416-1A received 4th August 2014.

### **DECISION TAKING STATEMENT:**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

**Item No:** 06  
**Application No:** 14/03261/FUL  
**Site Location:** Land Rear Of 62 Sladebrook Road Southdown Bath



**Ward:** Southdown      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor P N Crossley      Councillor D M Romero  
**Application Type:** Full Application  
**Proposal:** Erection of 1 no three bed dwelling.  
**Constraints:** Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,  
**Applicant:** Alan & Pamela Bevan & Lewis  
**Expiry Date:** 11th September 2014  
**Case Officer:** Chris Griggs-Trevarthen

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE

Councillor Paul Crossley has requested that the application be determined by the Development Control Committee for the following reason:

I think this application is too large for this site, has access issues and will affect the amenity of several neighbours. For these reasons I feel the application should be refused. Should the case officer reach a different conclusion then this is a request that the application should be determined by the development control committee in public.

The application has been referred to the Chairman who has agreed that the application should be considered by the Committee because the application has issues of access and residential amenity.

## DESCRIPTION OF SITE AND APPLICATION

The application site is a backland site to the rear of Sladebrook Road which is accessed via a narrow lane running between 58 and 62 Sladebrook Road. It is a primarily residential location with the surrounding street comprising a variety of two storey, detached, semi-detached and terrace properties. Immediately to the west of the site lies a terrace of 5 dwellings on Lytton Gardens. To the south there is a pair of semi-detached dwellings on the corner of Glede Road. To the east is a number of garage structures which are access by the same lane as the application site off Sladebrook Road.

The site falls within the World Heritage Site, but is not within the Bath Conservation Area.

The proposal is to erect a two storey, 3no. bedroom dwelling with associated parking and turning.

## PLANNING HISTORY

The site has no relevant planning history.

There is an application for the erection of a dwelling, a replacement garage and associated works at a nearby site to the rear of 52 Sladebrook Road which is currently pending consideration (reference 14/03372/OUT).

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A number of representations and consultation responses have been received and are summarised below. Full details of responses are available on the Council's website.

### HIGHWAYS OFFICER

No objection, subject to conditions.

### FLOOD RISK AND DRAINAGE

No objection

### ECOLOGY

No objection, subject to condition.

### THIRD PARTIES/NEIGHBOURS

6 Letters of objection has been received. The main points have been categorised and summarised below:

#### Highways

- Access lane is too narrow with no passing places;
- Visibility from access is blocked by parked cars;
- Sladebrook Road is a main bus route, a rat run and the speed limit is rarely adhered to;
- The proposal has poor access and parking;
- Lack of visitor parking;
- Inappropriate access for emergency and refuse vehicles;

#### Amenity

- Development is overlooked by Lytton Gardens;
- Proposal will add to noise, smell and traffic problems;
- The rear bedroom windows will face directly into the rear of 23 Glebe Road;

#### Existing use

- Garages to the rear of Sladebrook Road have mostly been used for storage with only very occasional visits from tenants;
- Land has been used as an allotment by owners of 58 Sladebrook Road;

#### Ecology

- Land is a wild have for many species including foxes, badgers, hedgehogs, squirrels, slow worms, birds, bats and countless insects;
- Development will have a detrimental impact on the environment;

#### Character and appearance

- Site is visible from the main road;
- It is too small a site for such a dwelling;
- Concern about the creation of a precedent along Sladebrook Road;
- Proposal is out of keeping and too close to neighbouring properties;
- Long gardens are an attraction of Sladebrook Road and these would be lost;

#### Housing supply

- B&NES have a 5-year land supply and this isolated proposal will not contribute;
- Proposal is contrary to policy D.2 of the Local Plan;

#### Construction

- Major impacts whilst under construction;
- Building works will be noisy and disruptive;

#### Other

- The 'study' appears to be another bedroom;
- Concerns over impact upon sewers and existing foundations;
- Provision of underground services would cause disruption;
- Needs to be considered in conjunction with 14/03372/OUT;

1 Letter was received from the applicant in response to the above issues. The main points raised were:

- Ground was cleared earlier this year and is kept up on a monthly basis;
- The access is used frequently and there has never been any problem;
- The application includes two off-street parking spaces;
- Builders would take account of any pipe work near the surface;
- Design will enhance the area;
- Proposal takes account of nearby properties with regards to privacy, etc;
- Concerns raised relate to any application for extensions or improvements;
- Concerns will improve what is an eyesore;

3 General comments were received. The main points raised were:

- Concerns about access via the narrow lane;



- Concerns about precedent;
- Lack of plans showing relationship with neighbours;
- Any construction work should finish before 6pm;
- House appears disproportionate to the size of plot;
- Insufficient garden space;
- House will be overlooked
- Obscure glass in the upper side window is requested;

During the application revised plans were submitted and the application re-advertised. Two further letters of objection and two general comments were received. The main points raised were:

- Original objections still stand;
- Proposal is out of character and not a logical infill scheme;
- Concern about precedent;
- Site beyond carrying distance for refuse collection;
- House has increase in size with larger windows;
- Larger windows will be more intrusive, unwelcome and will overlook Glebe Road;

## **POLICIES/LEGISLATION**

At the meeting of the full Council on the 10th July 2014, the Bath and North East Somerset Core Strategy was adopted. Please note that from the 10th July 2014 the Development Plan for Bath and North East Somerset comprises:

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

The following policies are material considerations:

### **CORE STRATEGY**

- DW1: District Wide Spatial Strategy
- B1: Bath Spatial Strategy
- B4: The World Heritage Site and its Setting
- CP2: Sustainable Construction
- CP6: Environmental Quality

### **LOCAL PLAN**

- D.2: General Design and public realm considerations
- D.4: Townscape considerations
- ES.5: Foul and surface water drainage
- ES.12: Noise and vibration
- NE.4: Trees and woodland conservation
- NE.10: Nationally important species and habitats
- NE.11: Locally important species and habitats
- T.1: Overarching access policy
- T.24: General development control and access policy
- T.26: On-site parking and servicing provision

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

Section 4: Promoting sustainable transport  
Section 7: Requiring good design  
Section 12: Conserving and enhancing the historic environment

## **OFFICER ASSESSMENT**

The main issues to consider are:

1. The principle of development
2. Character and appearance
3. Residential amenity
4. Access, parking and highways safety
5. Ecology
6. Other matters

## **PRINCIPLE OF DEVELOPMENT**

The site is currently un-used garden land to the rear of 62 Sladebrook Road. It falls within the built up area of Bath where the principle of new residential development is acceptable in accordance with policy B1 of the Bath and North East Somerset Core Strategy.

## **CHARACTER AND APPEARANCE**

The proposed application site is positioned to the rear of the existing line of development along Sladebrook Road. The proposals for the erection of a single dwelling can be accurately described as backland development. In many locations backland development can appear out of keeping with the general pattern and grain of development of an area due to the tendency of these sites to be relatively small and tightly constrained.

However, the current application site occupies a reasonably sized plot which is positioned a significant distance behind the building line of Sladebrook Road. It is not tightly constrained in the manner common to other proposals for backland development and would be viewed within the context of the adjacent garage blocks and other outbuildings positioned at the very rear of the long gardens along Sladebrook Road. It is therefore considered that the proposed dwelling would not appear out of keeping with the pattern and grain of development in the surrounding area.

The proposed dwelling is two storey with a hipped roof and would be constructed from ashlar with roof tiles. The building's design is relatively simple with a hipped roof, ground floor bay, entrance canopy and single storey rear extension. Its design, form, scale and materials are considered to be in keeping with the character and appearance of other dwellings in the surrounding area.

During the application, concerns were raised about the siting and the proportions of the proposed dwelling. Following negotiations, revised drawings were received which moved the proposed dwelling further forward on the site, increased its width whilst reducing its depth. The revised scheme resulted in a better proportioned building with a more suitable fenestration arrangement.

The application maintains reasonable spacing around the proposed dwelling with provision of a front and rear garden. It is therefore considered that the proposed dwelling does not appear cramped and that the site does not represent overdevelopment.

In light of the above, it is considered that the proposal does not harm the character and appearance of the surrounding area and complies with the relevant sections of policy CP6 of the Core Strategy and policies D.2 and D.4 of the Local Plan.

## RESIDENTIAL AMENITY

The proposed dwelling, whilst two storey, is positioned on land slightly lower than the gardens of the adjoining properties to the west on Lytton Gardens. The proposed dwelling is set back from the boundary of the site and presents its side elevation to the rear gardens of these properties. It is positioned between approximately 15 - 18 metres away. The change in levels and separation distances will prevent the proposed dwelling from appearing overbearing or resulting in any significant loss of light from these properties.

There is a single first floor window in the west elevation of the proposed building which serves an en-suite. It is considered necessary and reasonable to require this window to be obscurely glazed and fixed shut to prevent it overlooking the neighbouring gardens. Ground floor windows on this side will be screened by existing and proposed boundary fences along the western boundary.

The rear elevation of the proposed dwelling faces directly towards no. 23 Glebe Road to the south. However, the proposed dwelling is over 21m from the rear of 23 Glebe Road which is a distance that is not unusual to find between properties in the Bath area and is considered sufficient distance to prevent any harmful overlooking from occurring.

There is only one east facing window in the first floor of the proposed dwelling which serves a landing. Although not direct, some views towards the gardens of Glebe Road and Oriel Grove will be possible from this window. It is considered necessary and reasonable to require this window to be obscurely glazed and fixed shut to prevent it overlooking the neighbouring gardens.

Concerns have been raised that the proposed dwelling will be overlooked by the existing properties on Lytton Gardens. Views towards the side elevation of the proposed dwelling will be possible from the rear of Lytton Gardens. However, the only window visible on this elevation will be the obscurely glazed first floor window. No views into private habitable rooms will be afforded. Views into ground floor windows will be screened by the existing and proposed boundary fencing. Some views into the rear garden of the proposed dwelling will be possible from the rear of Lytton Gardens, but these will be partially obscured by the boundary fencing and the existing vegetation. Whilst there will remain some overlooking of the proposed rear garden, there would be a degree of caveat emptor for occupiers of the proposed dwelling and it is considered that the harm arising would not be sufficient to warrant refusal of the application.

It is therefore considered that the proposals do not significantly harm residential amenity and accord with the relevant sections of policy D.2 of the Local Plan.

## ACCESS, PARKING AND HIGHWAYS SAFETY

The access to the application site is via an existing established access lane off Sladebrook Road. The access is relatively narrow with marginally substandard visibility onto Sladebrook Road. However, it is considered to operate satisfactorily for the low level of traffic currently being carried. The proposal for a single dwelling would not generate any significant increase in the level of traffic using the access and the Highways Officer considers that the slight increase in use of this access would not result in any adverse highway safety impact.

A number of concerns by local residents have been raised in respect of access for emergency vehicles and refuse collection. Manual for Streets (MfS) sets out the requirements in terms of access for fire tenders and, with reference to clarification from the Association of Fire Officers, states that a vehicle requires a width of 2.75m min. to gain access (as the width of this vehicle is on average 2.3m) - at its narrowest point the lane just meets this criteria.

However, MfS goes on to say that residential sprinkler systems are highly regarded by the Fire and Rescue Service, and that layouts which might otherwise be rejected on grounds of access for fire appliances, may become acceptable if sprinkler systems are installed.

The new dwelling will include a sprinkler system. MfS also refers to the Building Regulations, and in this regard the applicant has consulted the authority's Building Control team who have confirmed the sprinkler system is acceptable.

In terms of refuse and recycling collection, this authority operate a kerbside collection policy and therefore a collection vehicle does not require access to the site but will pick up waste from the footway in the same way as it does for the neighbouring properties.

## ECOLOGY

An Ecology report has been submitted and has been assessed by the Council's Ecologist. The Council's Ecologist is satisfied that, although the site appears likely to be used by badgers for foraging, and suitable habitat exists for reptiles and nesting birds around the peripheries of the site, the proposal will not cause unacceptable ecological impacts.

The Ecologist has requested that wildlife features and measures be incorporated into soft landscape proposals as recommended in the ecological report, which would help to mitigate for any short term impacts on wildlife. It is therefore considered necessary to secure a wildlife friendly scheme of soft landscaping through a condition.

## OTHER MATTERS

Concerns have been raised about the potential noise and disturbance impacts upon local residents during construction if the application is permitted. Some disruption and disturbance is an inevitable consequence of most construction activity associated with new development. However, such impacts are temporary in nature and any significantly

harmful impacts can be controlled through separate legislation and guidelines, e.g. environmental health legislation, Considerate Constructors Scheme, etc.

It is therefore considered that the impacts arising from construction activities are not sufficient to warrant refusal of the application.

Several concerns were raised about potential damage to sewers and foundations of existing properties. These are private civil matters which are not material to the planning decision.

## CONCLUSION

The principle of the development is acceptable in accordance with policy B1 of the Core Strategy.

The proposal is considered not to harm the character or appearance of the area or the amenities of adjoining occupiers. Access via the existing lane onto Sladebrook Lane would not adversely affect highways safety and the Highways Officer has no objection to the proposals.

The proposal is therefore considered to comply with the relevant development plan policies and, in accordance with paragraph 17 of the NPPF, should be approved without delay.

## RECOMMENDATION

PERMIT with condition(s)

## CONDITIONS

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

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

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

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

3 The first floor windows in the south-west and north-east elevations of the dwelling hereby approved shall be obscurely glazed and non-opening unless the parts of the window which can be opened at more than 1.7m above the floor of the room in which the window is installed.

Reason: To prevent overlooking of adjoining properties and in the interests of protecting residential amenity.

4 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 highway safety.

5 The dwelling hereby approved shall not be occupied until a soft landscape scheme, incorporating wildlife friendly planting and features for wildlife such as bird and bat boxes, has been first submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.

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

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

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

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

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

#### **PLANS LIST:**

ST01  
ST02A  
ST03A  
ST04A  
ST05  
PL01A  
PL02A

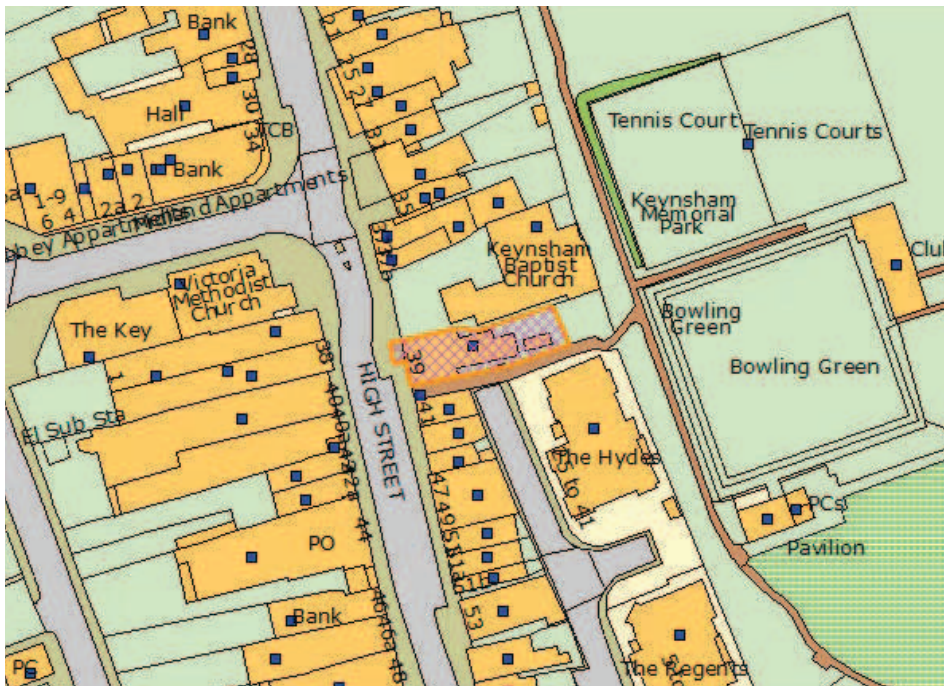
#### **DECISION MAKING STATEMENT**

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

**2 ADVICE NOTE:**

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk).

**Item No:** 07  
**Application No:** 14/02693/FUL  
**Site Location:** 39 High Street Keynsham BS31 1DU



**Ward:** Keynsham North      **Parish:** Keynsham Town Council      **LB Grade:** N/A  
**Ward Members:** Councillor Brian Simmons Councillor C D Gerrish  
**Application Type:** Full Application  
**Proposal:** Change of Use of Ground Floor from offices (B1) to Cafe/ Bar (A3) with alteration to street frontage windows to folding sliding doors, new extract flue and use of public highway for siting of 2no tables and 8no chairs.  
**Constraints:** Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Housing Development Boundary, Prime Shop Front,  
**Applicant:** Cafe Grounded  
**Expiry Date:** 22nd October 2014

## **REPORT**

Reason for reporting to Committee

Cllr Charles Gerrish has requested the application be considered by the Development Control Committee as he is concerned regarding the impact on residents of Back Lane, specifically from noise. Furthermore, Keynsham Town Council has objected to the proposal, contrary to Officer recommendation, due to concern over the adverse impact on residential amenity from noise and disturbance and adverse impact on the Conservation Area, due to the alterations to the front elevation. The Chair of the Committee has agreed to this request.

Following amendments to the proposal, Cllr Gerrish and Keynsham Town Council have maintained their position.

Description of the site and the proposal

39 High Street is sited within the Keynsham Conservation Area and Town Centre shopping area. The property is currently vacant but its last use was as a B1 office use. Prior to this, it was in use as an A2 bank.

This is a full application for the change of use of the premises to an A3 cafe/restaurant use with associated alterations and use of the highway for the siting of tables and chairs. The application has been amended since submission to remove the disabled access ramp and the terrace area. This has been replaced with tables and chairs on the highway and the internal floor has been lowered to facilitate disabled access.

Relevant History

03/00695/AR - Display of 1x internally illuminated ATM unit and light box sign above as amended by letter and plans received 28 April 2003 - Consent granted 6th May 2003

11/05431/FUL - Change of use from office to retail showroom and installation of a new shop front. - Withdrawn 14th March 2012

13/01514/FUL - Alteration to front entrance door and lower floor level. Demolition of rear extension. - Permitted 29th May 2013

14/02694/AR - Display of 1no. internally illuminated fascia sign - Consent 7th August 2014

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Highways: No objection to the amended plans

Environmental Protection: No objection, subject to conditions

Keynsham Town Council: Object to the proposal, raising the following points;

- Impact on residential amenity due to noise and disturbance
- Impact on the Conservation Area from the alterations to the front elevation

Cllr Charles Gerrish (Ward member): Objects to the proposal raising the following point:

- Impact on residents of Back Lane, specifically from noise.



## Representations:

25 letters of objection received, raising the following comments;

- Keynsham does not need another coffee shop
- Council should support independent retailers
- More shops are needed in the High Street
- Local people want shops
- Impact on residential amenity
- Impact from smells from the extractor
- Proposed alterations to the frontage are out of character
- Lights should be put back on the crossing (Officer note: This is not a material consideration to this application)
- Design of the frontage upsets the symmetry of the building
- Adverse impact on existing business owners
- Should be refurbished and used as offices
- Impact on residents of Back Lane from parking

6 letters of support received, raising the following comments;

- Different to other cafes on the High Street
- Will improve footfall on the High Street
- Competition will improve service in other coffee shops (Office note: This is not a material planning consideration)
- Would encourage people to use the High Street in the evening
- Good to see reuse of the building
- Good addition to the dynamic of the High Street

1 letter of comment received;

- Too many coffee shops in Keynsham

During the processing of the application, it became apparent that the applicant had not served the correct notice on the Highways Authority for the siting of tables and chairs. The application was redvertised and 7 further letters of objection were received, raising the following comments;

- Keynsham does not need another coffee shop
- Development will put independent businesses at risk
- Building is an important feature of the Conservation Area
- The property used to be listed
- In B&NES "Connect" Keynsham High St. is described with levels of nitrogen dioxide that exceed the National Objectives. Therefore large open doors and outdoor seating should not be allowed on health grounds or at least carry a warning.
- The closeness of two churches and so many residential complexes should preclude licensed premises.
- Impact on residents from noise and cooking smells
- Chairs and tables will restrict use of the footpath

Following the readvertisement of the application, 2 further letters of support were received, raising the following comments;

- Business will regenerate an empty building
- Keynsham will benefit from the restaurant experience offered by Grounded

## **POLICIES/LEGISLATION**

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

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

DW1 - District wide spatial strategy

KE1 - Keynsham spatial strategy

KE2 - Town Centre/Somerdale strategic policy

CP6 - Environmental quality

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

D.2 - General design and public realm considerations

D.4 - Townscape considerations

T.24 - General development control and access policy

BH.6 - Development within or affecting Conservation Areas

ES.12 - Noise and vibration

S.5 - Primary shopping frontage in Bath, Keynsham and Midsomer Norton

ET.2 - Core employment sites

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

## **OFFICER ASSESSMENT**

Principle of development

The permitted use of the property is as a B1 office use. The site is located within the protected retail frontage of Keynsham but as it is not currently in A1 use, this policy is not applicable. Policy ET.2 seeks to guard against the loss of office space within the central area of Keynsham. Policy ET.2 refers to Policy ET.1(A) which has been superseded by Core Strategy Policy KE1. There is approx. 19000 sq m of office floor space permitted in Keynsham and it is not considered that the loss of this office space will be contrary to this policy.

Policy S.5 allows for the change of use to Use Class A3 within the city centre provided it will not have an adverse impact on the viability or vitality of the local centre, adverse impact on the Conservation Area or are harmful to residential amenity. It is considered that the use of the building as an A3 cafe use would enhance the viability and vitality of the High Street, when compared to its use as a B1 office.

The comments regarding the number of coffee shops in Keynsham and that it would be better for the premises to be used as a shop are noted. However, as stated previously, it is considered that the proposed change of use complies with Policy S.5 and as such, the number of coffee shops that can be supported in the High Street is considered to be a

market decision and not one for the Planning System in this context. Furthermore, the Local Planning Authority cannot dictate that another use must be found for a premises outside the parameters of its adopted policy. Should an application for an A1 retail use be forthcoming, then it would be considered in accordance with the adopted policy. Concern has been raised that large chains are taking over the High Street. However, the Local Planning Authority considers the proposed use of the building and the policy does not take into account the end user. It is therefore not within its gift to demand that the unit is used by an independent retailer.

In view of the above, the principle of the change of use is considered to be acceptable.

#### Impact on residential amenity

Concern has been raised regarding the impact on residential amenity from noise and smells from the extractor flue, particularly with regards to the residents in Back Lane. The Council's Environmental Health team have been consulted on the application and have raised no objection, subject to conditions, with regards to noise and smell. Furthermore, the application site is located within Keynsham Town Centre and it is reasonable to expect a higher level of activity in such locations, when compared to more suburban locations. It is accepted that there will be an increase in noise and smell due to the change of use to an A3 use. However, there needs to be a significant adverse impact on residential amenity for the proposal to be contrary to Local Plan Policy D.2. It is considered that through the use of appropriate conditions, any adverse impact on residential amenity would be mitigated to become less than significant and the proposal is therefore acceptable.

#### Impact on the Conservation Area

It is noted that the building currently has a symmetrical frontage and the proposed alterations will alter this. However, there is evidence of sliding doors on other premises on the High Street and as such, the insertion of the doors themselves are not considered objectionable. Having considered the proposed alterations to the frontage, it is not considered that the proposed alterations would fail to preserve the appearance of the Conservation Area, when considered in the context of surrounding buildings.

#### Impact on highway safety

The site is located within Keynsham Town Centre thus is considered to be in a sustainable location. In view of this, it is acceptable that no parking has been proposed as part of the proposed development.

The application proposes the use of tables and chairs on the highway. The Highways Officer considers that there is sufficient footpath width at this point so there will not be an adverse impact on highway safety.

#### Conclusion

In view of the above, the proposed change of use and associated alterations, and the use of the highway for the siting of tables and chairs, is considered acceptable and in accordance with the relevant policies.

## **RECOMMENDATION**

PERMIT with condition(s)

## **CONDITIONS**

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

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

2 Notwithstanding the submitted plans, no external plant, machinery, ventilation ducting or other similar apparatus shall be installed other than in accordance with details, which may include screening measures, that shall first have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details so approved.

Reason: In the interests of residential amenity and the appearance of the development.

3 No development shall commence until a Noise Assessment of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The assessment shall inter alia determine the rating levels of noise arising from plant and equipment mounted on the buildings and background noise levels at the boundaries with the nearest noise sensitive properties, and include details of noise mitigation measures for the development taking into account the proposed uses of the building and hours of use. The development shall be carried out in accordance with the approved details and the building shall not be occupied until the noise mitigation measures have been implemented. The said noise mitigation measures shall be retained in perpetuity.

Reason: To protect the amenities of the occupants of nearby residential properties.

4 The development shall not commence until a scheme for treating fumes and odours, so as to render them innocuous before their emission to the atmosphere, has been submitted to and approved in writing by the Local Planning Authority and the means of treating the fumes and odours shall be installed and be operational before the development is brought into use or occupied and maintained as such thereafter.

Reason: To protect the amenity of the locality, especially for people living and working nearby.

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

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

## **PLANS LIST:**

1 This decision relates to drawings numbered 419 02, 03 and 09, received by the Council on 12th June 2014, drawing numbered 419 08 A, received by the Council on 15th July

2014, drawings numbered 419 04 B, 05 A, 06 B and 07 B, received by the Council on 26th August 2014 and drawing numbered 419 01 A, received by 27th August 2014.

## DECISION TAKING STATEMENT

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

### 2 ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk).

3 The applicant should note that a separate highways licence is needed to allow the seating to be placed on the highway, and this should be applied for well in advance of the proposed opening.

**Item No:** 08  
**Application No:** 14/03465/FUL  
**Site Location:** Carisbrooke Bathampton Lane Bathampton Bath Bath And North East Somerset



**Ward:** Bathavon North

**Parish:** Bathampton

**LB Grade:** N/A

<b>Ward Members:</b>	Councillor M Veal	Councillor Geoff Ward	Councillor	Terry Gazzard
<b>Application Type:</b>	Full Application			
<b>Proposal:</b>	Erection of new house following the demolition of an existing 20th Century house			
<b>Constraints:</b>	Agric Land Class 1,2,3a, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Forest of Avon, Hotspring Protection, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones,			
<b>Applicant:</b>	Mr Edward Lang			
<b>Expiry Date:</b>	22nd October 2014			
<b>Case Officer:</b>	Suzanne D'Arcy			

## REPORT

### Reason for Reporting to the Committee

Cllr Terry Gazzard has requested the application be considered by the Development Control Committee as he is concerned about loss of light to neighbouring properties, the impact on views across the valley and the protection of the walls adjacent to the access during construction. The Chair of the Committee has agreed to this request.

### Description of location and proposal

Carisbrook is a twentieth century dwelling, sited within the housing development boundary of Bathampton. The site is located adjacent to the Bathampton Conversation Area, which is to the north of the site, and the Green Belt, which runs along the southern boundary. The buildings to the north of the site are primarily grade II listed buildings.

This is a full application for the erection of a dwelling, following the demolition of the existing dwelling. The proposed dwelling is of a contemporary design. It will be constructed of rubble stone with zinc to the upper floor. The proposed dwelling will have a wildflower roof.

### Relevant History

None

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: No objection, subject to conditions

Flood risk and drainage: No objection, subject to conditions

Environmental Health: No comments

Canal and River Trust: No comments

Natural England: No objection

Bathampton Parish Council: No objection in principle but makes the following comments,

- Concern the proposed building is larger than the existing
- Proposed dwelling should be moved south to be in line with Orchard House
- Metal cladding should be neutral in colour
- Wildflower roof can be messy if not carefully managed

Cllr Terry Gazzard (Ward Member): Requests the application be considered by Development Control Committee and raises the following points;

- Loss of light to neighbouring properties
- Impact on the view across the valley
- Protection of the walls during construction

Representations: 14 letters of objection received (from 8 households), raising the following points;

- Proposed dwelling is urban, aggressive and domineering in appearance
- Proposed dwelling is too large
- Unsympathetic appearance
- Danger from construction traffic
- Dark, grey lead is inappropriate
- Inadequate notice served on owner of access (Officer note: The Council is satisfied that the correct notices have been served)
- Building is ugly
- Appearance is out of character with the surrounding area
- Does not follow the established building line
- Increase in footprint is excessive
- Loss of light to adjacent neighbour
- Insufficient drainage
- Overbearing impact on The Mead
- Alternative access arrangements should be considered
- Impact on view from the canal
- Green roof is likely to become an eyesore
- Impact on adjacent listed buildings
- Harmful to the setting of the World Heritage Site and Green Belt
- Proposal will represent an infringement of the "Right to Light" (Officer note: Right to Light is a civil matter and not a material planning consideration)

## **POLICIES/LEGISLATION**

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

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

DW1 - District wide spatial strategy

RA1 - Development in the Villages

CP2 - Sustainable construction

CP6 - Environmental quality  
CP10 - Housing mix

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

D.2 - General design and public realm considerations  
D.4 - Townscape considerations  
SC.1 - Settlement classification  
T.24 - General development control and access policy  
T.26 - On-site parking and servicing provision  
GB.2 - Visual amenities of the Green Belt  
BH.6 - Development within or affecting Conservation Areas

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

## **OFFICER ASSESSMENT**

Principle of development

The site is located within the housing development of Bathampton and as such, residential development is acceptable in principle, subject to other material considerations.

Impact on residential amenity

Due to the relationship with the adjacent neighbour at The Mead, it is not considered that there will be a significant adverse impact on their residential amenity. There will be no overlooking from the side elevation to this neighbour. It is acknowledged that the building line will come closer to the boundary than currently and that there will be some impact on this property but it is not considered that this would be significant enough to sustain a reason for refusal. No other neighbouring properties will be affected by this proposal.

Impact on the character of the area

The site is located outside the conservation area though the access is within it. The boundary runs adjacent to the boundary of the site to the north. The southern boundary of the site marks the extent of the Green Belt. The existing dwelling is of little architectural merit as it is a standard 1960s design and therefore is considered to make a neutral contribution to the setting of the conservation area. In view of this, there is no objection to its loss.

The proposed dwelling will have a contemporary design with a mix of contemporary and traditional materials. This part of Bathampton is characterised by Bath Stone Ashlar dwellings with rubble stone boundary walls to mark the southern boundary. Carisbrooke does not have a rubble stone boundary wall, instead having black metal railings. The development proposes the use of rubble stone for the lower storey of the property and it is considered that this will relate to the local context. It is acknowledged that zinc is a more contemporary material but its character and its appearance as now proposed is not considered to be at odds with its surroundings. The submitted drawings originally



proposed a dark colour but since the submission of the application, discussions with the applicant has resulted in a lighter, grey zinc being proposed. A sample of this has been submitted and is acceptable. The site is located in a relatively rural setting on the fringe of Bathampton and in this context, the use of a green roof is considered to be acceptable. The proposed dwelling may have a more solid appearance, due to the use of zinc, this will be softened in the wider views by the green roof. Furthermore, the scale and massing of the proposed dwelling is considered to be comparable with the adjacent dwellings. It is not considered that it will be harmful to the visual amenities of the Green Belt or views into and out of the conservation area.

The proposed dwelling is set down from the adjacent listed buildings and in view of this, given the reasons above, it will not have an adverse impact on the setting of this listed buildings.

There is not a strong building line for the existing dwellings and it is not considered that the proposed siting would have a significant adverse impact on the character of the area.

#### Highway safety issues

The comments relating to the highways and the construction of the property are noted. However, the access road is not public highway and the Highway Authority can only comment on the implications for the public highway. The Highways Officer has recommended a condition for a construction management plan be imposed requiring details of the construction to mitigate against any potential impacts on highway safety as it is not considered that the a reason for refusal could be sustained on these grounds. The Local Planning Authority can only consider the scheme that is before them and therefore cannot consider the potential for the use of an alternative access as suggested in the representations. It should also be noted that some disruption and disturbance is an inevitable consequence of most construction activity associated with new development. However, such impacts are temporary in nature and any significantly harmful impacts can be controlled through separate legislation and guidelines, e.g. environmental health legislation, Considerate Constructors Scheme, etc.

It is therefore considered that the impacts arising from construction activities are not sufficient to warrant refusal of the application.

#### Other matters

The Council's Drainage Engineers have been consulted as part of the process and they have not raised an issue to the proposal, subject to a condition. It is therefore considered that there will be sufficient drainage for the proposal.

### **RECOMMENDATION**

PERMIT with condition(s)

### **CONDITIONS**

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

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

2 No development shall commence until a sample panel of all external walling materials to be used has been 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 surrounding area.

3 The area shown as zinc on the drawings hereby approved shall be Rheinzink Preweathered in Graphite Grey unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and surrounding areas

4 No development shall commence until an evaluation of the infiltration capacity of the land has been carried out to prove the viability of soakways. The Infiltration test results and soakaway design calculations shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details so approved.

Reason: In the interests of flood risk management

5 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include (but not exclusively) details of deliveries (including storage arrangements and timings), contractor parking, traffic management and supervision, access restrictions, pedestrian safety and repair of damage to the public highway. The development shall thereafter be carried out in accordance with details so approved.

Reason: To ensure the safe operation of the highway.

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

Reason: To retain adequate off-street parking provision.

7 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 highway safety.

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

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

**PLANS LIST:**

1 This decision relates to drawings numbered 290-P101 - P1, -P102-P1, -S001-P1, -S101-P1, -S102-P1 and -S201-P1, received by the Council on 29th July 2014, drawings numbered 290-A101-002 and -S202, received by the Council on 13th August 2014 and drawings numbered 290-P001-B, -P201-B, -P203-B, -P205-B, -P301-B, -P302-B, -S202-B and -S204-B, received by the Council on 30th October 2014.

## DECISION TAKING STATEMENT

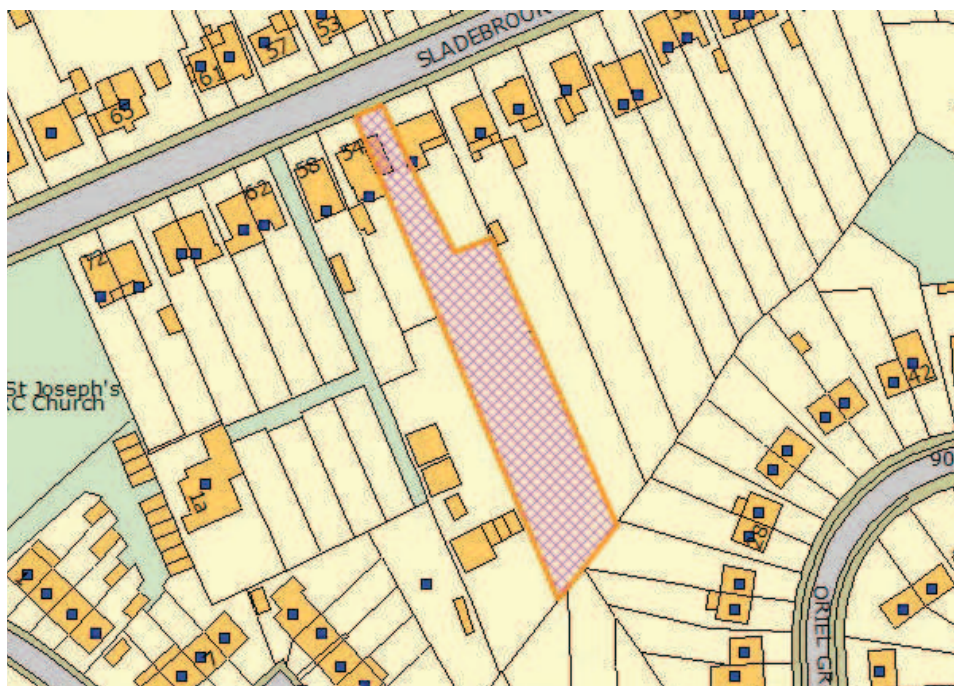
In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.

### 2 ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk).

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

**Item No:** 09  
**Application No:** 14/03372/OUT  
**Site Location:** 52 Sladebrook Road Southdown Bath Bath And North East Somerset BA2 1LR



<b>Ward:</b> Southdown	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Ward Members:</b>	Councillor P N Crossley	Councillor D M Romero
<b>Application Type:</b>	Outline Application	
<b>Proposal:</b>	Erection of 1 No. dwellings, a replacement garage, and associated works.	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Mr & Mrs Baker	
<b>Expiry Date:</b>	24th October 2014	
<b>Case Officer:</b>	Suzanne D'Arcy	

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE

Cllr Dine Romero has requested the application be considered by the Development Control Committee as it is considered that the proposed dwelling will negatively impact on residential amenity of the near neighbours. Cllr Curran has agreed to this request.

Cllr Romero made this request prior to the scheme being amended from 2 dwellings to one dwelling. Following the reconsultation period, she maintains her request.

### DESCRIPTION OF SITE AND APPLICATION

52 Sladebrook Road is a detached property, sited within the World Heritage Site. It is sited amongst mixed style dwellings.

This is an outline application for the erection of a detached dwelling to the rear of the property, with a detached garage and a new detached garage to the rear for the existing dwelling. The existing garage will be demolished. The application seeks approval for access and layout, with other matters reserved. The application has been amended since submission to reduce the amount of development from two dwellings to one dwelling.

The proposed dwelling will be sited towards the rear of the existing garden and is proposed to be a four bedroom dwelling. Access will be gained by the existing driveway and will run along the side boundary of the site.

### Relevant History

15479-1 - Erection of a two storey dwelling house - Refused 7th July 1993

There is a current application (ref: 14/03261/FUL) on this agenda for the erection of three bedroom dwelling on land to the rear of 62 Sladebrook Road that is recommended for approval.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: No objection, subject to conditions

Ecology: Response awaited. This will be reported to Members as part of the Update Report.

Cllr Dine Romero: Would like the application be considered by Committee as she is concerned it will impact negatively on the amenity of near neighbours.

Representations: 5 letters of objection received, raising the following points;

- Widening of the access will reduce available on-street parking
- Increased headlight penetration
- Danger to children from increase in traffic entering and exiting site
- Lowering house prices (Officer note: This is not a material planning consideration)
- A previous application has been refused on the site
- Sladebrook Road is not a "quiet, residential street"
- Increase in noise and vibration due to traffic and construction traffic adjacent to 54 Sladebrook Road, causing damage to the foundations
- Noise and visible vehicle movements will have result in loss of amenity and privacy to 54 Sladebrook Road
- Dwelling B will overlook the property (Officer note: This dwelling has been removed from the proposal)
- Some overlooking from dwelling C to number 54 (Officer note: This is the dwelling still proposed)
- Backland development will fulfil a minute part of overall housing numbers
- Will set a precedent
- Any advantage gained is outweighed by the disadvantages
- Permission could be sought elsewhere on the site (Officer note: Any future development would require planning permission and be assessed appropriately)
- Adverse impact on badgers
- Not a logical infill site
- Loss of garden space
- Land is a wild have for many species including foxes, badgers, hedgehogs, squirrels, slow worms, birds, bats and countless insects
- Loss of privacy to neighbouring properties

2 letters of comment received, raising the following points;

- Request building work is restricted to Monday- Friday between 8am and 6pm to minimise noise disruption
- Concern over noise and pollution
- Don't want extra traffic

(Officer note: These representations were received prior to the receipt of amended plans. All comments not referring to plot B will still be considered as part of the application)

Following the amendments to the scheme, interested parties were notified of this. A further 4 letters of objection were received, raising the following points;

- Concerns are as previously stated
- Open space between the garages is now wasted space that doesn't benefit either dwelling
- Further development could be proposed on this space (Officer note: Any future development would require planning permission and be assessed appropriately)

- Lights shining into opposite properties
- Loss of parking
- Concern over noise and dust pollution
- Will set a precedent

## **POLICIES/LEGISLATION**

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

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

DW1 - District wide spatial strategy

B1 - Bath spatial strategy

B4 - The World Heritage Site and its Setting

CP6 - Environmental quality

CP10 - Housing mix

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

NE.11 - Locally important species and habitats

ES.12 - Noise and Vibration

D.2 - General design and public realm considerations

D.4 - Townscape considerations

SC.1 - Settlement classification

T.24 - General development control and access policy

T.26 - On-site parking and servicing provision

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

## **OFFICER ASSESSMENT**

Principle of development

The site is located within the urban area of Bath and as such, residential development is acceptable in principle subject to other material considerations.

Impact on the character of the area

The application site is to the rear of the garden of number 52 and to the rear of the existing line of development along Sladebrook Road. It is accepted that this proposal could be considered as backland development and in many locations, it can represent a form of development that is out of character with the surrounding area as it is isolated from other development. Furthermore, it is acknowledged that there are no residential properties to the rear of properties in Sladebrook Gardens. However, adjacent to the site (to the rear of number 54), there is a built up area of garaging and other buildings. The

proposed development will therefore not be an isolated development and will have a relationship to the adjacent built form. Concerns were raised following submission of the application that dwelling B had little relation to the existing grain of the development in the area and following negotiation, this has been removed from the scheme. Due to the size of the garden and the relationship, the proposed dwelling has with the adjacent buildings, it is considered that the development will not be out of character with the grain of development.

The application proposes two detached garages, one for the proposed dwelling and one to replace the existing garage. The lower level, ancillary nature of garages will not result in an adverse impact on the pattern of development.

As this is an outline application, appearance is one of the reserved matters, so no details of materials or design have been submitted at this stage. A condition will be imposed to request samples of the external materials be submitted to ensure they will be acceptable.

#### Impact on residential amenity

The proposed dwelling is approx 60m from the rears of the properties in Sladebrook Road. Due to this distance, it is not considered that there will significant overlooking to adjacent properties from this proposal.

Concern has been raised regarding the impact on adjacent properties due to the increase in traffic. Whilst it is acknowledged that there will be an increase in vehicle movements between 52 and 54 Sladebrook Road, it is not considered that the increase in movements from one dwelling would result in a significant adverse impact on residential amenity.

The side elevation of number 54 has no habitable windows and is not considered that there will be an adverse impact in terms of loss of privacy. This boundary is marked by a 2m high fence and this will further reduce the impact on this property. There is a secondary kitchen window in the side elevation of number 52 but it is not considered that there will be a significant loss of amenity to this property as a result of this proposal.

There will be sufficient amenity space for both future occupiers of the proposed dwelling and 52 Sladebrook Road.

#### Highway safety

Concerns have been raised locally that widening of the access will result in less on-street parking and that there would be a danger to pedestrians from cars using the new access. The Highway Officer considers that there is sufficient pedestrian visibility from the access and therefore there will not be any adverse impacts on highway safety. Whilst it is noted there may be a reduction in the amount of on-street parking available, the Local Planning Authority can only refuse applications if they will be prejudicial to highway safety and it is not considered that this will be the case for this application.

#### Ecology

The impact on ecology will be reported to Members at the Committee as part of the update report.

## Other matters

Concerns have been raised about the potential noise and disturbance upon local residents during construction if the application is permitted. Some disruption and disturbance is an inevitable consequence of most construction activity associated with new development. However, such impacts are temporary in nature and any significantly harmful impacts can be controlled through separate legislation and guidelines, e.g. environmental health legislation, Considerate Constructors Scheme, etc.

It is therefore considered that the impacts arising from construction activities are not sufficient to warrant refusal of the application.

Several concerns were raised about potential damage to sewers and foundations of existing properties. These are private civil matters which are not material to the planning decision.

The comments regarding the setting of a precedent are noted. However, each planning application must be considered on its own merits and in the policy context of its time. Furthermore, it is noted that due to the reducing lengths of the rear gardens, it is considered that this would not set a precedent.

## **RECOMMENDATION**

PERMIT with condition(s)

## **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 (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 Application for 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: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

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

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

4 The access hereby permitted shall not be used until the verge/footway crossing, including dropped kerbs, has been constructed in accordance with the standard



specification of the Highway Authority, and any highway furniture/statutory undertaker's plant located on the highway and within the limits of the access, has been relocated all to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

5 Before the access hereby permitted is first brought into use the area between the nearside carriageway edge and lines drawn between a point 2.0m back from the carriageway edge along the centre line of the access and points on the carriageway edge 25m from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 600mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

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

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

#### **PLANS LIST:**

1 This decision relates to drawing numbered 2200-07-100 rev B, received by the Council on 18th September 2014.

#### **DECISION TAKING STATEMENT**

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

#### **2 ADVICE NOTE:**

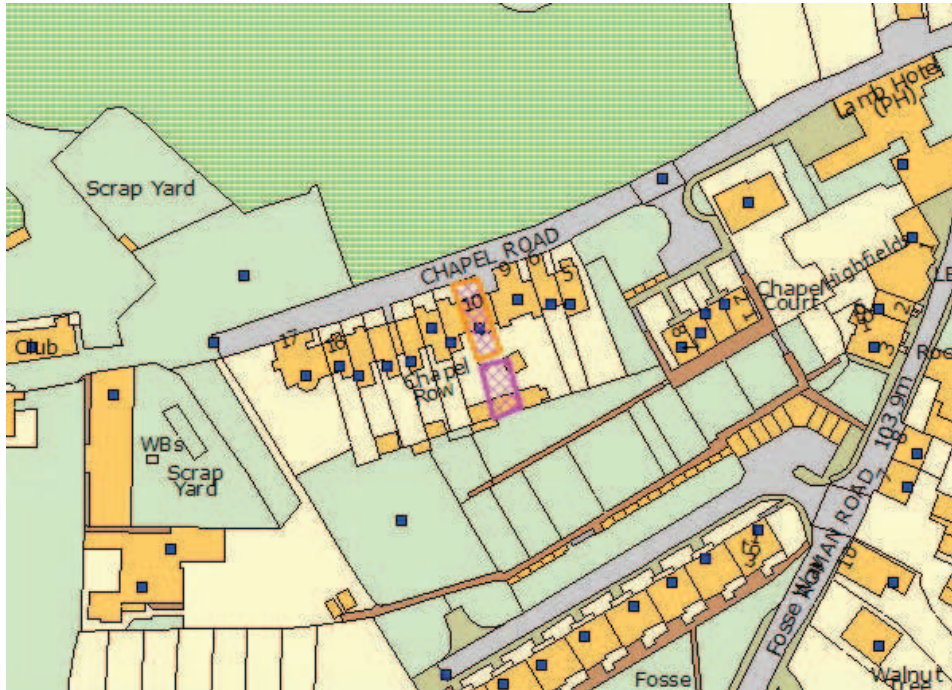
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3 The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a licence under Section 184 of the Highways Act 1980 for the construction of a 2 vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

<b>Item No:</b>	10
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**Application No:** 14/04167/FUL

**Site Location:** 10 Chapel Road Clandown Radstock Bath And North East Somerset BA3 3BP



**Ward:** Radstock

**Parish:** Radstock

**LB Grade:** N/A

**Ward Members:** Councillor E Jackson      Councillor S Allen

**Application Type:** Full Application

**Proposal:** Erection of single storey rear extension

**Constraints:** Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,

**Applicant:** Mr & Mrs G Peters

**Expiry Date:** 6th November 2014

**Case Officer:** Alice Barnes

## REPORT

Reason for reporting the application to committee

The application is being called to the development control committee at the request of Councillor Eleanor Jackson for the following reasons;

The development will result in a loss of light to the neighbouring dwelling of number 11.

The application has been referred to Councillor Gerry Curran who has agreed that the application can be considered by the committee.

Description of site and application

Chapel Road is located within Clandown village. Number 10 is a mid-terrace property located within the Conservation Area.

The application relates to the erection of a single storey rear extension. Permission exists for a two storey rear extension which has not yet been constructed. The proposed single storey extension would be located between the permitted two storey extension and the boundary with number 11. The extension would be a single storey located below first floor level and would include a lean to roof.

The existing dwelling is a stone built property. It is located within a terrace characterised by two storey stone properties. The rear elevations have been extended in a variety of styles. The rear elevations are not visible from the surrounding area but the rear of the site is accessible from the rear access path which runs underneath the terrace.

#### Relevant History

DC - 13/03256/FUL - RF - 24 September 2013 - Erection of two storey and single storey rear extension

DC - 13/04832/FUL - PERMIT - 31 December 2013 - Erection of two storey rear extension and associated internal alterations (Revised proposal).

DC - 14/02720/VAR - WD - 4 August 2014 - Variation of condition 4 of application 13/04832/FUL. (Erection of two storey rear extension and associated internal alterations (Revised proposal).

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Radstock Town Council: Object. The development will result in a loss of light to the neighbouring property and the proximity to the neighbouring property would make it hard to carry out repairs.

Councillor Eleanor Jackson: Object, the proposed development will be harmful to the amenity of the neighbouring property of number 11. It will result in a loss of light to the neighbouring property.

Councillor Simon Allen: Support, the design fits in with similar extensions on Chapel Road

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

The proposed extension will result in a loss of light to number 11.

The extension is close to the boundary with number 11 and this will cause maintenance issues.

One representation has been received in support of the application.

#### **POLICIES/LEGISLATION**

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

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

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

CP6 - Environmental Quality

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

D.2: General design and public realm considerations

D.4: Townscape considerations

Bh.6: Development within or affecting Conservation Areas.

Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

National Policy

The National Planning Policy Framework adopted March 2012

National Planning Practise Guidance 2014

## **OFFICER ASSESSMENT**

The application relates to the erection of a single storey rear extension. The application site is located within a terrace of two storey cottages. The rear elevations can be accessed from a rear access path.

Planning history

An application was made for a two storey and single storey rear extension. This was refused on the 24.09.2013 as the proposed extensions were considered to harm the amenity of the neighbouring dwelling of number 11. The application was resubmitted for a two storey rear extension where the single storey extension was removed and the extension moved away from the boundary with number 11. This was granted permission on the 31.12.2013.

This application now seeks permission for a single storey extension which has been reduced in size from the application considered in 2013.

Design

The proposed two storey rear extension includes a pitched roof with a gable end. The proposed single storey extension will include a lean to roof. It has been set below the first floor windows and appears subservient to the host building. The proposed extension will be constructed from render to match the appearance of the permitted two storey rear extension. The proposed extension being sited on the rear elevation will not be easily visible to the surrounding streetscene and is considered to preserve the character of the surrounding Conservation Area.

## Amenity

The previous refused extension included a lean to roof that was 3.4 m in height, the extension proposed under this application would be 2.6m in height. The previous application included a lean to roof which pitched downwards from the rear elevation. This application includes a pitched roof which would pitch downwards from the side elevation. No glazing has been proposed on the side elevation so the proposed extension would not result in increased overlooking of the neighbouring dwelling of number 11.

The previous application, 13/03256/FUL was refused for the following reason;

The proposed extensions by virtue of their scale, bulk, siting and design within close proximity of the neighbouring boundaries is considered to result in an increased sense of enclosure and result in an overbearing impact and loss of light to the detriment of residential occupiers of no. 11 Chapel Row. The residential amenity currently enjoyed by this neighbouring occupier is therefore considered to be significantly harmed. This would be contrary to policy D2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007.

For this application to be acceptable the reduced size of the extension must overcome the above reason for refusal.

In this case the extension has been reduced in height from the previous application. It will extend 2.7m from the rear wall of the existing house. The extension will be sited between the side wall of the permitted two storey extension and the boundary between the two properties. It will be of a lesser depth than the permitted two storey rear extension. There is already a rear extension at 11 and the proposal would consequently result in creating a narrow area of land between the side elevation of number 11's extension and the boundary with number 10. With the addition of the two storey rear extension at number 10 this will create an enclosed space to the rear of number 10 and 11. However taking account of the enclosure created by the two storey extension that's been permitted and the height, projection and design of the additional single storey, the overall effect of this addition is not considered in itself to cause harm so as to warrant refusal. The height of the extension would be below first floor level and given that it is a single storey would not be considered to be overbearing to the neighbouring property of number 11.

## Conclusion

The proposed single storey extension is considered to respect and complement the host dwelling. The proposed extension is not considered to result in harm the amenity of the neighbouring properties. Therefore permission is recommended.

## **RECOMMENDATION**

PERMIT with condition(s)

## **CONDITIONS**

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

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

2 All external walling and roofing materials to be used shall match those of the existing building.

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

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

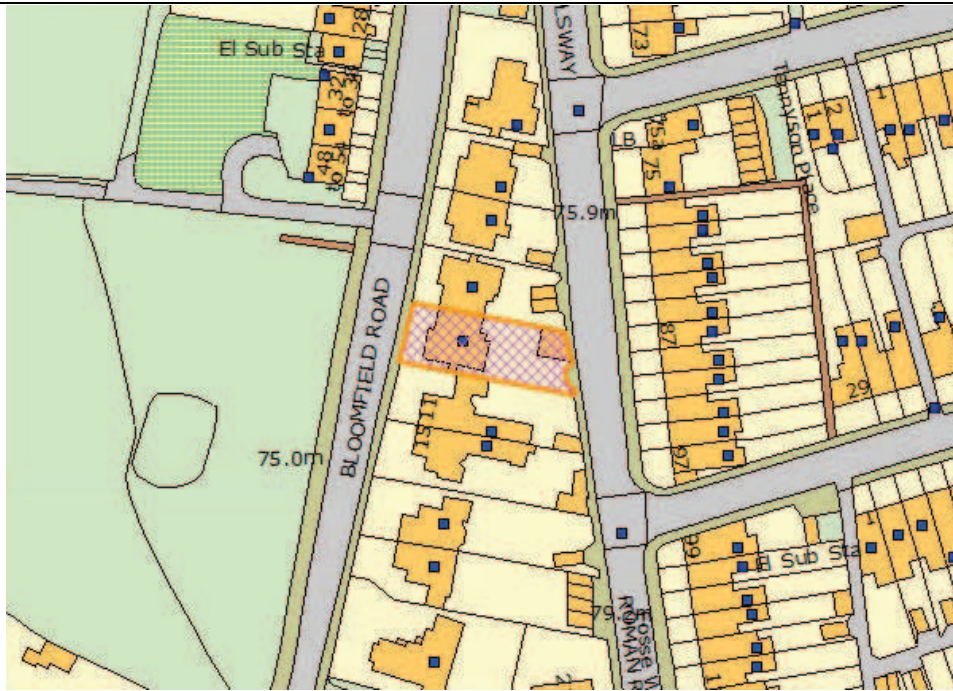
Reason: To define the terms and extent of the permission.

**PLANS LIST:**

1 Location plan/block plan 04C  
Existing plans 01  
Proposed plans 02D  
Proposed elevations 03D

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

<b>Item No:</b>	11
<b>Application No:</b>	14/04493/FUL
<b>Site Location:</b>	9 Bloomfield Road Bloomfield Bath Bath And North East Somerset BA2 2AD



**Ward:** Lyncombe                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Katie Hall                      Councillor D F Bellotti  
**Application Type:** Full Application  
**Proposal:** Proposed enlargement of 2no. cellar windows and the formation of 2no. external light wells to the facade  
**Constraints:** Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,  
**Applicant:** Dr J Farrar  
**Expiry Date:** 28th November 2014  
**Case Officer:** Sasha Coombs

**REPORT**  
 REASONS FOR REFERRAL TO COMMITTEE

The applicant is a Council employee who has direct links with Planning Services, the application is therefore has to be presented to Development Control Committee under the protocol within the Scheme of Delegation.

DETAILS OF LOCATION AND PROPOSAL AND RELEVANT HISTORY

The application site forms part of a well-established residential area to the south of Bath City Centre. It is located within the extensive Bath Conservation Area and, like most of the City, lies within Bath World Heritage Site.

The property in question is a right hand side of a pair of semi-detached mid-Victorian villas, characterised by matching gabled wings and bay windows at ground floor level. The building fronts Bloomfield Road and its rear garden and garage is bounded by Wells Way.

The building is positioned on a slight upward slope where the change in levels allows for small basement windows with decorative grills set within the front plinth of the building.

The proposal seeks to enlarge the two front basement windows and to provide 0.95m deep semi-circular light wells to each window; each well would be guarded by 0.9m high steel balustrade.

## PLANNING HISTORY

13382 - Erection of garage at the rear with access onto wellsway. Approved 18.7.85

cd13382-1 - Demolition of part of the boundary wall. Approved 18.7.85

13382-1 - Use as bed and breakfast accommodation. Approved 12.6.91

DC - 99/01011/FUL - RF - 3 December 1999 - Erection of conservatory at rear

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

No comments or objections were received within the consultation period.

## POLICIES/LEGISLATION

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

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

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

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

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

D.2: General design and public realm considerations

D.4: Townscape considerations

BH.6: Development within or affecting Conservation Areas

National Planning Policy Framework (2012) and Practice Guidance (2014)

## OFFICER ASSESSMENT

Whilst there is no evidence of the basement windows ever being designed to larger proportions, the building is not listed and the scheme would only result in modest alteration to the exterior of the building. The most prominent part of the new additions - the railings - would have a light unobtrusive appearance and would have matt black finish appropriate for this historic property. The increased size of the windows and the new light



wells would not be visible from the street level. As such the scheme would have minimal impact on the villas and would preserve the character and appearance of the wider conservation area. There would be no impact on the residential amenity of the neighbouring properties.

Overall the proposed development is considered acceptable and will result in development that respects the existing relationship of the building within this built environment. It is therefore recommended that planning permission should be granted.

## **RECOMMENDATION**

PERMIT with condition(s)

## **CONDITIONS**

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

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

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

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

## **PLANS LIST:**

OS Extract	03 Oct 2014	14.234/10	SITE LOCATION PLAN
Drawing	03 Oct 2014	14.234/11	EXISTING PART CELLAR AND SITE PLAN
Drawing	03 Oct 2014	14.234/12	EXISTING PART CELLAR AND SITE SECTIONS
Drawing	03 Oct 2014	14.234/13	PROPOSED PART CELLAR AND SITE PLAN AND WINDOW DETAILS
Drawing	03 Oct 2014	14.234/14	PROPOSES PART CELLAR AND SITE SECTIONS LIGHT WELL KERB DETAIL
Drawing	03 Oct 2014	14.234/15	EXISTING AND PROPOSED ELEVATION
Correspondence	04 Nov 2014		BALUSTRADE FINISH

## **DECISION TAKING STATEMENT**

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

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## **COMMITTEE REPORT**

**Enforcement Report: Stall 36, Guildhall Market, Bath BA2 4AW**

**Background papers: 10/00564/LBA Refused**

### REASON FOR PRESENTING TO COMMITTEE

This report seeks Members' authority to take enforcement action in respect of unauthorised alterations to one of the stalls.

Subject to members' view, the report requests authority from members to issue a listed building enforcement notice to remedy the breach of listed building control.

### BACKGROUND AND SITE DESCRIPTION

The existing Guildhall Market dates from the 19th century and is a grade II listed building within the Bath World Heritage Site and the designated conservation area. The market is also part of the wider grade I listed Guildhall complex of buildings comprising the Town Hall, art gallery, former technical school and municipal offices.

The market building, from the outside, is largely concealed behind other municipal buildings. It has three access/exit points: Boatstall Lane, Newmarket Row and the High Street. Boatstall Lane is a minor entrance mainly used by traders whilst visitors use the two main entrances which lie on an east-west axis at opposite sides of the market. Once inside, the layout of the market encourages visitors to navigate around the stalls giving traders the opportunity to showcase their goods. The central hub of the market is beneath a fine twelve sided dome.

Guildhall Market has a long and complex history of development and redevelopment. The pattern over the years has generally been one of contraction and today the market has 21 stallholders (in some cases two or more stalls have been amalgamated to operate as one business).

A serious fire in 1972 destroyed the impressive central dome and damaged several of the stalls immediately below it. Although the market rapidly reopened the dome was not finally restored until 1992. In 1993, in an effort to give the market a greater sense of coherence, an application submitted by the Council for listed building consent was granted for stall structures with canopies, supporting posts and signboards. These stall structures generally comprised a simple lean to canopy arrangement not dissimilar to that found on outside markets. Many of the modern stalls have this general form although individual stallholders have used display arrangements to personalise their space.

Consequently, today the Guildhall Market has a mix of stalls which contribute to its vitality and character. The modern lean-to canopy stalls form a significant part of the market.

Several older stalls have in part survived previous redevelopments and this historic and authentic late Victorian/Edwardian fabric makes its own special and significant contribution to the character of the market (examples are the sweet shop, Gillards coffee and the fruit and vegetable stalls). Stalls commonly comprise a hybrid design using a combination of enclosed and unenclosed space. Only two of the stalls – the sweet shop and the barbers - could be described as completely and formally enclosed in the style of shops rather than stalls. The sweet shop appears historically as a one-off design. The barbers was presumably enclosed as a consequence of the use.

Although there is not a precise pattern, generally the older, more formally designed stalls are clustered towards the centre of the market whilst the perimeter corridors are flanked by the newer post and canopy design.

The character of the Guildhall Market is therefore complex and comprises a mixture of older stalls with fabric which survived the 1972 fire and newer post and canopy style stalls constructed post 1993, generally open but personalised to suit the products for sale.

Stall 36 is positioned on the outer perimeter of the market and prior to the unauthorised alteration, was included as part of the 1993 scheme of work, and comprised a simple lean-to canopy arrangement.

## THE NEED FOR LISTED BUILDING CONSENT

Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states, so far as relevant, that “no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised under section 8.”

Under Section 1(5) “listed building” means a building which is included in a list compiled or approved by the Secretary of State and includes:

- (a) any object or structure fixed to the building;
- (b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948.

Such objects and structures are subject to listed building control.

Two questions need to be addressed before a view can be formed about whether the works to stall 36 require listed building consent. First, is stall 36 a fixture and therefore subject to listed building control? Second, if yes, are the works an alteration which affects the character of the market as a building of special architectural or historic interest?

With regard to the first question, it should be noted that, if it is a fixture, then an object or structure will form part of a listed building irrespective of its merits and irrespective of when it was added. This may be contrasted with section 1(5)(b) where there is a post 1948 exclusion for curtilage structures.

There is a corpus of case law relating to the legal tests which must be applied in order to determine whether an object or structure is a fixture and thus subject to listed building control. In essence, the relevant tests are the degree and purpose of annexation to the listed building. The cases suggest that the more important test is the purpose of annexation.

Stall 36 is clearly a large structure which could not be removed without substantial works taking place. The degree to which it is physically attached to the market building is not established, however an object resting on the ground by its weight alone can be a fixture if it is so heavy that there is no need to tie it into a foundation. Therefore, even if the stall were entirely freestanding, it is considered that by virtue of its size, weight and the difficulty that would be involved in removing it, that the degree of annexation test is satisfied. With regard to the purpose of annexation test, it is considered that the stall is intended to form part of the listed market and to be a permanent facility from which trade can take place and therefore the purpose of annexation test is also satisfied. For those reasons it is considered that stall 36 is a fixture and subject to listed building control.

It is then necessary to consider whether the works carried out to the stall constitute works of alteration which affect the character of the market as a building of special architectural or historic interest.

With regard to whether the works amount to an alteration, the stall holder states that he has not made any structural changes to the stall or attached anything to it and has simply inserted free standing units between the existing posts. One of the Council's surveyors has assessed the works and concluded that, whilst there was no evidence of physical fixing to the stall such as screws or glue, it is impossible to be certain about attachment without opening up the whole structure. However, the surveyor did conclude that the combined weight of the works to stall 36, excluding stock, was 544kg and that it would take two people 1.5 eight hour days to remove them. On that basis it is considered that, even if the works are indeed freestanding (which is not clear), the works can reasonably be said to constitute an alteration to the stall.

With regard to the effect of the works on the character of the listed market, it is considered that the character of the interior of the market is derived from the form and appearance of the stalls and the way in which they operate. Consequently, significant works to the stalls affect the character of the building. As noted above, most of the stalls are open sided with goods being laid out on counters. In this case what was formally an open sided market stall has been enclosed in the manner of a shop which is more what one might expect to find in an arcade. It is considered that the enclosure of stall 36 affects the character of the listed market and consent is therefore required.

## OUTLINE OF UNAUTHORISED DEVELOPMENT

Prior to the unauthorised work stall 36 consisted of modern fabric in the form of a series of upright posts supporting the canopy roof with a decorative scalloped edge. Business was transacted over the counter and there was no formal entrance into the stall for customers. The stall owner was advised through pre-application enquiry that there was scope to alter and improve upon the appearance of the stall subject to submission of an application for listed building consent with a satisfactory design. The stall owner nevertheless constructed an enclosed shop-style structure around the stall without permission.

The appearance and character of the market has already been mentioned above. The majority of the existing stalls around the perimeter of the market are of post and canopy design or comprise a combination of enclosed space and unenclosed display area. Overall the character of the market stalls is simple and open with trading over the counters. In this context, the rather formal shop-style arrangement constructed at Stall 36 is not considered to preserve the special architectural and historic interest of the Guildhall Market.

## RELEVANT PLANNING HISTORY

Application 10/00564/LBA proposed the replacement of the post and canopy structure with a much more enclosed shop front style arrangement, comprising a door opening with sash windows either side over a stall riser to the east and two sash windows over a stall riser to the north. (This application differed slightly from the unauthorised implemented development in that there is a narrower door and fewer windows on the east elevation of the proposal.) The application also included metal roller security shutters.

The application was refused consent for the following reason: "The proposed market stall by reason of its relatively enclosed shop front style design and security shutters would not preserve the special architectural and historic interest of the listed undercover market and its established character contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning Policy Statement 5 (Planning for the Historic Environment)."

An appeal in relation to this decision was dismissed. The inspector notes that "although there is considerable variation in the details of the open style stalls, they are the dominant type of units and stand out as significant and distinctive features of the market as it is today. Planning Policy Statement 5 (Planning for the Historic Environment) (*this decision pre-dates the NPPF*) aims to conserve listed buildings in a manner appropriate to their significance by ensuring that, among other things, the positive contribution they make to local character and sense of place is recognised and valued. The proposed structure would not meet this objective, appearing too solid and formal for the site and its setting, and more appropriate to an arcade than a market of this nature."

## LEGAL AND POLICY CONTEXT

Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether it is expedient to issue a listed building enforcement notice, LPAs must have regard to the effect of the works on the character of the building as one of special architectural or historic interest. In discharging this duty, members are advised that the comments of the planning inspector referred to above are of particular importance.

The NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Here it is considered that the form and appearance of the stalls is fundamental to the conservation of the character of the Guildhall Market.

The NPPF also requires that local planning authorities should act proportionately in responding to suspected breaches of planning/listed building control.

## EXPEDIENCY OF ENFORCEMENT ACTION

The structure at Stall 36 is unauthorised and contrary to the legislation and policy set out above. The inappropriate nature of the works carried out is substantiated by the inspector's decision to dismiss the appeal in respect of application 10/00564LBA for substantially similar works. There is concern that accepting the enclosure of one of the stalls by not proceeding with enforcement action sets a precedent for similar works to be undertaken to other stalls. The cumulative impact of this could be a significant change to the character of the Guildhall Market.

Measures to regularise this matter without the use of enforcement action have been sought. There has been extensive discussion and correspondence with the stall holder. This has included explanation of the reasons and need for listed building consent as well as the Council's concerns with the scheme as implemented.

In addition, officers have met with the stall holder and advised that Stall 36 could be brought into compliance by undertaking some relatively limited, and therefore proportionate works, which would essentially comprise the permanent removal of the two sliding sash windows either side of the entrance door. This would serve to reinstate the open style character of the stall which is a distinctive feature of the majority of the units in the Guildhall Market. It would address the planning inspector's view that the scheme as proposed in application 10/00564/LBA, and substantially as built, appears "too solid and formal for the site". The stall holder has therefore been invited, but has declined to submit an application for the scheme as built with the sliding sash windows omitted.

Enforcement action against the unauthorised works is therefore considered expedient.

## HUMAN RIGHTS AND EQUALITIES

It is considered that Article 1 of Protocol 1 (peaceful enjoyment of possessions) and Article 6 (right to a fair hearing) of the European Convention on Human Rights may apply in this case. However, it is considered that, for the reasons given above, it is in the public interest to take enforcement action to protect the historic character of the listed market.

Consideration has also been given to the Equality Act 2010 and in particular to the Council's public sector equality duty. Officers have carried out an equalities impact assessment and there were no adverse findings.

## RECOMMENDATION

That the Group Manager, Development is authorised to take any necessary enforcement action on behalf of the Local Planning Authority in respect of the listed building contravention outlined above, by exercising the powers and duties of the Authority (as applicable) under Chapter IV of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

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<b>Bath &amp; North East Somerset Council</b>		
MEETING:	Development Control Committee	
MEETING DATE:	19 November 2014	AGENDA ITEM NUMBER
TITLE:	Quarterly Performance Report July - Sept 2014	
WARD:	ALL	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
None		

## 1 THE ISSUE

At the request of Members and as part of our on-going commitment to making service improvements, this report provides Members with performance information across a range of activities within the Development Management function. This report covers the period from 1 July – 30 September 2014.

The Council is intending to implement the Community Infrastructure Levy (CIL) in April 2015, subject to council decision in February. CIL is a new tariff system that will allow the council to raise funds from development to contribute to the costs of providing some of the infrastructure needed, like new or safer road schemes, education contributions or park improvements. Therefore CIL levy is expected to have a positive economic effect on communities and development across the area. Development Management will shortly be starting a communication programme to inform developers of potential future CIL liability. This means that any applications approved after April 1st 2015 may be subject to CIL. Because some of the lead times for deciding applications are 13 weeks, we will start to let developers know if an application they submit after 1st January 2015 may incur CIL. Further information can be found at [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil).

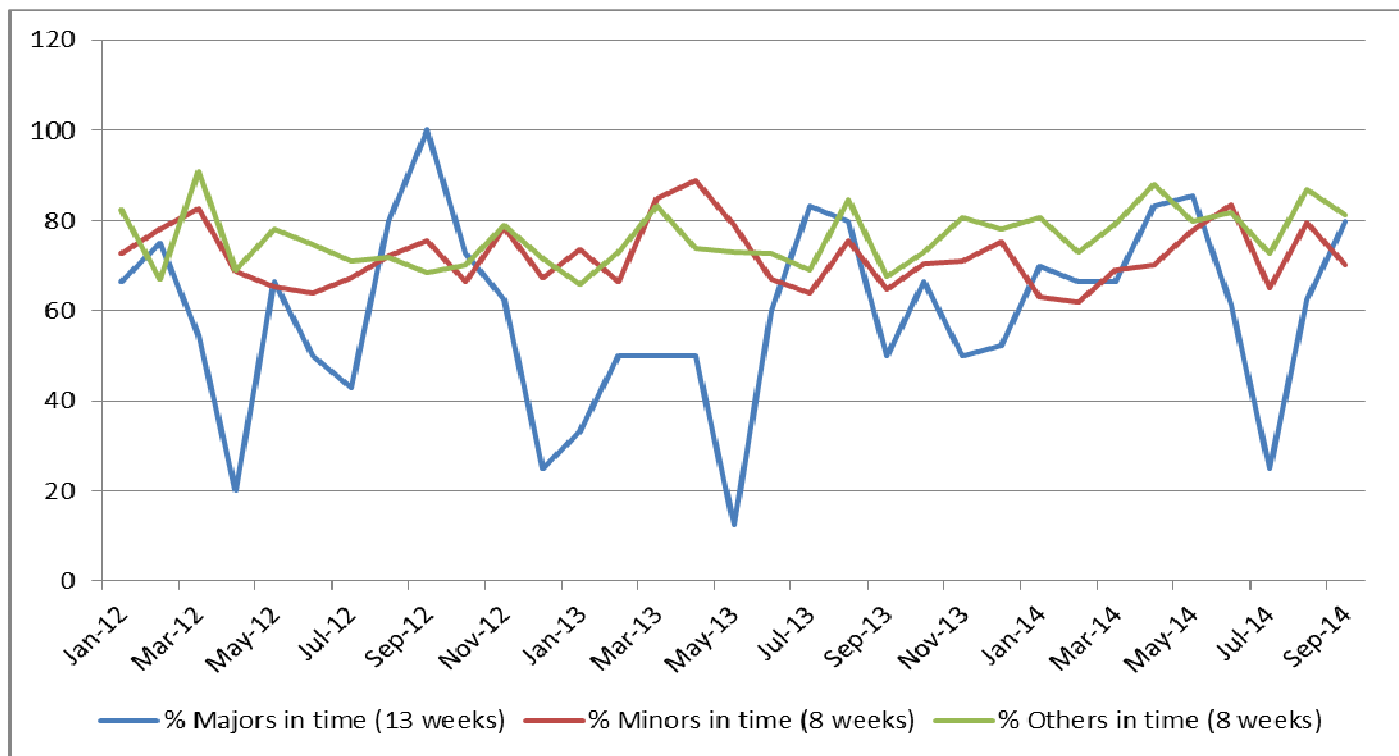
## 2 RECOMMENDATION

2.1 Members are asked to note the contents of the performance report.

## 3 THE REPORT

Tables, charts and commentary

**Table 1 - Comparison of applications determined within target times**



% of planning applications in time	2013/14				2014/15			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
% Majors in time	32%	77%	52%	68%	73%	64%		
% Minors in time	78%	68%	75%	65%	77%	72%		
% Others in time	73%	74%	78%	78%	83%	80%		

The table above shows there has been above target performance on all planning application types in Jul – Sep 2014.

*Note: Major (10+ dwellings/0.5 hectares and over, 1000+ sqm/1 hectare and over); Minor (1-10 dwellings/less than 0.5 hectares, Up to 999 sqm/under 1 hectare); Other (changes of use, householder development, adverts, listed building consents, lawful development certificates, notifications, etc).*

**Table 2 - Recent planning application performance statistics**

Application nos.	2013/14				2014/15			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Received	650	600	614	650	645	589		
Withdrawn	62	58	63	66	43	45		
Delegated no. and %	538 (95%)	556 (96%)	528 (95%)	527 (95%)	532 (96%)	540 (95%)		
Refused no. and %	71 (13%)	62 (11%)	60 (11%)	64 (12%)	52 (9%)	76 (13%)		

Table 2 highlights include:

- The number of new applications received and made valid is 3% down on the same period two years ago and 3% down on three years ago. National trend indicates a small increase over the last 12 months to June (up 3% on the year to June 2013). The same 12 month period for this authority saw a 4% increase trend on 2013.
- The current delegation rate is in line with the last published England average of 95% (April to Jun 2014).
- Percentage of refusals on applications still remains low when compared with the last published England average of 12% (Year ending Jun 2014).

**Table 3 – Dwelling numbers**

Dwelling numbers	2013/14				2014/15			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Major residential (10 or more dwellings) decisions	8	3	9	14	13	9		
Major residential decisions granted	3	2	8	6	7	2		
Number of dwellings applied for on Major schemes			617	698	543	463		
Number of dwellings permitted on Major schemes			417	929	212	120		
Number of dwellings refused on Major schemes			166	389	299	292		

**Table 3** highlights include:

- Numbers of major residential decisions (10 or more dwellings) were up when compared to the same quarter a year ago. This is in line with the national trend.

**Table 4 - Planning Appeals summary**

	Oct – Dec 2013	Jan – Mar 2014	Apr – Jun 2014	Jul – Sep 2014
Appeals lodged	25	22	30	24
Appeals decided	30	38	24	22
Appeals allowed	7 (26%)	5 (17%)	9 (45%)	6 (35%)
Appeals dismissed	20 (74%)	25 (83%)	11 (55%)	11 (65%)

Highlights:

- Recent appeal costs in association with applications overturned at committee amount to £39,512 for the financial year so far. This was mainly spent on legal & consultants fees
- In the year to 30 Sept 2014 there has been a 22% drop in appeal numbers
- Over the last 12 months our performance on appeals allowed is better than the national average at 29% (national average approx. 35%)

**Table 5 - Enforcement Investigations summary**

	Oct – Dec 2013	Jan – Mar 2014	Apr – Jun 2014	Jul – Sep 2014
Investigations launched	123	318	273	114

Investigations on hand	227	275	275	220
Investigations closed	120	293	253	150
Enforcement Notices issued	2	3	0	0
Planning Contravention Notices served	3	1	6	2
Breach of Condition Notices served	0	0	0	0

The figures shown in **Table 5** indicate a 58% decrease in the number of investigations received this quarter, when compared with the previous quarter. This is mainly due to the tailing off of a new process to licence more HMOs which required an investigation by our enforcement team. This was a one-off exercise that took place earlier in the year. 2 planning contravention notices have been served during this quarter.

### **Table 6 – Other areas of work**

The service not only deals with formal planning applications and general enquiries, but also has formal procedures in place to deal with matters such as pre-application proposals, householder development planning questionnaires, procedures for discharging conditions on planning permissions, prior approvals, prior notifications and non-material amendments to list a few. **Table 6** below shows the total number of these types of procedures that require resource to action and determine.

During the last quarter the volume of these procedures received in the service is still significantly above the 2013 figures.

### **Table 6**

	Jan – Mar 2014	Apr – Jun 2014	Jul – Sep 2014
Other types of work	567	541	547

### **Table 7 – Works to Trees**

Another function that the Planning Service undertakes involves dealing with applications and notifications for works relating to trees. **Table 7** below shows the number and percentage of these applications and notifications determined. During Jul - Sep 2014, performance on determining applications for works to trees subject to Tree Preservation Orders and performance on dealing with notifications for works to trees within a Conservation Area remained excellent.

### **Table 7**

	Jan – Mar 2014	Apr – Jun 2014	Jul – Sep 2014
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	22	15	17
Percentage of applications for works to trees subject to	73%	93%	100%

a TPO determined within 8 weeks			
Number of notifications for works to trees within a Conservation Area (CA)	157	158	173
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	97%	99%	98%

### **Table 8 - Customer transactions using telephone**

**Table 8** below details the number of incoming calls to the service for the Development Management function. Calls to the Planning & Conservation Team have steadily decreased since last year. This could be partly due to a degree of self-serve by the public on the listed buildings map layer published in January which averages 300 web hits per month. Calls handled by the Planning Information Officers have been significant since the beginning of the year. However, recent changes to the automated voice response selection options for incoming calls have increased calls handled by the Planning Officers and Planning Administration. This further ensures that calls reach the correct team in the first instance without being transferred via the Planning Information Officers.

### **Table 8**

	Jan – Mar 2014	Apr – Jun 2014	Jul – Sep 2014
Planning Information Officers	3234	3266	2724
Planning Officers	1680	1658	2061
Planning Administration	770	785	927
Planning & Conservation Team	462	506	295
Enforcement Team	607	435	495

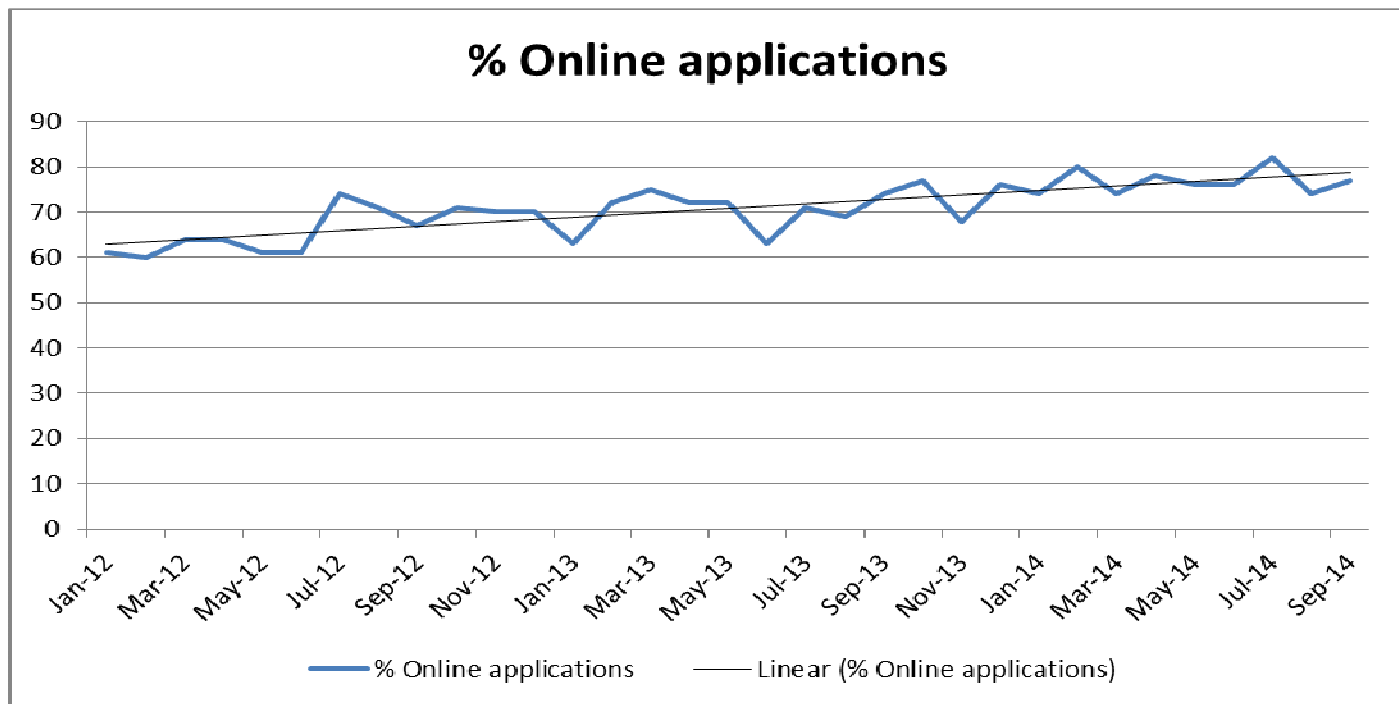
### **Table 9 - Electronic transactions**

The Planning Services web pages continue to be amongst the most popular across the whole Council website, particularly 'View and Comment on Planning Applications' (an average of 16,000 hits per month) and 'Apply for Planning Permission' (average of 1,000 hits per month). The former is the most popular web page after the council's home page.

Around 75-80% of all applications are now submitted online through the Planning Portal link on the Council website, and **Table 9** below shows an upward trend and that the authority received in the region of **78%** of applications online during the Jul - Sep quarter. Nationally, approximately 86% of planning applications were submitted via the Portal in Q1 2014/15. The benefits to agents and applicants include an online help function, immediate delivery and acknowledgement, and savings

on printing and postage costs. Secure fee payments can also be made online through the Planning Portal facility.

**Table 9** - Percentage of planning applications submitted electronically (through the national Planning Portal)



**Table 10 - Customer Feedback**

During the quarter Jul - Sep 2014, the Council has received the following feedback in relation to the planning service. The number of complaints **not** upheld remains good.

**Table 10**

Customer Feedback	Jan – Mar 2014	Apr – Jun 2014	Jul – Sep 2014
Compliments received	6	6	5
Complaints received	9	9	12
Complaints upheld	0	0	0
Complaints Not upheld	5	7	12
Complaints Partly upheld	1	1	1

**Table 11 - Ombudsman Complaints**

The council has a corporate complaints system in place to investigate matters that customers are not happy or satisfied about in relation to the level of service that they have received from the council. However, there are circumstances where the matter has been subject to investigation by officers within the authority and the customer remains dissatisfied with the outcome of the

investigation. When this happens, the customer can take their complaint to the **Local Government Ombudsman** for him to take an independent view. **Table 11** below shows a breakdown of Ombudsman complaints lodged with the Local Government Ombudsman for the previous four quarters. There has been one upheld complaint in the last year.

**Table 11**

<b>Ombudsman Complaints</b>	<b>Oct – Dec 13</b>	<b>Jan – Mar 14</b>	<b>Apr – Jun 14</b>	<b>Jul – Sep 14</b>
<b>Complaints received</b>	0	5	2	1
<b>Complaints upheld</b>	0	0	0	1
<b>Complaints Not upheld</b>	3	2	1	1

**Table 12 – Section 106 Agreements**

Members will be aware of the Planning Obligations SPD published July 2009. Planning Services have spent the last two years compiling a database of Section 106 Agreements. This is still a work in progress, but it has now enabled the S106 Monitoring Officer to actively progress in monitoring delivery of agreed obligations. **Table 12** below shows a breakdown of S106 Agreement sums agreed and sums received between July and Sept. Also detailed is the outstanding balance for agreements signed between July 2009 and Sept 2014. Members should be aware that the figures are for guidance only because of the further work still being undertaken in the S106 monitoring operation.

**Table 12**

<b>Section 106 Agreements</b>	<b>Oct – Dec 2013</b>	<b>Jan – Mar 2014</b>	<b>Apr – Jun 2014</b>	<b>Jul – Sep 2014</b>
<b>Funds agreed</b>	£564,310.33	£3,342,798.75	£175,000.00	£136,076.09
<b>Funds received (may include monies received for agreements made prior to Jul '09)</b>	£364,722.89	£108,493.75	£169,684.06	£28,700.61
<b>Outstanding funds balance (Jul '09 – Sep '14)</b>	£14,081,186.82	£17,518,176.54	£17,933,575.36	£17,593,552.42

**Table 13 – Accredited Agents**

A list of current Accredited Agents is displayed on the council website. These agents have shown they fully understand how to submit a properly prepared planning application which means they are easier for us to process and reduce the potential of any delays.

**Table 13**

	<b>Oct – Dec 2013</b>	<b>Jan – Mar 2014</b>	<b>Apr – Jun 2014</b>	<b>Jul – Sep 2014</b>

<b>Numbers of Accredited Agents</b>	17	19	23	23
<b>Numbers of householder applications submitted by Accredited Agents</b>	29	18	40	28

<b>Contact person</b>	John Theobald, Project/Technical and Management Support Officer, Development 01225 477519
<b>Background papers</b>	CLG General Development Control statistical returns PS1 and PS2 + Planning applications statistics on the DCLG website: <a href="https://www.gov.uk/government/collections/planning-applications-statistics">https://www.gov.uk/government/collections/planning-applications-statistics</a>
<b>Please contact the report author if you need to access this report in an alternative format</b>	



<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Development Control Committee</b>
<b>MEETING DATE:</b>	
<b>RESPONSIBLE OFFICER:</b>	Mark Reynolds, Group Manager, Development Management (Telephone: 01225 477079)
<b>TITLE:</b>	<b>NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES</b>
<b>WARD:</b>	ALL
<b>BACKGROUND PAPERS:</b>	None
<b>AN OPEN PUBLIC ITEM</b>	

AGENDA ITEM NUMBER
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**APPEALS LODGED**

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**App. Ref:** 14/02258/FUL  
**Location:** Trinity C Of E Primary School Woodborough Lane BA3 3DE  
**Proposal:** Erection of detached timber-framed building to provide break-out space on school site  
**Decision:** REFUSE  
**Decision Date:** 4 September 2014  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 9 October 2014

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**App. Ref:** 14/02281/VAR  
**Location:** Farrington Farm Shop Home Farm Main Street Farrington Gurney Bristol  
**Proposal:** Variation of condition 3 of application 09/01320/FUL in order to vary the opening hours (Erection of extension to cafe)  
**Decision:** REFUSE  
**Decision Date:** 11 July 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 16 October 2014

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**App. Ref:** 14/01018/FUL  
**Location:** 89 North Road Midsomer Norton Radstock BA3 2QN  
**Proposal:** Erection of two storey rear extension. (Resubmission).  
**Decision:** REFUSE  
**Decision Date:** 30 July 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 20 October 2014

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**App. Ref:** 14/00989/FUL  
**Location:** 4 Dowding Road Larkhall Bath BA1 6QJ  
**Proposal:** Erection of single storey rear extension and loft conversion.  
**Decision:** PERMIT  
**Decision Date:** 4 July 2014  
**Decision Level:** Chair Referral  
**Appeal Lodged:** 20 October 2014

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**App. Ref:** 14/00038/OUT  
**Location:** Parcel 4277 Langfords Lane High Littleton Bristol  
**Proposal:** Outline planning application for a residential development of up to 71 dwellings and associated infrastructure.  
**Decision:** REFUSE  
**Decision Date:** 10 April 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 27 October 2014

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**App. Ref:** 14/01383/FUL  
**Location:** Development Site Between 32 And Glenthorn Bath Old Road Radstock  
**Proposal:** Erection of a three bedroom detached dwelling (on land adjacent to 30 and 32 Bath Old Road) (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 18 June 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 27 October 2014

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**App. Ref:** 14/02971/FUL  
**Location:** Former Gardens Opposite Walmsley Terrace Snow Hill Walcot Bath  
**Proposal:** Erection of 1no four bed dwelling.  
**Decision:** REFUSE  
**Decision Date:** 22 August 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 27 October 2014

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## APPEALS DECIDED

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**App. Ref:** 13/05287/FUL  
**Location:** 59 Queens Road Keynsham Bristol BS31 2NQ  
**Proposal:** Erection of two new dwellings to be erected in the back garden of existing property, including two new garages.  
**Decision:** REFUSE  
**Decision Date:** 6 March 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 28 July 2014

**Appeal Decision: Dismissed 3<sup>rd</sup> November 2014**

Click [here](#) for Inspector's decision

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**App. Ref:** 13/05304/FUL  
**Location:** Parcel 6700 Avon Lane Saltford  
**Proposal:** Change of use of agricultural land to the keeping of horses.  
Erection of stable block.  
**Decision:** REFUSE  
**Decision Date:** 2 April 2014  
**Decision Level:** Delegated  
**Appeal Lodged:** 21 May 2014

**Appeal Decision: Dismissed 3<sup>rd</sup> November 2014**

Click [here](#) for Inspector's decision

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