

Democratic Services

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Date: 2 December 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, Martin Veal and David Veale

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

Chief Executive and other appropriate officers
Press and Public

Dear Member

Development Control Committee: Wednesday, 10th December, 2014

You are invited to attend a meeting of the **Development Control Committee**, to be held on **Wednesday, 10th December, 2014 at 2.00pm** in the **Brunswick Room - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 9th December 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 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 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, 10th December, 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: 19TH NOVEMBER 2014 (PAGES 9 - 42)

To approve as a correct record the Minutes of the previous meeting held on Wednesday 19th November 2014

9. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 43 - 98)

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 99 - 204)

11. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 205 - 208)

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 19th 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, 19th November, 2014

Present:- Councillor Gerry Curran in the Chair

Councillors Patrick Anketell-Jones, Rob Appleyard, Neil Butters, Ian Gilchrist, Les Kew, Dave Laming, Malcolm Lees, Bryan Organ, Vic Pritchard, Manda Rigby, David Veale and Brian Webber (In place of Martin Veal)

Also in attendance: Councillors Paul Crossley, Sally Davis, Charles Gerrish, Eleanor Jackson and Dine Romero,

69 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

70 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

71 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There was an apology from Councillor Martin Veal whose substitute was Councillor Brian Webber

72 DECLARATIONS OF INTEREST

There was a declaration of interest by Councillor Rob Appleyard regarding the planning applications at Hope House, Lansdown, Bath (Items 2&3, Report 10) as he was a Director of Curo which could be involved in the provision of affordable housing at the site. He would therefore not take part in the consideration of the applications and would not vote.

73 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none

74 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 (1) members of the public etc. would be able to make statements on planning applications when reaching their respective items in Reports 9 and 10; and (2) the stallholder of Stall 36 Guildhall Market wished to make a statement which would be heard when reaching Item 11 on the Agenda.

75 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none

76 MINUTES: 22ND OCTOBER 2014

The Minutes of the previous meeting held on Wednesday 22nd October 2014 were approved as a correct record and signed by the Chair

77 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- A report by the Group Manager – Development Management on applications for planning permission etc
- An Update Report by the Group Manager on Item 3, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc on Item 3, 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.

Items 1&2 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); 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 lavatory block – These applications were withdrawn from the Agenda for consideration at the next meeting on Wednesday 10th December 2014

Item 3 Greenlands, Bath Road, Farmborough – Erection of detached garage and creation of new driveway and provision of new 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.

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

The Ward Councillor Sally Davis made a statement on the application.

Members queried the accuracy of the steepness of the ramp access as datum levels had not been provided. Councillor Bryan Organ moved that the Officer recommendation be overturned and that permission be refused due to the steepness of the access, the sharp turn into the property and the detrimental impact on adjoining properties. The motion was seconded by Councillor Vic Pritchard.

Members debated the motion. Councillor Les Kew stated that an access was required and the provision of a garage in this position was better than one being

provided at the top of the driveway. He considered that the levels was an issue that needed to be addressed and that the application should be deferred for a surveyor's report. There was further discussion about the access, the turning head and the adequacy of the acoustic fence. The Group Manager – Development Management advised that the information provided on the access was considered to be acceptable and that the associated site plan included details of levels and that the acoustic fence had been assessed by Environmental Health Officers and found to be satisfactory. The Senior Highways Development Officer stated that the turning head was satisfactory.

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 the motion and therefore the motion was lost.

Councillor Curran then moved that the application be deferred for further information to be provided showing datum levels, which was seconded by Councillor Les Kew. The motion was put to the vote and was carried, 11 voting in favour and 1 against with 1 abstention.

78 MAIN 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, 5 and 6, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Item Nos. 1-3 and 7-10, 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 4* to these Minutes

Item 1 MoD, Ensleigh, Granville Road, Lansdown, Bath – Full planning permission for the erection of 181 residential units (Use Class C3), a neighbourhood retail store of up to 267 sq m GIA (Use Class A1), associated highway works, infrastructure and public open space; and outline planning permission for a 72 unit Extra Care Facility (Use Class C3) – The Case Officer reported on this application and his recommendation to (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure various provisos relating to Affordable Housing, Primary School, Transport and Open Space; and (B) subject to the prior completion of the above Agreement, authorise the Group Manager to grant permission subject to conditions. He referred to the Update Report which outlined objections by the Bath Preservation Trust to the proposal and comments received from the Council's Neighbourhood Environmental Services.

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

Councillor Patrick Anketell-Jones as Ward Member on the Committee opened the debate. He referred to concerns about the sustainability of the community although

this was a communal scheme which met most of the Council's aspirations. Provision of the school was crucial to the development and he requested confirmation that the unconditional contract for the school development would not be jeopardised. There would be a lot of disturbance for residents while construction work was being undertaken. He also referred to the condition of the surface of Granville Road and the possibility that Colliers Lane may become busier as a result of this development. Members asked various questions about the development to which the Case Officer responded.

Councillor Les Kew commended the Officers for their assessment of this major application and moved the Officer recommendation. Members discussed the proposals. The issue of provision of a school was raised and contributions towards its capital cost. The Case Officer referred to the timing of the development and that the school was anticipated to open in September 2017. There would be contributions towards the purchase of the land and the school building. Councillor Bryan Organ complimented the Officers for their work on the application. He considered that this was a good development and would improve the appearance of the entry to the World Heritage Site on this side of the City. The contract for the site of the school was in hand so it would go ahead. He therefore seconded the proposal.

Members debated the motion. The Group Manager stated that a clause could be included in the S106 Agreement to ensure that no development should take place until the land was transferred to the Council. It would also be possible to limit the number of dwellings which could be occupied prior to the school being delivered and opened. He advised that the Council had a responsibility to deliver the school. Members continued to discuss the matter. The mover and seconder agreed to the inclusion of an appropriate S106 clause which would restrict the final phase of the scheme until the school was built and functioning. Further discussion ensued on this aspect. Councillor Les Kew stated that the Cabinet (at their meeting in April) had underwritten the finance for the school (with contingency funding available) when Phases I and II had been developed and occupied. The Case Officer informed Members that the wording of Condition 21 relating to protection of trees would need to be slightly amended.

The Chair summed up the debate and put the motion to the vote which was carried unanimously.

Items 2&3 Hope House, The Royal High School, Lansdown Road, Lansdown, Bath – (1) Residential development for the erection of 54 dwellings including the conversion of Hope House and associated infrastructure and parking following demolition of existing school buildings (Resubmission of 13/04235/FUL); and (2) internal and external alterations for the conversion of existing building to provide 6 residential apartments and demolition of modern extension – The Officer reported on these applications and the recommendations to (1) (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure various provisos relating to Highway works, Affordable housing, Parks contributions, Education contributions and Lifelong learning contributions; and (B) subject to the completion of the above Agreement, authorise the Group Manager – Development Management to grant permission subject to conditions. He informed Members of (i) a tree that needed to be retained which would not affect the recommendation; and (ii) of

concerns received from residents of St James' Park regarding car parking near to the boundary of their properties but it was considered that there was a sufficient buffer zone between the site and these properties. The Decision Taking Statement would need to be amended.

The Chair declared a personal interest in these applications after realising that he knew one of the speakers. However, he did not consider this significant or that his participation in the item could be considered unreasonable. He would therefore speak and vote on the applications.

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

Councillor Patrick Anketell-Jones as Ward Member on the Committee opened the debate. He stated that residents felt that their concerns had not been properly considered and representations not given a full airing. The felling of trees was still an issue and also the effect of cars on the residents of St James' Park. He therefore moved that the application be deferred until the next meeting for these matters to be addressed. The Group Manager – Development Management responded that all comments had been given due consideration. Councillor Neil Butters seconded the motion.

Members debated the motion. It was generally considered that this was a good scheme which complimented the City and more trees were to be planted. The Group Manager informed Members that they had to be consistent in their decision making. The scheme had been amended to comply with earlier objections – if an appeal was lodged against a refusal, it would be very difficult to defend and costs could be awarded against the Council.

The motion was put to the vote and was lost by a substantial majority, only 2 voting in favour.

Councillor Les Kew agreed with the Officer recommendation and moved that it be approved which was seconded by Councillor Vic Pritchard. The Chair put the motion to the vote which was carried, 10 voting in favour and 2 against.

Councillor Les Kew moved that the recommendation on the listed building application also be approved which was seconded by Councillor Vic Pritchard. The motion was put to the vote and was carried unanimously.

(NOTES; (1) Councillor Rob Appleyard did not take part in the consideration of these applications and did not vote; and (2) at 4.15pm, after this decision, the meeting adjourned for 10 minutes for a natural break)

Item 4 No 40 Bryant Avenue, Westfield, Radstock – Erection of a detached 3 bedroom two storey dwelling (Resubmission) – The Case Officer reported on this application and her recommendation to refuse permission.

Councillor Rob Appleyard as Ward Member on the Committee opened the debate. He stated that this was a local authority area with recent new development. It was not a busy area and had easy access. There were no objections from adjoining residents and the development would tidy up the site. On this basis, he moved that

the recommendation be overturned and permission granted. The motion was seconded by Councillor Manda Rigby.

Members debated the motion and raised various queries regarding the increased size of the proposal and the garden that would remain. The Group Manager – Development Management stated that a previous proposal had been refused due to the site being cramped etc. and there would be overlooking and an overbearing impact on adjoining properties. Members needed to be consistent in their decision making. The motion was put to the vote. Voting: 6 in favour and 7 against. Motion lost

Councillor Vic Pritchard therefore moved the Officer recommendation to refuse permission which was seconded by Councillor Bryan Organ. The motion was put to the vote and was carried, 7 voting in favour and 5 against with 1 abstention.

Item 5 Newhaven, Chilcompton Road, Midsomer Norton, Radstock – Erection of detached chalet style bungalow with access and car parking in the garden – The Case Officer reported on this application and her recommendation to refuse permission. The Update Report gave the comments of the Highways Officer on revised drawings that had been received. She stated that a further objection had been received and that the wording of the second reason for refusal would need to be amended.

Councillor Les Kew gave the views of the Ward Councillors who supported the proposal. He supported these views and therefore moved that Officers be granted authority to grant permission which was seconded by Councillor Ian Gilchrist. There was some discussion about the proposal but it was generally felt that permission should not be granted for the reasons outlined by Officers.

The motion was put to the vote. Voting: 2 in favour and a substantial number against. Motion lost.

It was therefore moved and seconded to accept the Officer recommendation to refuse permission. The motion was put to the vote and was carried, 10 voting in favour and 3 against.

Item 6 Land rear of 62 Sladebrook Road, Southdown, Bath – Erection of a three bedroom dwelling – The Case Officer reported on this application and his recommendation to grant permission subject to conditions. The Update Report corrected a small typographical error in the recommended Condition 3.

The Ward Councillor Dine Romero made a statement raising various concerns about the proposal including the narrow access and parking on the road.

Councillor Manda Rigby considered that it would be useful to hold a Site Visit and so moved. The motion was seconded by Councillor Les Kew.

The motion was put to the vote and was carried, 9 voting in favour and 0 against.

Item 7 No 39 High Street, Keynsham – Change of use of ground floor from Offices (B1) to Café Bar (A3) with alteration to street frontage windows to folding sliding doors, new extract flue and use of public highway for siting of 2

tables and 8 chairs – The Case Officer reported on this application and her recommendation to grant permission subject to conditions. She reported the receipt of a further letter of support and recommended that 2 further conditions be added relating to hours of use of the premises and the garden area to protect the amenity of neighbours.

The public speakers made their statements against and in favour of the proposed development which was followed by a statement by the Ward Councillor Charles Gerrish who raised various concerns.

Councillor Bryan Organ considered that the licensing hours needed to be checked and the impact on adjoining properties needed to be assessed. He therefore moved that consideration be deferred for a Site Visit which was seconded by Councillor Rob Appleyard.

Members debated the motion and discussed the description of the proposed use and what it entailed and the extent of the pavement to be used.

The motion was put to the vote. Voting: 10 in favour and 0 against. Motion carried.

Item 8 Carisbrooke, Bathampton Lane, Bathampton, Bath – Erection of new house following the demolition of an existing 20th Century house – The Case Officer reported on this application and her recommendation to grant permission with conditions. She pointed out that there were a number of references in the report to north which should read south.

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

Councillor Les Kew considered that there was some irregularity regarding the status of the land either side of the proposed site. He therefore moved that consideration be deferred for a Site Visit which was seconded by Councillor Bryan Organ.

The motion was put to the vote. Voting: 10 in favour and 0 against. Motion carried.

Item 9 No 52 Sladebrook Road, Southdown, Bath – Erection of a dwelling, a replacement garage and associated works – The Case Officer reported on this application and her recommendation to grant permission with conditions. A further condition would need to be added regarding protection of badgers.

The public speakers made their statements against and in favour of the proposed development. The Ward Councillor Dine Romero made a statement raising various concerns about the application which was followed by a statement by the other Ward Councillor Paul Crossley who suggested that a Site Visit would be useful.

Councillor Dave Laming moved that consideration be deferred for a Site Visit which was seconded by Councillor Bryan Organ.

The motion was put to the vote and was carried unanimously.

Item 10 No 10 Chapel Road, Clandown, Radstock – Erection of single storey rear extension – 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 proposed development which was followed by a statement by the Ward Councillor Eleanor Jackson raising various concerns.

Councillor Manda Rigby relayed the views of the Ward Councillor Simon Allen who supported the application. Councillor Dave Laming considered that there should be some consistency in refusing this application as previously and therefore moved that the Officer recommendation be overturned and permission be refused. The motion was not seconded. The Group Manager – Development Management pointed out that the height of the extension had been reduced also the depth and therefore this was a different and smaller proposal, which officers considered has no significant impact on amenity and the conservation area. Councillor Laming considered that the size had been changed but the amenities of the adjoining resident were still affected.

The Chair considered that it would be useful to have a Site Visit and moved accordingly which was seconded by Councillor Malcolm Lees. The motion was put to the vote which was carried, 8 voting in favour and 4 against.

Item 11 No 9 Bloomfield Road, Bloomfield, Bath – Proposed enlargement of 2 cellar windows and the formation of 2 external light wells to the façade – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

Councillor Les Kew considered that this was an acceptable proposal and therefore moved the Officer recommendation which was seconded by Councillor Bryan Organ.

The motion was put to the vote and was carried unanimously.

79 ENFORCEMENT ITEM - STALL 36 GUILDHALL MARKET

The Committee considered (1) a report which sought Members' authority to take enforcement action in respect of unauthorised alterations to Stall 36 in the Guildhall Market; and (2) an oral statement by the stallholder against enforcement action.

The Team Manager - Planning and Conservation gave a power point presentation outlining the unauthorised works.

Members discussed the matter. Councillor Manda Rigby opened the debate as the site was in her Ward. She considered that the Market was quite eclectic with a mix of styles and the manner in which products were displayed. The enclosed stalls were more secure. There had been some confusion regarding what was appropriate by the Planning and Property Services Departments of the Council. She felt that the stall was not out of keeping and therefore enforcement action should not be taken. Councillor Ian Gilchrist declared a minor interest in the matter, **as** the stallholder resided in his Ward and he had been assisting the stallholder in Council process as part of his role as Ward Councillor. He agreed with the comments by Councillor Manda Rigby and therefore moved that no enforcement action be taken, which was seconded by Councillor Rigby. Councillor Patrick Anketell-Jones also acknowledged that he knew the stallholder and had bought items from the stall, but did not consider that his participation in the matter could be unreasonable because of this.

Members debated the motion. It was generally felt that some tolerance needed to be exercised as there were already some enclosed stalls which were not intrusive. In response to Members' queries, the Group Manager – Development Management stated that no proposal had been received from the stallholder and listed building consent had not been given. The decision of the Planning Inspector on an appeal against a previous refusal of consent had referred to the open nature of Market stalls and that the stall would appear too solid and more appropriate to an arcade than a market. However, the design as built was different with a wider door opening and different windows, and this could be a reason for not taking enforcement action. He continued by saying that, if Members made this decision, the works would not be authorised, but no further action would be taken as things stand. The Chair summed up the debate.

After debate, the motion was put to the vote.

RESOLVED that it was not expedient for enforcement action to be taken in respect of the listed building contravention as outlined in the report

Voting: 8 in favour and 2 against with 3 abstentions.

80 QUARTERLY PERFORMANCE REPORT - JULY TO SEPTEMBER 2014

The Committee (1) considered the report of the Group Manager - Development Management which provided performance information across a range of activities within the Development Management function for the period July to September 2014; and (2) noted the report.

81 NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES

The report was noted

The meeting ended at 6.45 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

Item No.	Application No.	Address
1	14/01853/EFUL	Ministry Of Defence Ensleigh, Granville Road, Lansdown, Bath,

The Committee report does not separately identify the Bath Preservation Trust (BPT) as objectors to the application. Written responses were received from BPT in June, September and October in response to the original proposals and subsequent amendments. As well as pointing out some factual errors in the application documents relating to the status of local heritage assets they raise objection under the following headings: scope of impact assessments, building layout and impact on heritage assets including views to and from them, permanent negative impact on views from and to Beckford's Tower, design and layout of buildings, sustainability measures, height (with reference to Bath Building heights Strategy), materials (including use of reconstituted stone and too much render which should be replaced with natural traditional materials), shop (location of commercial use and design), Extra Care building (bulk, massing and design principles), landscaping (lack of allotments and timing of delivery of main area of open space), lighting (light spill and sky glow), transport (impact on key junctions in peak hour). BPT have also proposed that permitted development rights are removed to control future changes to the colour of materials used on the buildings.

The objections of BPT were taken into account in the assessment of the application. The letters, copies of which have been provided to Members by BPT, are not considered to raise new matters or issues not covered in the committee report.

The Council's Neighbourhood Environmental Services have submitted comments regarding refuse collection and are seeking additional information regarding HGV access to communal collection points on the site. To address this matter an additional condition it is recommended that details of these arrangements are submitted to the Council for approval prior to commencement of development.

Item No.	Application No.	Address
5	14/03511/FUL	Newhaven, Chilcompton

Road, Midsomer Norton
Radstock, BA3 2PL

Following the publication of the committee report and the concerns raised by the highways officer the applicant has submitted a revised drawing. The drawing shows the width of the parking spaces and show the visibility splay. The Highways Officer has considered the drawing and accepts the revisions and that the plans are acceptable subject to conditions.

The plans list is amended as follows:

This application relates to the following drawing 14416-1B received 5th November 2015.

Two letters of support for the application has been received stating that the development will improve the appearance of Hillside Road and that the dormer would look better on the front.

Item No.	Application No.	Address
6	14/03261/FUL	Land to the rear of 62 Sladebrook Road Southdown Bath

A small typographical error within condition 3 which should now read as follows:

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 *are* 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.

Item Number	Application No.	Address
Site visit number 2	14/03709/FUL	Greenlands, Farmborough

One further condition is added to the permission to state;

Prior to the commencement of the development, details of the appearance, including proposed materials, of the acoustic fence shall be submitted and approved in writing by the local planning authority. The development shall then be carried out in accordance with the details so approved.

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

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

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE MEETING
OF THE DEVELOPMENT CONTROL COMMITTEE ON WEDNESDAY 19TH
NOVEMBER 2014**

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
SITE VISITS – REPORT 9		
Greenlands, Bath Road, Farmborough (Item 3, Pages 56-62)	Mark Baldwin David Bissex (Applicants' Agent)	Against For
MAIN PLANS LIST – REPORT 10		
MoD Ensleigh, Lansdown, Bath (Item 1, Pages 66- 98)	Amy Frost (Bath Preservation Trust and Beckford Tower Trust) Jo Davis, GVA (Applicants' Agents)	Against For
Hope House, Lansdown, Bath (Items 2&3, Pages 99-130)	1. Linda Gamlin 2. Mark Strickland 1. Robin Kerr, Chairman, Lansdown Crescent Association 2. Jonny Kidney, Creatrix (Applicants' Agents)	Against – To share 8 minutes For – To share 8 minutes
39 High Street, Keynsham (Item 7, Pages 151-157)	Alison Cohen <u>AND</u> Bob Morgan Charlie Lovell	Against – To share 3 minutes For
Carisbrooke, Bathampton Lane, Bathampton, Bath (Item 8, Pages 157-163)	Mr Simpkin <u>AND</u> Roger Steer Edward Lang (Applicant)	Against – To share 3 minutes For
52 Sladebrook Road, Southdown, Bath (Item 9, Pages 163-169)	Grahame Starr Chris Beaver, PlanningSphere (Applicants' Agents)	Against For
10 Chapel Road, Clandown, Radstock (Item 10, Pages 170-174)	Miss Latchem Gary Peters (Applicant)	Against For
ENFORCEMENT ITEM – REPORT 11		
Stall 36 Guildhall Market	Robert Morgan (Stallholder)	Statement

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

19th November 2014

SITE VISIT DECISIONS

Item No:	001
Application No:	14/03180/FUL
Site Location:	Cleveland House, Sydney Road, Bathwick, Bath
Ward: Bathwick	Parish: N/A LB Grade: IISTAR
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

DECISION

Withdrawn from the agenda. To be heard at the December Committee.

Item No:	002
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

Withdrawn from the agenda. To be heard at the December Committee.

Item No:	003		
Application No:	14/03709/FUL		
Site Location:	Greenlands, Bath Road, Farmborough, Bath		
Ward: Farmborough	Parish: Farmborough	LB Grade: N/A	
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		

DECISION

Deferred for further details of site levels to be requested.

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

19th November 2014

DECISIONS

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
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

DECISION

Delegated to permit subject to S106 agreement.

Item No:	02
Application No:	14/04184/FUL
Site Location:	Hope House, The Royal High School, Lansdown Road, Lansdown
Ward: Lansdown	Parish: N/A LB Grade: II
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

DECISION Delegate to PERMIT subject to an agreement under Section 106 of the Town and Country Planning Act 1990.

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 C - 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 G - 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 35A 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 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.

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
Ward: Lansdown	Parish: N/A LB Grade: II
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

DECISION CONSENT

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:

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.

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.

Item No:	04		
Application No:	14/03702/FUL		
Site Location:	40 Bryant Avenue, Westfield, Radstock, Bath And North East Somerset		
Ward: Westfield	Parish: Westfield	LB Grade: N/A	
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		

DECISION REFUSE

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:

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.

Item No:	05		
Application No:	14/03511/FUL		
Site Location:	Newhaven, Chilcompton Road, Midsomer Norton, Radstock		
Ward:	Midsomer Norton Redfield	Parish:	Midsomer Norton
		LB Grade:	N/A
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		

DECISION REFUSE

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 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 increased overlooking and an unacceptable loss of privacy. 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:

This application relates to the following drawing 14416-1B received 5th November 2015.

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
Application Type:	Full Application	
Proposal:	Erection of 1no 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	

DECISION

Deferred for site visit to better understand the context of the site including the access lane and the relationship with Lytton Gardens and other neighbouring properties.

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	
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
Case Officer:	Suzanne D'Arcy

DECISION

Deferred for site visit to view the property in relation to surrounding residential neighbours and Baptist Church. Two additional conditions to be added regarding opening hours and the timing of the use of the garden.

Item No:	08		
Application No:	14/03465/FUL		
Site Location:	Carisbrooke, Bathampton Lane, Bathampton, Bath		
Ward: Bathavon North	Parish: Bathampton	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Erection of new house following the demolition of an existing 20th Century house		
Constraints:	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,		
Applicant:	Mr Edward Lang		
Expiry Date:	22nd October 2014		
Case Officer:	Suzanne D'Arcy		

DECISION

Deferred for site visit to understand the context better in particular the relationship with the Green Belt and Conservation Area.

Item No:	09		
Application No:	14/03372/OUT		
Site Location:	52 Sladebrook Road, Southdown, Bath, Bath And North East Somerset		
Ward: Southdown	Parish: N/A	LB Grade: N/A	
Application Type:	Outline Application		
Proposal:	Erection of 1 No. dwellings, a replacement garage, and associated works.		
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:	Mr & Mrs Baker		

Expiry Date:	24th October 2014
Case Officer:	Suzanne D'Arcy

DECISION

Deferred for site visit to better understand the context of the site including the access lane and the relationship with other neighbouring properties.

Item No:	10	
Application No:	14/04167/FUL	
Site Location:	10 Chapel Road, Clandown, Radstock, Bath And North East Somerset	
Ward: Radstock	Parish: Radstock	LB Grade: N/A
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	

DECISION

Deferred for site visit to judge the impact of the development on the Conservation Area and neighbouring property.

Item No:	11	
Application No:	14/04493/FUL	
Site Location:	9 Bloomfield Road, Bloomfield, Bath, Bath And North East Somerset	
Ward: Lyncombe	Parish: N/A	LB Grade: N/A
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	

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 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

Bath & North East Somerset Council		
MEETING:	Development Control Committee	AGENDA ITEM NUMBER
MEETING DATE:	10th December 2014	
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)	
TITLE:	SITE VISIT APPLICATIONS FOR PLANNING PERMISSION	
WARDS:	ALL	
BACKGROUND PAPERS:		
AN OPEN PUBLIC ITEM		

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	14/04167/FUL 12 December 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
002	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
003	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
004	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
005	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

006	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
007	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

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

Item No: 1
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: 12th December 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.

Following the meeting of the 19th November the committee deferred the application for a site visit and the application will be considered at the meeting of the 10th December.

Description of site and application

Chapel Road is located within Glandown 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

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.

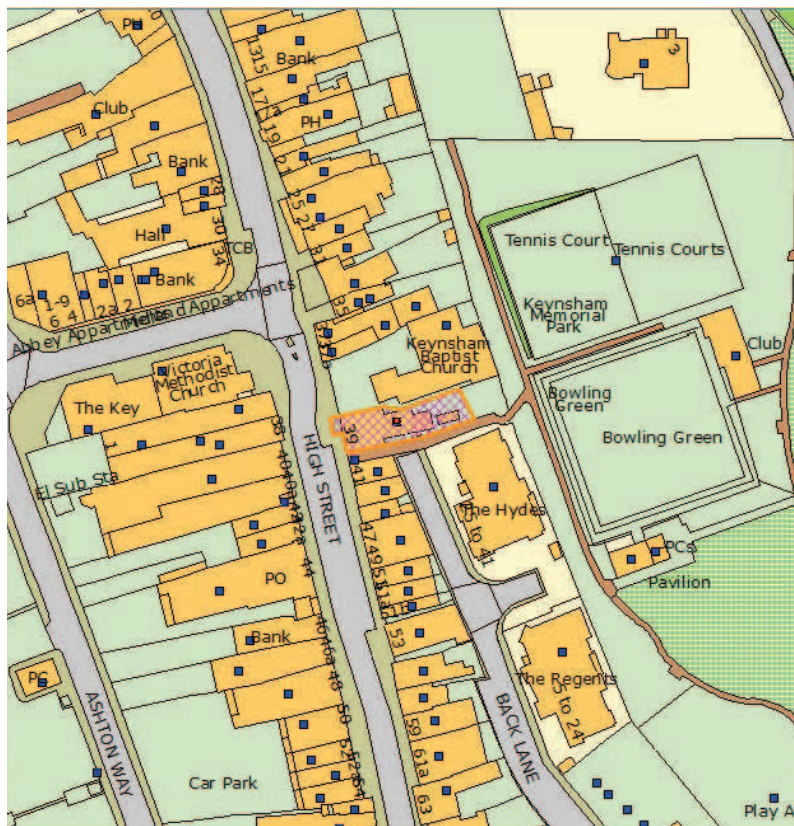
Reason: To define the terms and extent of the permission.

PLANS LIST:

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.

Item No: 2
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
Case Officer: Suzanne D'Arcy

REPORT

Reason for reporting to Committee

This application was deferred from the previous Development Control Committee to allow Members to undertake a site visit.

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, 3 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:

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

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 use hereby approved shall not be carried on and no customer shall be served or remain on the premises outside the hours of 0900 - 2200 Monday to Thursday and 0900 - 2300 Friday and Saturday

Reason: To safeguard the amenities of nearby occupiers.

6 The garden shown on the approved plans shall not be used by customers after 1900 on any day.

Reason: To safeguard the amenities of nearby occupiers

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: 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, recieved by 27th August 2014.

DECISION TAKING STATEMENT

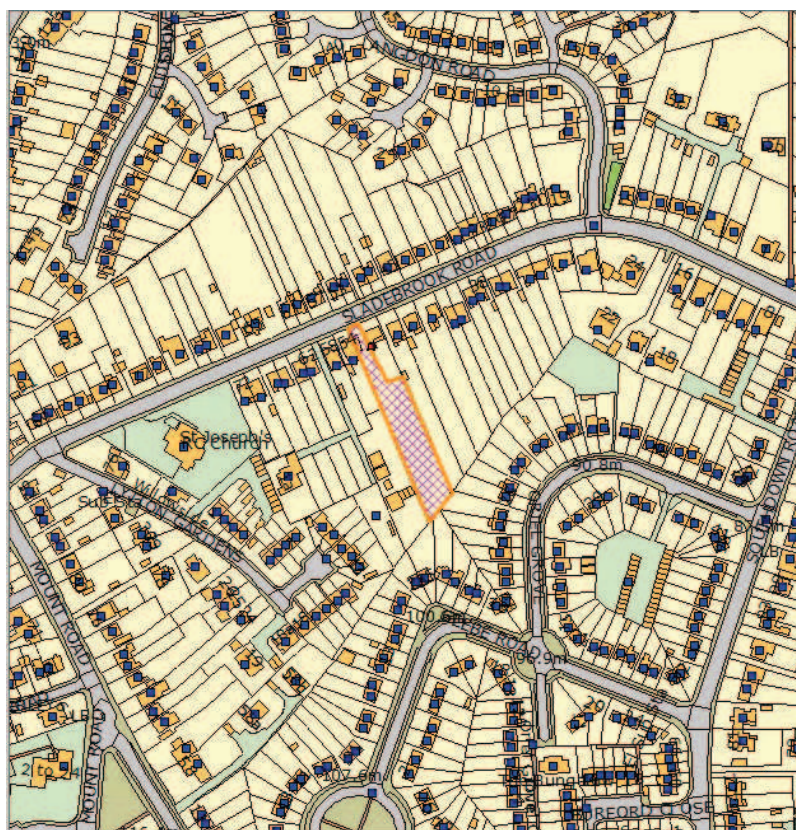
In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.

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.

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: 3
Application No: 14/03372/OUT
Site Location: 52 Sladebrook Road Southdown Bath Bath And North East Somerset
 BA2 1LR



Ward: Southdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor P N Crossley Councillor D M Romero
Application Type: Outline Application
Proposal: Erection of 1 No. dwellings, a replacement garage, and associated works.
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: Mr & Mrs Baker
Expiry Date: 24th October 2014
Case Officer: Suzanne D'Arcy

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

This application was deferred from the previous Development Control Committee to allow Members to undertake a site visit.

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: No objection, subject to condition

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:

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

There is a badger sett in the back garden. The Ecologist is satisfied that this can be mitigated, subject to appropriate conditions.

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

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 Prior to the commencement of development, an update mapped badger survey report and a proposed Badger Mitigation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall confirm whether a protected species licence will be required, and shall provide full details of all necessary mitigation measures. This shall include a plan showing sett entrances to be retained and details and method statement for any necessary sett closure and artificial sett provision. A plan and fencing

specification shall be submitted showing an exclusion zone to be established around retained sett entrances from which all building, engineering and other operations and personnel working on the site shall be excluded. The development shall be carried out in accordance with the approved Scheme or any amendment to the Scheme as approved in writing by the Local Planning Authority.

Reason: to avoid harm to protected species (badger).

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: This decision relates to drawing numbered 2200-07-100 rev B, received by the Council on 18th September 2014.

DECISION TAKING STATEMENT

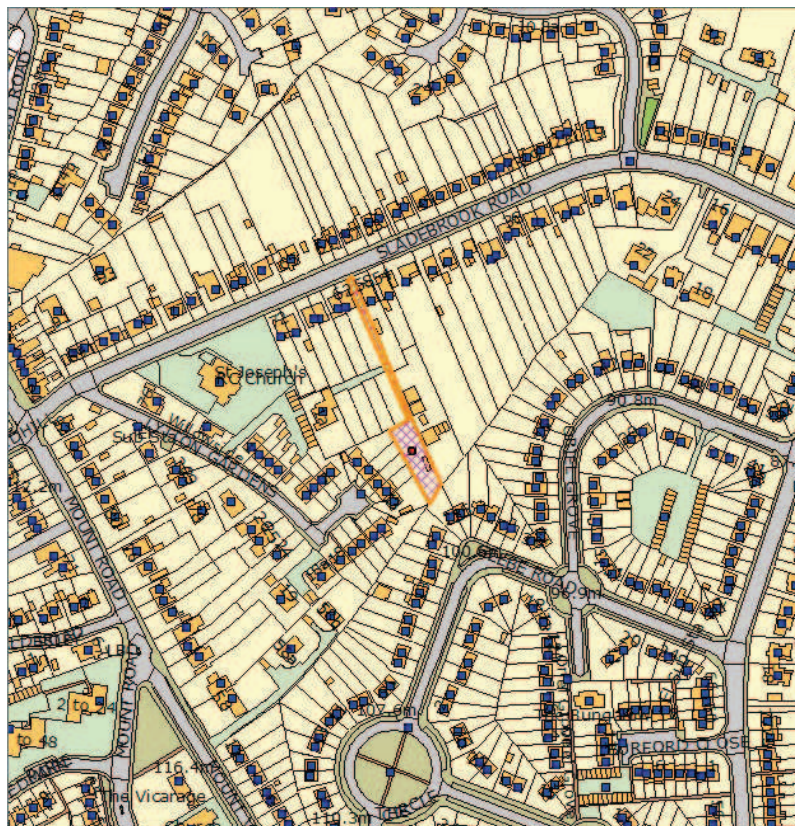
In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.

2 ADVICE NOTE:

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.

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.

Item No: 4
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 1no 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.

The application was considered at the November Development Control Committee and was deferred for a site visit to allow members to view the site and its context.

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 accessed 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 have 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:

- o Bath and North East Somerset Core Strategy (July 2014);
- o Saved policies from the Bath and North East Somerset Local Plan (2007);
- o 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

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 are 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

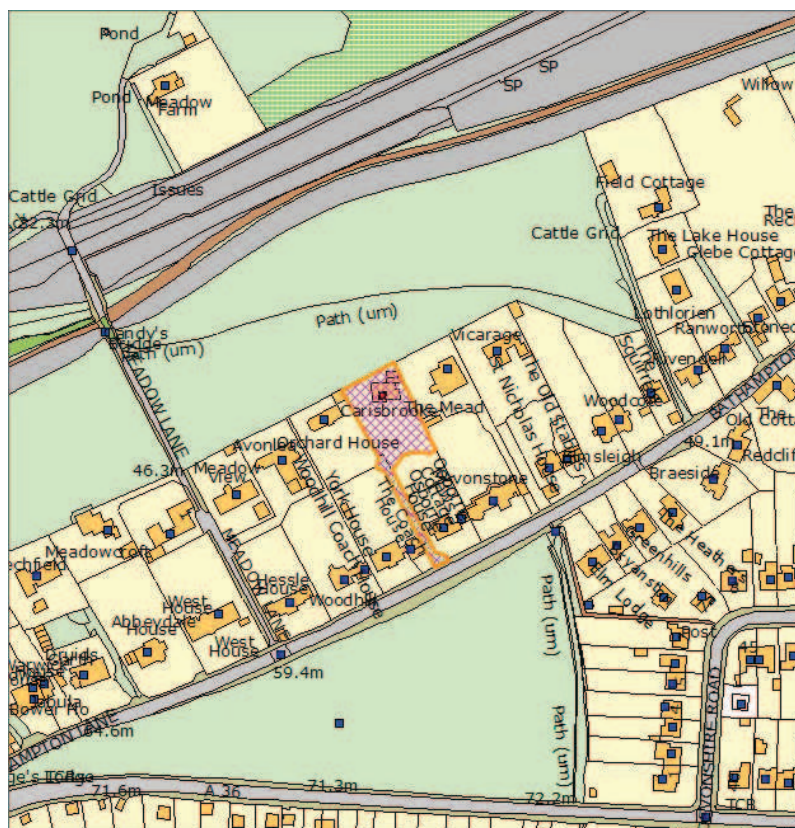
DECISION MAKING STATEMENT

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.

Item No: 5
Application No: 14/03465/FUL
Site Location: Carisbrooke Bathampton Lane Bathampton Bath And North East Somerset



Ward: Bathavon North **Parish:** Bathampton **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Geoff Ward Councillor Terry Gazzard
Application Type: Full Application
Proposal: Erection of new house following the demolition of an existing 20th Century house
Constraints: 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,
Applicant: Mr Edward Lang
Expiry Date: 22nd October 2014
Case Officer: Suzanne D'Arcy

REPORT

Reason for Reporting to the Committee

This application was deferred from the previous Development Control Committee to allow Members to undertake a site visit.

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 south of the site, and the Green Belt, which runs along the northern 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 The Mead
- 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:

- o Core Strategy
- o Saved Policies in the B&NES Local Plan (2007)*
- o 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 south. The northern 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 northern 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

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: 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.

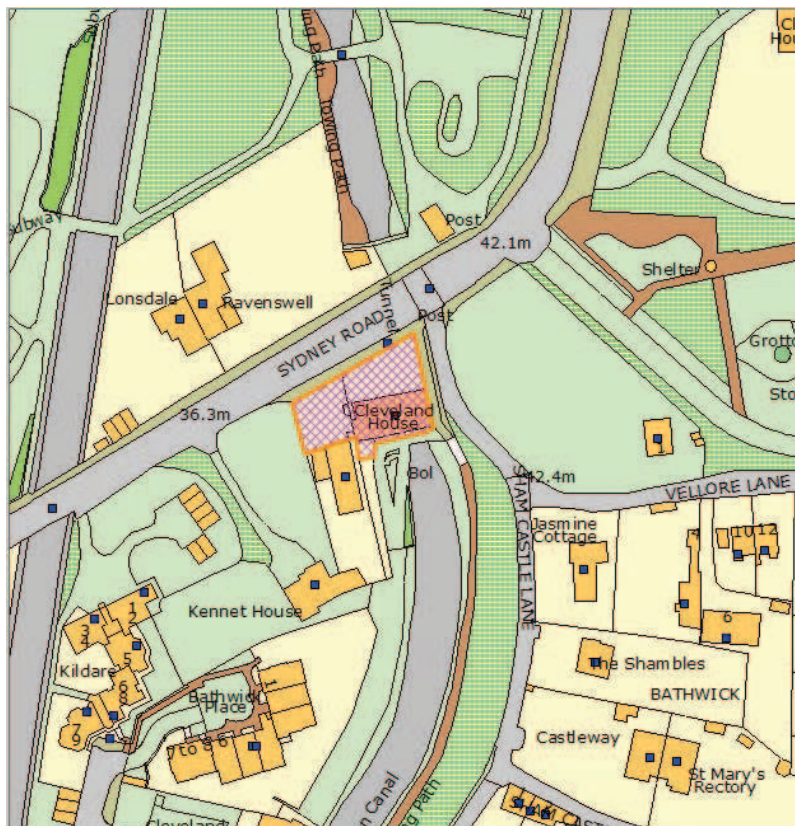
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Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

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

Item No: 6
Application No: 14/03180/FUL
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: 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:

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

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

- o CP6 - Environmental Quality
- o 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, notablygrade 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

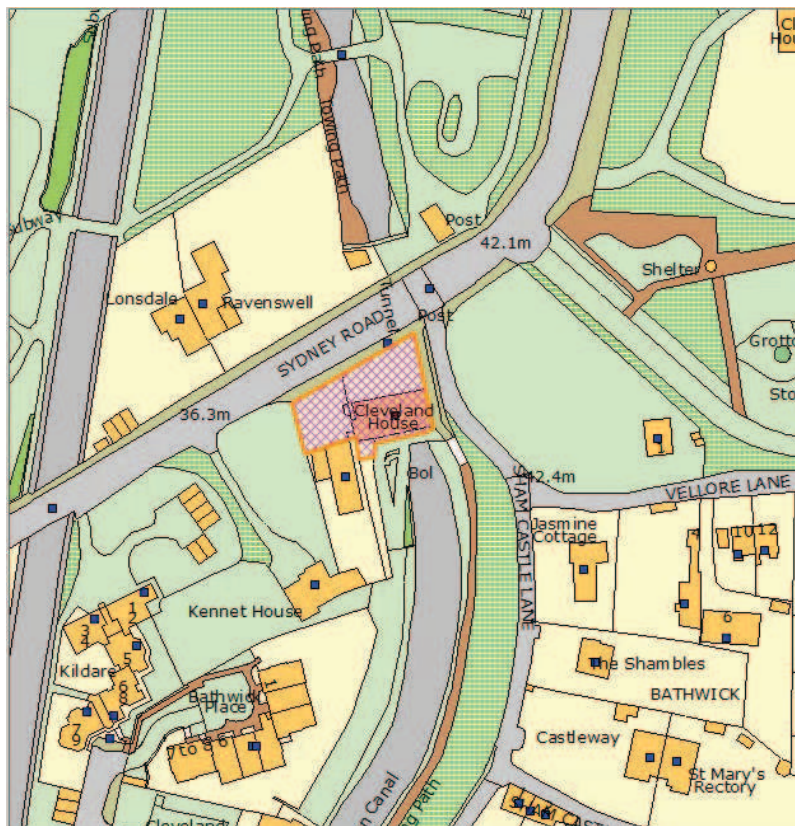
PLANS LIST:

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
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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: 7
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:	,	
Applicant:	Trevor Osborne Property Group	
Expiry Date:	5th September 2014	
Case Officer:	Sasha Coombs	

REPORT

REASONS FOR REFERRAL TO COMMITTEE

This was 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:

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

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

- o CP6 - Environmental quality
- o 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.

- o BH.2 - Listed buildings and their settings
- o 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, notablygrade 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
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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

Bath & North East Somerset Council		
MEETING:	Development Control Committee	AGENDA ITEM NUMBER
MEETING DATE:	10th December 2014	
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)	
TITLE:	APPLICATIONS FOR PLANNING PERMISSION	
WARDS:	ALL	
BACKGROUND PAPERS:		
AN OPEN PUBLIC ITEM		

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

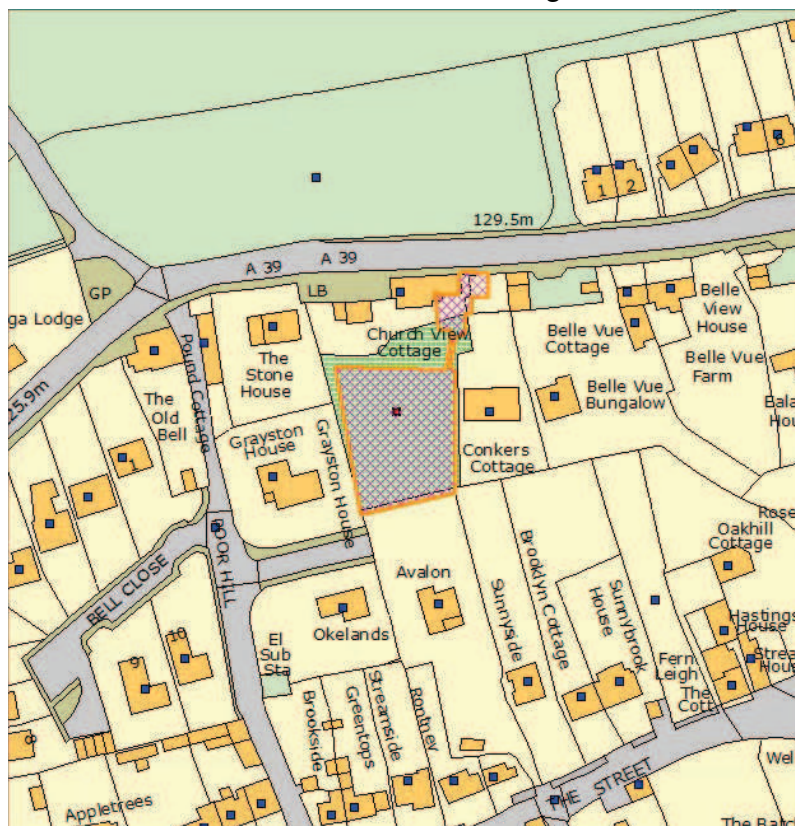
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	14/03709/FUL 12 December 2014	Mr And Mrs S Gould Greenlands, Bath Road, Farmborough, Bath, BA2 0BU Erection of detached garage and creation of new driveway and provision of acoustic fence. Provision of additional patio doors and WC window to bungalow. (Resubmission)	Farmborough	Alice Barnes	PERMIT
02	14/03476/FUL 16 December 2014	LYME (Bath) Ltd 1 Rockhall Cottages, Rock Hall Lane, Combe Down, Bath, Bath And North East Somerset Erection of 1 no. new dwelling and associated landscaping . (Amendment of previously approved scheme 13/04130/FUL)	Combe Down	Heather Faulkner	PERMIT
03	14/02272/EFUL 1 December 2014	Square Bay (Bath) LLP Ministry Of Defence, Warminster Road, Bathwick, Bath, Bath And North East Somerset Demolition of existing buildings and erection of 206 no. dwellings; 2 no. accesses from Warminster Road, vehicular parking; open space; landscaping (including tree removal); pumping station; and associated engineering works.	Bathwick	Daniel Stone	REFUSE
04	14/02619/FUL 17 December 2014	Pinesgate Investment Company Ltd Pinesgate, Lower Bristol Road, Westmoreland, Bath, Bath And North East Somerset Erection of an office building (use class B1) with basement parking, associated infrastructure and landscaping following the demolition of existing office building.	Widcombe	Rachel Tadman	Delegate to PERMIT

05	14/02005/ERES 1 September 2014	Crest Nicholson Operations Ltd Western Riverside Development Area, Midland Road, Twerton, Bath, Approval of reserved matters with regard to outline application 06/01733/EOUT for the erection of 97 residential dwellings (blocks B5 and B16), 750m2 of ground floor commercial uses, erection of bin and cycle stores, plant, and associated landscaping works.	Westmoreland	Chris Griggs- Trevarthen	PERMIT
06	14/03849/OUT 12 December 2014	Flower & Hayes Ltd Hazeldene, Hazel Terrace, Westfield, Midsomer Norton, Radstock Erection of 2no. semi-detached houses.	Westfield	Alice Barnes	PERMIT

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

Item No: 1
Application No: 14/03709/FUL
Site Location: 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: 12th December 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 19th November the committee resolved to defer the application and the application will be considered at the meeting of the 10th December. The members have requested section of the proposed driveway including spot heights of the proposed driveway.

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 surrounded on all sides by houses.

Currently a parking area is permitted at the top of the slope and the applicant proposes to 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.

Following the meeting of the 19th November the members requested a section of the proposed driveway with datum heights of the original ground level and the proposed driveway level. The proposed section shows that there would not be a substantial increase in height between the original ground level and the proposed driveway.

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

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 Prior to the first occupation of the dwelling the proposed acoustic fence between Greenlands and Conkers Cottage shall be erected and retained in perpetuity 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 Prior to the commencement of the development, details of the appearance, including proposed materials, of the acoustic fence shall be submitted and approved in writing by the local planning authority. The development shall then be carried out in accordance with the details so approved.

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

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.

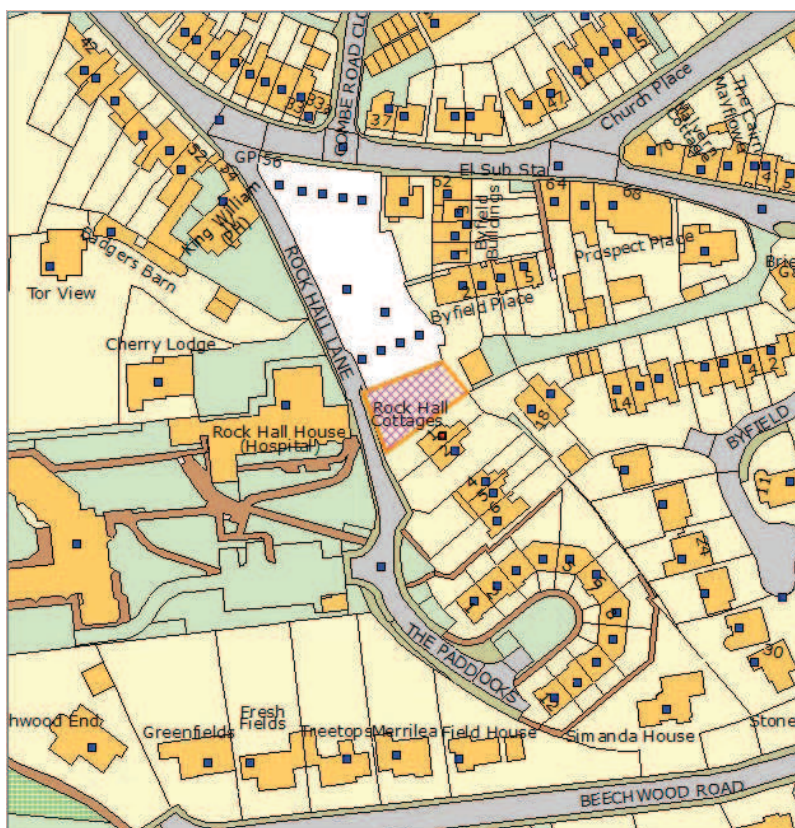
PLANS LIST:

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.

Item No: 2
Application No: 14/03476/FUL
Site Location: 1 Rockhall Cottages Rock Hall Lane Combe Down Bath Bath And North East Somerset



Ward: Combe Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Cherry Beath Councillor R A Symonds
Application Type: Full Application
Proposal: Erection of 1 no. new dwelling and associated landscaping . (Amendment of previously approved scheme 13/04130/FUL)
Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,
Applicant: LYME (Bath) Ltd
Expiry Date: 16th December 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 Symonds who objected to the application on the basis that it is 'garden grabbing' or backland development.

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.

SITE DESCRIPTION AND APPLICATION DETAIL

The application site is located on Rock Hall Lane and it currently the garden of 1 Rockhall Cottages. To the north of the site is a development site which was formally a 19th century maltings, and a large open yard has now been developed into 8 houses, an apartment and a mining interpretation centre.

A stone boundary wall and mature vegetation form the front boundary to the site and the site itself is mostly laid out as lawn. Rockhall Cottages comprises a pair stone cottages and a short terrace of three properties. The road is narrow and few of the properties have access to off street parking. Opposite the site is Rock Hall House which is a Grade II Listed Building.

The site is just outside the City of Bath Conservation Area with the boundary of the Conservation Area running around three sides of the site. The site is also set within the wider World Heritage Site.

The application seeks consent for the construction of a single detached house. The house would line up with the existing properties on Rock Hall Lane. The application includes the provision of two parking spaces for the property. The dwelling would have four bedrooms and a single storey rear extension. The plans have been amended during the application process to remove a detached garage proposed on the site, to reduce the footprint of the building and reduce the size of the single storey rear extension. The materials for the single storey extension have also been amended to be Bath Stone rather than render.

Planning History

Planning application 14/00732/FUL Erection of 1 no. dwelling with associated parking and landscaping (Resubmission of 13/01349/FUL) was PERMITTED on 20th November 2013.

Planning application 13/01349/FUL Erection of two dwellings with associated parking and landscaping was REFUSED on 7th July 2012 for the following reasons:

1 The proposed development due to the removal of large sections of the boundary wall, the introduction of large parking areas and the significant reduction in the open nature of the site would have a harmful impact on the character of the adjacent Bath Conservation Area and would therefore be contrary to policies D.2, D.4, BH.1, BH.2 and BH.6 of the Bath & North East Somerset Local Plan (including minerals and waste policies) adopted October 2007 and section 12 of the NPPF.

2 The proposed development, due to its siting is considered to have an overbearing impact upon the occupiers of the new dwellings being constructed to the north east of the site to the detriment of the residential amenity currently enjoyed. The development is therefore considered to be contrary to Policy D2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

3 The proposed development would result in increased demand for on-street parking on Rock Hall Lane to the detriment of the free flow operation of the public highway, access to existing properties and highways safety. The proposals would also result in an increase in vehicles using the end of Rock Hall Lane for turning which would result in further traffic hazards due to the limited space available. The proposal is contrary to Policy T24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAY DEVELOPMENT: No objections subject to conditions

FLOOD RISK MANAGEMENT AND DRAINAGE: No objection subject to condition.

ECOLOGY: No objection subject to conditions.

ARBORICULTURE: no objection subject to condition.

ARCHAEOLOGICAL OFFICER: The proposed dwelling lies within the Byfield stone mine area and in close proximity to the cart entrances into Ralph Allen's historic mine works. Condition requested that works take place in accordance with the submitted written scheme of investigation.

CONSERVATION OFFICER: comments on initial proposals - no objection to the principle proposals but concerns raised in respect of details e.g.. Footprint excessive, garage against grain of development, bulky height and depth, prominent gable and concerns regarding chimney.

ENVIRONMENTAL HEALTH: no objection subject to condition in respect of construction.

LAND CONTAMINATION: no objection subject to conditions

LANDSCAPE: no objections subject to landscaping conditions being attached in respect of landscaping.

THIRD PARTY REPRESENTATIONS:

Near neighbouring properties were consulted, a site notice erected and an advertisement placed in the Local Press. Ten letters of objection have been received and the comments raised are summarised below:

- The proposed dwelling increases the scale and bulk of the previous proposals
- The house is out of character
- Concerns regarding vehicle safety
- Site is not brownfield land
- The level of parking is insufficient
- The site is overdeveloped
- No sunlight/daylight study has been provided
- Concerns regarding landscaping

- Concerns regarding ecology
- No information on drainage or sustainability has been supplied
- Further contamination issues need to be addressed
- Overlooking concerns
- A number of trees have been removed from the site
- Free standing garage is out of character
- Part of the boundary wall has already been removed
- Revisions to the plans do not overcome concerns

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)

The following policies of the Bath and North East Somerset Core Strategy are relevant to the determination of this application:

DW1 District Wide Spatial Strategy

B1 Bath Spatial Strategy

B4 World Heritage Site and its Setting

SD1 Presumption in favour of sustainable development

CP6 Environmental Quality

CP9 Affordable Housing

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.7: Minimum housing density

NE.1: Landscape character

NE.4: Trees and woodland conservation

NE5 Forest of Avon

NE9 Locally important wildlife sites

NE10 Nationally important species and habitats

BH.2 Listed Buildings and their setting

BH.5 Locally important buildings

BH.6 Development within or affecting Conservation Areas

BH.12 Important archaeological remains

T.1: Overarching access policy

T.24: General development control and access policy

T.25: Transport assessments and travel plans

T.26: On-site parking and servicing provision

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

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 11: Conserving or enhancing the natural environment

Section 12: Conserving or enhancing the historic environment

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT:

The application site is located within the built up area of Bath where in principle new residential development can be considered to be broadly acceptable provided it complies with the relevant policies of the adopted Local Plan and Core Strategy. Furthermore, the site is located in a sustainable location, in close proximity to local facilities and public transport provisions. There is therefore no objection in principle to new residential development on this site.

CHARACTER AND APPEARANCE:

Whilst the proposed development site is not within the Conservation Area the boundary to the area runs around the site and therefore the proposed development needs to be assessed in terms of the impact it would have on the character and setting of the Conservation Area.

The adjacent site has been redeveloped and includes 9 residential units and a Stone Mine Interpretation Centre. The design of this development takes on a contemporary style and the closest block is a terrace which is positioned at right angles to Rock Hall Lane.

Rock Hall Lane is a narrow road which is characterised by the stone walls on either side. The level of vegetation in the area also helps add to its more rural feel. The properties which form Rock Hall Cottages are all set well back from the road with generous front gardens and only pedestrian accesses. The area is also covered by an Article 4 Direction which limits the demolition of boundary walls of a certain height.

The previously approved scheme was for a two storey dwelling with a bay window and parking to the front and side of the dwelling. This current application also proposes a single house which would be approximately 7.6metres wide and 8.5metres deep compared to the approved house which is 6.6 metres wide and 7.4 metres deep. In terms of heights the proposed house would be 8.1metres to the ridge compared to the approved dwelling which would have been 7.5 metres high. However it should be noted that with the current application the dwelling would be set down within the plot. The applicant has submitted a street scene drawing which compares the heights of the approved and the current proposals and the building does not look out of place within the street scene. The style of the house whilst different to the previous scheme has proportions which when viewed from the front are not out of keeping with the other properties on Rock Hall Lane. It would be important that the materials used were sympathetic to the area and therefore

natural stone would need to be used. Previously further details of windows and detailing were conditioned, sufficient details have been included with this application.

The proposals would result in the construction of a building on an area which is currently open and the principle of this has been accepted by the previous application the slightly increase in footprint of the main building it not considered to harm the overall character of the area. Previously there had been concerns that the building was larger than could comfortably be situated on the plot when the relationship with the adjacent development was considered however this development has been carefully assessed and on balance it is considered to have an acceptable impact overall. The removal of the garage and changes to the footprint, including the rear extension are also improvements to the scheme.

The approach to this part of the Conservation Area is characterised by the 'pinch-point' visual enclosure derived from the distinctive stone walling on each side of the lane, strengthened by mature planting. Loss of a substantial part of this walling and the introduction of parking areas was a concern with the refused application for two houses. The approved application and the current proposals includes only a single breach in the boundary wall. An area of the front of the site is proposed as being retained as soft landscaping. Whilst the visual impact of the development of the site will clearly be noticed it is difficult to argue that the harm caused by the revised scheme would be so substantial that it would warrant the refusal of this application. The detailing of the materials to be used for the parking area and the landscaping proposed will be important to help to soften the appearance of the front of the site.

Overall the proposed development is considered to be sufficiently similar to the approved scheme and there is not considered to be a serious impact on the character of the area and there is not considered to be any significant harm caused to warrant the applications refusal on this basis.

HIGHWAY SAFETY:

Rockhall Lane is narrow and affords little opportunity for vehicles to pass between the site and the village. Further, it serves a substantial amount of development, including elderly person's accommodation.

The proposed development proposes two parking spaces for one dwelling. This is the same as the previous proposal although the layout is different. It was previously considered with the refused scheme that an increased demand for parking would affect the free flow of traffic on the public highway, however, this is now more difficult to argue given that the number of proposed properties has been reduced to only one and that two parking spaces are proposed.

The manoeuvrability in and out of the space is considered to be adequate and given that only one dwelling is proposed the application could not be refused on the basis of harm caused by additional traffic movements.

RESIDENTIAL AMENITY:

The proposed building would be situated in close proximity to a number of other residential dwellings and the impact on them requires careful assessment.

To the south of the building is 1 Rock Hall Cottages and the side elevations of the buildings would be in line. There is a side window at ground floor level on this property however the impact on any habitable living space would be minimal. The single storey element is a new addition to the proposal it would be placed away from the boundary so would not have a serious impact on amenity. Whilst there are ground floor windows in the extension they are not considered to result in harmful overlooking.

Directly to the north east of the site is a large garage and beyond this is Byfield Place. Due to the siting of the properties in this direction and the distances involved there is an acceptable impact.

Directly opposite the site is Rock Hall House which accommodates sheltered housing. There are windows in the side elevation of this building however the closest ones are at ground floor and are already overlooked from the street. The siting of the proposed house would have some impact on the views from these windows however the building would be off set enough that it would not result in any serious harm.

The main concern with the proposed development previously was the impact on the residents of the adjacent development and concerns have been raised by these residents. These properties have been designed with the bedrooms at ground floor level and with the main living area at first floor level with balconies providing some external space. There were concerns that the proposed two storey building located on the adjacent site would compromise the living conditions in these properties for the future occupier by having an oppressive impact on the properties and their gardens. In this current scheme the proposed building would be positioned slightly closer to these properties, at the closest point there would be 13 metres from the rear of these properties (not including the balconies) the previous scheme was 14.1 metres from these properties. Taking into consideration the change to the height of the building and the addition of the single storey extension whilst there will still be some impact on these properties it is not considered severe enough to justify the refusal of the application

Windows are proposed in ground floor of the side elevation of the building however this is not considered to result in harmful overlooking as there is sufficient boundary treatments in place.

In terms of the living conditions for the future occupiers in general this would be acceptable. There would be a reasonable amount of amenity space and acceptable outlook from the majority of the windows. The privacy of the house closest to the new development would be more limited due to the overlooking from the windows and balconies in these houses. This is not an ideal arrangement however future occupants would be aware of this prior to purchase or occupation.

Overall the development is considered to have an acceptable impact on the existing surrounding occupants.

ARBORICULTURE:

The proposed development will necessitate the removal of trees and a number of trees have already been removed from the site. As the site is not within the Conservation Area these trees had no protection and their loss is regrettable. Whilst trees were proposed to be retained and protected within the previous scheme the state of the site has now altered. The Arboricultural Officer has not recommended any tree protection conditions with this application only that a landscaping plan be submitted.

The proposals will benefit from a landscaping scheme to improve the setting of the building and introduce new trees to help mitigate for those that have been removed. The application has been submitted with a landscaping plan however the details are not considered to be sufficient and therefore a condition will be attached to any consent.

ECOLOGY:

The site lies within 100m of the closest of several nearby component sites of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC). Greater Horseshoe Bats of the SAC are known to fly in this area and it must be assumed that the site and its existing vegetation may form a part of flight lines and habitat used in the locality by bats of the SAC.

Greater Horseshoe Bats of the SAC are known to fly in this area and it must be assumed that the site and its existing vegetation may form a part of flight lines and habitat used in the locality by bats of the SAC.

The nearby underground tunnel network and associated bat mitigation features do not fall directly beneath the site, although they do fall close by on adjacent land. It is the Ecologist's view that the proposals should not affect any underground features of the bat SAC.

The proposal includes retention of some existing vegetation, and some new planting, and appears not to cause any significant reduction in or fragmentation to habitat that may be used by bats and the contribution the site makes to habitat in the locality.

It is recommended that no new external lighting may be installed without consideration to potential impacts on bats and prior approval from the LPA. This should be secured by condition.

There is no objection to the proposal on the grounds of ecology provided that the proposed level of planting is sustained or further enhanced in the approved scheme, and that planting includes a high proportion of 'wildlife friendly' and native shrub or tree component. This could be secured as part of the landscaping condition.

ARCHAEOLOGY

The proposed new dwelling lies within the Byfield stone mine area and in close proximity to the cart entrances into Ralph Allen's historic mine works. Previously a condition was attached securing a scheme of investigation and a watching brief. The application has been submitted with a Written Scheme of Archaeological Investigation for a Controlled Watching Brief therefore a condition will be attached to ensure works are carried out in accordance with this brief.

OTHER ISSUES:

The Land Contamination Officer has assessed the proposals and recommended conditions due to the sensitive nature of the future use. The applicant submitted further land contamination information with the application this is currently being considered by the Contaminated Land Officer and the conditions may be varied depending on the response. Until this response has been received the conditions will remain as per the previous consent.

Land Drainage also needs to be addressed as a condition.

Environmental Health have commented in respect of disturbance during construction and again suitable conditions are recommended.

Other conditions

As part of this permission the applicant has attempted to consider as many of the previous pre-commencement conditions as possible and where necessary - such as in the case of materials these have been amended.

CONCLUSION

There is no objection in principle to the development and on balance it is considered that the revised scheme for just a single house whilst different from the previous application does not result in any serious harm being caused and is recommended for approval accordingly.

RECOMMENDATION

PERMIT

CONDITIONS

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

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

2 The 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.

3 No development shall take place within the site until the applicant, or their agents or successors in title, has implemented the programme of archaeological work in accordance with the submitted written scheme of investigation prepared by Michael Heaton Heritage Consultants (April 2014).

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

4 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 highway safety.

5 Desk Study and Site Walkover

Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. The developer is therefore responsible for determining whether land is suitable for a particular development. A Desk Study and Site Reconnaissance (walkover) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. Should the Desk Study identify the likely presence of contamination on the site, whether or not it originates on the site, then full characterisation (site investigation) shall be undertaken and where remediation is necessary, it shall be undertaken in accordance with a remediation scheme which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the current and future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6 Reporting of Unexpected Contamination

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

Reason: To ensure that risks from land contamination to the current and future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7 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 and in the interests of Ecology.

8 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.

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

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

10 The relevant part of the works shall not commence until a sample of the roofing material has for the rear extension has been submitted to and approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

Reason: To safeguard the character and appearance of the Building and the surrounding Conservation Area.

11 All works shall be completed in accordance with the Materials Schedule received on 18th November 2014 and in accordance with the sample panel on site which shall remain in situ for reference until the development is complete.

Reason: To safeguard the character and appearance of the Building and the surrounding Conservation Area.

12 No external lighting shall be installed without the prior approval, in writing, from the local planning authority.

Reason: to prevent excessive light spill provide dark corridors for wildlife and avoid harm to bat activity

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 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.

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 windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in either of the side elevations of the approved dwelling at any time unless a further planning permission has been granted.

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

15 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:

DRAFT LIST

This decision relates to the following drawings and documents:

Received 30th July 2014:

000 rev 00A Existing Site Layout

008 00A Site and Location Plan

Written Scheme of Archaeological Investigations for a Controlled Archaeological Watching Brief prepared by Michael Heaton Heritage Consultants

Received 30th October 2014:

001E Proposed Site Layout

003E Proposed Plans

007E Proposed Site elevation Rock Hall Lane (South West)

Received 11th November 2014:

009 Proposed Site Elevation
005E Proposed North -East South-West

Received 18th November 2014:
Materials Schedule

Received 24th November 2014:
002E rev 00E Proposed Site Layout with parking layout
004F Proposed South-East and North-West elevations
006 rev 00E Proposed Section

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. The application was submitted and the concerns with the application were raised with the applicant during the application process the applicant was given the opportunity to address the concerns raised. Amended drawings were submitted which overcame the concerns and approval was recommended.

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.

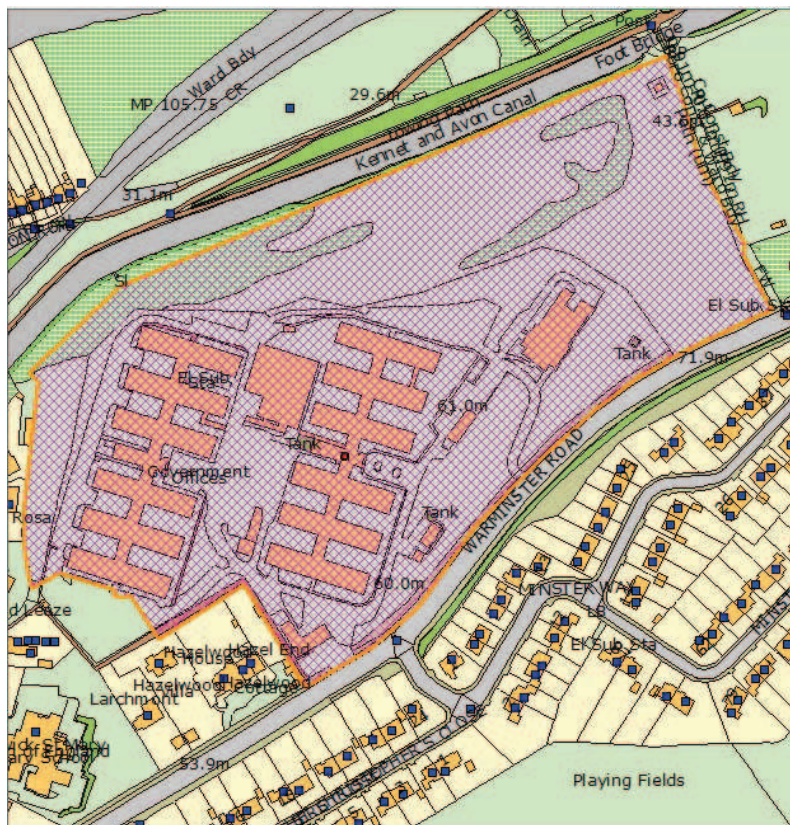
3 Environmental Health Advisory Notes:

There are residential premises in close proximity to this site whose amenity could be affected during any construction or site clearance. Accordingly the following should be considered as part of the construction process:

- o 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.
- o 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.
- o The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings.

Due to an increase in gull activity in Bath and North East Somerset we would suggest that consideration is given to the proofing of any roof/flat surfaces against gulls nests.

Item No: 3
Application No: 14/02272/EFUL
Site Location: Ministry Of Defence Warminster Road Bathwick Bath Bath And North East Somerset



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Nicholas Coombes Councillor David Martin
Application Type: Full Application with an EIA attached
Proposal: Demolition of existing buildings and erection of 206 no. dwellings; 2 no. accesses from Warminster Road, vehicular parking; open space; landscaping (including tree removal); pumping station; and associated engineering works.
Constraints: Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Agric Land Class 3b,4,5, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Interest, World Heritage Site,
Applicant: Square Bay (Bath) LLP
Expiry Date: 1st December 2014
Case Officer: Daniel Stone

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

The application has been referred to committee by Councillor David Martin, the justification being that application proposed a major development in one of the most visible sites in the city, demanding a scheme that achieves a high standard of urban design and environmental performance.

SITE DESCRIPTION

The site consists of a 7.0 hectare brownfield site, previously occupied by the Ministry of Defence, located on the Warminster Road (A36) in Bath. The site occupies a highly prominent location between the Warminster Road (A36) to the south and the Kennet and Avon Canal to the north. The A36 is a key approach route to the city.

At present the site contains a number of single storey office blocks with associated vehicular circulation and parking contained within a security fence, plus undeveloped natural areas to the north and east. The land slopes steeply down from Warminster Road to the canal. This topography and a prominent undeveloped gap at the eastern end of the site allow commanding panoramic views across the City to Lansdown, Larkhall and Walcot on the opposite side of the valley. A Public Footpath runs steeply down the hill at this point to a pedestrian bridge across the canal at the bottom.

Immediately to the east of the site is Hampton House, a Grade II Listed Building. Beyond to the east is inter-war and post-war ribbon development along the Warminster Road. To the west of the site the road is more enclosed by mature street trees, and the buildings consist predominantly of large detached Victorian villas set in large, well vegetated plots.

On the southern side of Warminster Road, the full length of the site is developed as a suburban estate of detached properties.

PROPOSALS

Full planning permission is sought for the erection of 206 dwellings, which would be fed from 2 vehicular accesses on Warminster Road. The development would consist predominantly of 2 and 3-storey terraced houses, with 5 blocks of flats ranging between 3 and 5 storeys in height (taking into account level changes). The principal street overlooking the open space and canal at the northern end of the site would be developed with semi-detached and link-detached 3-storey villas. The proposals include the provision of open space and landscaping, and would provide land for the expansion of the adjoining primary school. The application is accompanied by an Environmental Impact Assessment.

In response to concerns raised by officers and residents, a number of design changes have been submitted during the course of the application, as follows:

- Plot 26 omitted to allow increased land area (2,068.76 M2) for expansion of Bathwick St Mary Primary School
- Plots 105 - 110 shifted to the north to allow compensatory tree planting

- Block of flats 4 and 5 altered to present 2 large villas positioned on the back edge of Warminster Road, with pedestrian access from Warminster Road and vehicular access from the rear. These blocks have also been re-positioned to reduce their encroachment into the undeveloped green space at eastern end of site.
- Affordable Housing percentage increased to 40%
- Additional storey added to block of flats 3 (now 4 storeys) to achieve 40% affordable housing
- Plots 141-143 (curved terrace) amended to be dual frontage houses, with footpath access from the open space to the north and rear vehicular access
- Plots 31 - 34 changed from 4-storey houses (when viewed from the rear) to 3-storey
- Garage to plot 40 changed from double to single garage to enable plot to be shifted to the south, to reduce its prominence from canal and lessen its impact on trees
- Layout of plots 100 - 104 and 120 - 125 amended to reduce dominance of layout by car parking.
- Play trail proposed (using natural materials) in open space to north of development
- Landscape Management Plan submitted
- Lighting Impact Study submitted to address Bat impacts

PLANNING CONSTRAINTS

Whilst the buildings within the site are functional in character, the site is prominent in citywide views and is highly sensitive and heavily constrained in terms of planning designations. The site lies within the World Heritage Site and the Bath Conservation Area. Several buildings lying outside the site are Listed. The undeveloped land outside the security fence comprises a Site of Nature Conservation Interest. To the east of the site lies the Green Belt.

In advance of the sale of the MOD sites in Bath the Council prepared concept statements setting out its aspirations in respect of what it expected each area to deliver. Whilst not formally adopted as Supplementary Planning Guidance, the Concept Statements were subject to public consultation and carry due weight as a material consideration in negotiations with developers and in the determination of planning applications. The Concept Statement identified the following key issues,

- Critical location within the World Heritage Site;
- Sloping topography;
- Important views over, out of and into the site;
- Landscape and ecological value of the green canal corridor;
- Significant trees and grassland in the open area adjacent the canal corridor;

Core Strategy B1 supports the residential re-development of this site and the other former MOD sites as integral components of the Council's housing supply over the next 5 years.

RELEVANT PLANNING HISTORY:

None

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATION

Consultation letters were sent out to 87 properties, a notice was placed in the local press and additionally several site notices were displayed. Residents have been re-consulted twice in respect of the amended plans received.

To date 40 letters of objection have been received which can be summarised as follows:

Design / Conservation / World Heritage Site Impacts

- The site is a very prominent position, standing on one of the main routes into the city, with city wide views in both directions across the valley.
- The existing buildings whilst visually unappealing are unobtrusive because of their lack of height. The proposals are excessive in height. The two blocks at the eastern end of the site appear to be six storeys in height from the north.
- The proposals encroach on the open space at the eastern end of the site and would block long views across the valley to the northern hillsides, terraces and Larkhall
- The development will harm the views along Warminster Road and harm the setting of the World Heritage Site.
- The proposals are an uncomfortable mix of period styles and don't relate to the buildings around them, which are a mix of large 18th and 19th century villas. The development is a watered down version
- Blocks of flats 4 and 5 don't reflect the architecture of Hampton Hill House, but are a mishmash of Palladian, neo-classical, Graeco Victorian styles. These huge blocks would detract from the character of this listed building.
- Object to the excessive density of development.
- The development ignores the Concept Statement that the Community was consulted on.

Traffic / Transport

- Concerned about traffic congestion on Warminster Road
- There is no provision for a safe crossing of Warminster Road

Amenity Impacts

- Object to the overshadowing, overlooking and overbearing effect of the development on The Lodge, Orchard Leaze and Villa Rosa. The western terrace should be reduced in height and moved away from the boundary.
- Additionally the plans are based on a digital survey - no physical survey has been carried out, and therefore the cross sections submitted may be unreliable.
- The height and proximity of buildings bordering Hazelwood is unreasonable. Plots 1-3 should be removed and plots 4-25 should be set further back with a reduced roof height. The density of development is excessive and will increase noise and disturbance.
- No cross sections are shown through Hazelwood,

Affordable Housing

- All the affordable housing is grouped together - it has not been pepper potted as required by BANES planning policy

School Provision

- The application doesn't allow sufficient space for the school to be expanded to a two-form entry.
- There is a shortage of school places in Bath, with the birth rate rising.
- The school is very short of outdoor space - The development should provide sufficient space for a playing field and play grounds. The space shown is not enough.
- Object to the lack of community facilities, and the lack of a shop.
- The plans do not address the issue of what will happen to the public right of way leading to the school from Warminster Road. This should be maintained, as it is needed for the school.

Trees

Concerned about the impact of development on the large cedar tree in the garden of Hazelwood.

Process

- Too many amendments have been accepted, including an increase in the number of units and a change in the design and placement of two buildings. The application should have been withdrawn

Wildlife / Ecology / Trees

- There are badgers using the site and it is likely that they have established a new sett within the compound. The site has not been sealed and is well used by bats, deer and otters travelling along the canal.
- Object to the extent of tree removal proposed - 126 trees to be removed

Open Space

- No development of any kind should be permitted to encroach onto the areas of undeveloped open space.
- It is not appropriate for the open space to be converted to a park, or for it to be sanitised. This is a valuable resource for wildlife, including birdlife. The wider land should be overseen by a wildlife trust.
- No clarity is provided about the treatment of the footpath on the north-east boundary. The path is steep - will the footpath be converted to having steps?
- No allotments are provided on site as required

Other

- Will asbestos and other hazardous materials be identified and safely removed?

- Concerned about dust from the construction works
- The site abuts the Bath Air Quality Management Area - levels of NO2 are well over permitted annual levels set out in the Air Quality Action Plan - The number of homes should be reduced to mitigate air quality impacts
- If consent is granted, a construction management plan should be required, including hours of operation, how construction vehicles will gain access, parking provision.
-

BATHAMPTON PARISH COUNCIL - Object

The eastern end of the site still does not keep the development within the previous MOD site boundaries and still encroaches on the strip of green belt between Bathwick and Bathampton. There are also concerns that the vehicle access onto and from Warminster Road will be a problem and will cause highway problems.

Additionally, the design of the block of flats forming plot 111 seems large and overpowering in relation to the neighbouring blocks 1-3 and 108-110 when viewed from Warminster Road and needs scaling down.

BATH HERITAGE WATCHDOG - Object and recommend refusal.

Their comments are summarised as follows:

There should be less emphasis on the "classical" and more flexibility to cover Victorian and Edwardian characteristics.

The proposals fail to address the complex topography of the site; the building designs are not representative of Bath, being a jumble of "bits and pieces" from a classical pattern book. This location is in a transitional area between urban and rural, and the density of development is incompatible with this location. Bath is characterized more by proportion and a limited palette of materials than by classical pattern book features, which in this case do not site comfortably in a transition location.

The layout does not respond to the contours of the site. The bulkiness and spacing of the villa type houses and their location will lead them to be visually dominant when viewed from the southern slopes. Grand palatial facades are not the norm. Any traditional designs in Bath should have sash windows. There are too many different design styles in each building; there is a juxtaposition of detailing that does not add up. There is nothing that properly says "Bath" or that looks as though it should belong in this part of Bath.

Bath Heritage made detailed comments about the design of the individual house types and blocks of flats, which can be viewed on the Council website.

BATH HERITAGE WATCHDOG - ADDITIONAL COMMENTS RECEIVED 26.09.14

The application should be withdrawn, in that the extent of design changes undertaken contradict parts of the original documentation that remain.

BATH PRESERVATION TRUST - recommend refusal, raising concerns about the design approach adopted and detailed design, which would compromise the special qualities of the World Heritage Site.

Much of our previous objection remains applicable to the amended application. In particular our comments relating to the design aesthetic for the site, and its relationship to the character of this part of Bath which is marked by the transition from terraces to villas during the mid-19th century.

The most significant change relates to the design and positing of buildings BF 4 & 5. This is better solution although we are concerned that the style competes with, rather than complements, the adjoining grade II listed Hampton House and have reservations about the depth and bulk of the building to the rear and the amount of development stepping down. This side elevation is likely to present an overbearing effect on the street scene. The building should be set back from the road and a mid-storey to the rear removed. This would allow for roadside planting and tree between the blocks to create a more harmonious green frontage.

Many elevations are still shown to be rendered, failing to satisfy our concerns relating to the quality of materials and finishes across the site. The use of natural Bath stone is preferred on all elevations across the site, and in the construction of chimney stacks.

BATHWICK ST MARY PRIMARY SCHOOL

Reinforced the cramped conditions within the existing school site and sought the expansion of the school to a full two-form entry. Commented on the problematic existing access arrangements from Darlington Road. Could a new school access be created through the application site?

TRANSITION BATH

Commend the developers for targeting Code for Sustainable Homes level 4, incorporating Mechanical Ventilation and Heat Recovery systems in the homes, making them efficient. High Density housing may reduce pressure to build on the Green Belt.

Objections:

- Lack of on-site renewables - Solar Pv - This appears to be feasible.
- Lack of allotment provision

INTERNAL / EXTERNAL CONSULTATION RESPONSES

HIGHWAYS DEVELOPMENT CONTROL - No Objections, subject to conditions and contributions being required towards public transport improvements.

The access arrangements can be secured through a Section 278 agreement and the detailed design agreed at a later date as part of the agreement process. It is noted that the deliverability of the off-site pedestrian link across the canal is still in discussion. The highway authority has always maintained that this is an important feature of any

residential scheme at this site. It is agreed that as compared to the previous site use, the development will not have a significant impact on the local road network.

The following contributions are sought:

- £10,000 to upgrade the existing Bathampton bound bus stop to include a new shelter with Real time information.
- Contributions of £42,435 per annum for three years to subsidise the running of Service Number 4 which has recently been deemed financially non-viable by the Council. Beyond this, it would be expected that an increased number of users would reduce the need for a subsidy.
- Reservation of car club space; and
- Complimentary bus ticket provision as part of Travel Plan (the Plan is to be secured by condition).

FLOOD RISK AND DRAINAGE TEAM - Application is not acceptable in its current form. The Flood Risk Assessment and Drainage Strategy are out of date and should include up to date flood mapping from the Environment Agency. A site-specific drainage strategy for surface water management is also required.

CONTAMINATED LAND - No objection subject to conditions requiring site characterisation and the submission of a remediation scheme.

ECOLOGY - No objection subject to conditions

The eastern edge of proposed development incurs into a part of the western edge of the designated SNCI, and will result in a loss of that area of SNCI. Proportionately the area and quality of grassland to be lost is not ecologically highly significant, and will not cause significant ecological harm to the site overall or affect the integrity of the SNCI. The impacts are capable of being adequately mitigated and compensated through the proposed management plan, which must demonstrate the ability to deliver enhanced habitat value and habitat restoration where appropriate on the remaining SNCI.

The outline management framework for this is acceptable (subject to final version being submitted to address the comments from Natural England), and its implementation and final detail must be secured by condition. Were the application to be approved, the legal agreement would also need to secure funds and accurately costed actions for the future maintenance of the land.

Final detail of proposed soft landscape and new tree planting must ensure there is no compromise of overall ecological value within the SNCI, with careful attention to avoiding new tree or shrub planting on any of the more botanically species-rich areas of grassland within the designated SNCI.

The proposed management plan for the SNCI and open space and proposed new planting would provide an appropriate mitigation and compensation package for impacts on habitat that is likely to be used by bats. The proposals therefore cannot cause a "likely significant effect" on bats of the SAC.

The lighting impact study demonstrates that there will be lower levels of light at the site once developed. The proposed provision of dark corridors and prevention of light spill onto the key habitat features are realistic and achievable and that overall there is no risk from this proposal of a "likely significant effect" on bats of the SAC.

ARBORICULTURE - Object

The amended drawings submitted 20th and 24th November establish that there is sufficient space in front of plots 105 - 110 to accommodate appropriate tree planting along Warminster Road, and the retention of the frontages as communal spaces is welcomed, however the proposed numbers appear over-ambitious.

In view of the removal of the garage to increase space, which is welcomed, the perimeter boundary around plot 40 should be reduced to create a wider corridor beside the canal to reduce the overhang and potential conflict with Sycamore T107 and provide space for appropriate mitigation tree planting.

An expanse of trees along Warminster Road is lost to accommodate the proposal. Replacement trees which will provide stature and maintain a green corridor are expected along the frontage of Warminster Road but which cannot be achieved for the entire length due to the positions of plots 1-3 and plots 145 and 146.

The current level and quality of planting is not acceptable. In some places the positions and proposed tree numbers are inappropriate or overambitious. The submissions do not currently demonstrate due consideration of the retained policy NE.4 Trees and Woodlands.

URBAN DESIGN - Object.

The scheme as designed would fail to improve the appearance and character of the conservation area or the Bath City World Heritage Site. It is located in a particularly prominent position, within established views from many vantage points across the city and must therefore have full regard to existing character and context.

- Consideration of the Council's Concept Statement for this site is not evident in proposals.
- Insufficient contextual analysis results in a proposed layout, morphology, scale, proportions and building typologies incongruous with the site context. - Documentation provided is insufficient and does not justify the design approach taken.
- The layout proposed is not grounded in a thorough urban design analysis, including a study of the local morphology, or in environmental considerations such as solar orientation. This results in a scheme that appears incongruous to its surroundings and the wider city context.
- The road layout and large areas of parking lack appropriate hierarchy and result in a public realm that is highways dominated.
- Pedestrian routes are contrived and many lack adequate overlooking to ensure they are safe. Some are designed in fact to be hostile to pedestrians.
- The buildings introduced to the east of the site lack justification in their design approach, appear incongruous and out of scale with their context, and design in poor living and public realm environments. There is a clear opportunity to relate positively to

Warminster Road as well as create high quality energy efficient homes here that is missed. I note inefficient internal layouts in the new proposals that design in long dark corridors into the flats and multiple small balconies that cannot hold furniture. There is no design rationale provided or evident in drawings to justify layouts.

- The access road through the band of trees in the centre of the site compromises the frontage to Warminster Road, creates a poor quality green space bisected by traffic and leads to a highways dominated layout that is incongruous with the context of the site and city in general. The two large buildings acting as a gateway do not sit comfortably in the scheme and lack adequate justification. The road to the west of the site should, in my opinion, be the main access into the site instead allowing the freedom to design a much better layout for the rest of the site that is appropriate to the context and creates high quality environments.

- There are still affordable homes set deliberately within poor quality public realm.

- There is insufficient connection between the east and west of the site and this leads to less permeability and longer walking distances.

- The development presents a poor frontage to the north facing the canal.

- All proposals remain inadequately justified and tested in drawings and verifiable visualisations and even when those drawings or photomontages provided demonstrate a high negative impact, there has been no new iteration of designs to rectify this.

- The poor Building for Life assessment results have not been addressed - the scheme scored only one green with the rest amber or red. This is contrary to Policy CP6 that requires all reds and ambers to be designed out because these indicate poor design.

- The road layout presented in this last iteration of the scheme remains very similar to the original submission, and in my view the design approach taken of arranging different buildings around essentially the same layout is resulting in little progress to achieving a high quality, well designed scheme.

- The two minor amendments to create more open space to the far east and north of the site by moving buildings into the site more are welcome, but are regrettably not enough to address the above concerns.

CONSERVATION - Object

The recently amended plans do not overcome the concerns previously raised over the impact this design and layout would have on the conservation area and greater World Heritage Site. The suburban style of layout has low regard to local character and fails to satisfactorily respond to the distinct topography, unlike the traditional response elsewhere in the city which includes streets of stepped terrace housing, running at right angles to the contours.

The two blocks of proposed flats on the Warminster Road frontage will be particularly prominent in views, both short and long distance, and would appear visually intrusive on the skyline looking south from the river.

Also of concern is the road at the north end of the site, close to the river. It would be excessively wide, and together with the parking bays and footpaths would appear visually over-dominant, intruding on and harming the setting of this part of the river and the rural edge.

Houses facing on to this road would be extremely visible. Interspersed with garages they would appear suburban and fail to respect Bath's distinct character.

I do not therefore consider the design to be of sufficiently high quality to merit approval and would recommend that the application is refused.

LANDSCAPE OFFICER (regarding World Heritage Site and Landscape Impacts) -
OBJECT

Their comments can be summarised as follows.

The proposals are not acceptable because of the harm to the landscape character, to views, to the World Heritage Site and to the Conservation Area. Specifically the loss of open landscape both to the west (plot 40 in particular) and to the east of the existing MOD site is detrimental to the World Heritage Site and its significance and detrimental to the character of the Conservation Area. Also the proposals are not acceptable because of the poor relationship of the proposed development to the open landscape and because of the reduction in the open gap between Bathampton and the city and the reduction in the treed green approach to the city.

Despite the amended plans there is still a significant loss of the green setting of the World Heritage Site harming the green corridor of the Kennet and Avon canal, the green slopes below the Warminster Road and views. This would be a significant impact on the WHS and its Outstanding Universal Value as well as the Bath Conservation Area. The well treed character of the Warminster Road at this location is also of particular significance. The proposals do not demonstrate the importance of trees along this boundary as a sustainable part of the proposed scheme

As well as the open view the green treed approach to the city separating the developed edge of Bath from the village of Bathampton is important. The two blocks (plots 145-146) fronting the Warminster Road do not provide any space for trees to maintain the character of a green treed approach to the city. The importance of this separation was identified in the Landscape and Visual Evidence in support of the Concept Statement (Theme 1 page 36)

With 126 trees scheduled for removal, the current level of replacement planting is not acceptable. There are large areas of the scheme with no tree planting at all.

Part of the Outstanding Universal Value of the World Heritage Site is the way buildings have a close relationship with the landscape. The proposed scheme has a very poor relationship with the open space to the north and east. Plots 137 to 144 have a particularly unsatisfactory relationship to the open space where back gardens are shown backing onto the open space and a retaining wall. The building (plot 40) at the north-western corner also would have a particularly poor and overbearing relationship with the canal and existing trees. The loss of open landscape and potential loss of existing trees, an important feature of the canal corridor, would be harmful to the World Heritage Site and Conservation Area.

The loss of and harm to the open green area would impact over a wide area seen from longer views with resultant harm to the World Heritage Site.

The Public Right of Way on the western boundary would be hemmed in by back gardens making the route unappealing and threatening to users. The scheme needs to address this.

EDUCATION

No objection to the application subject to the contributions of £730,811.93 for primary school provision to fund the expansion of the adjoining Bathwick St Mary primary school, £28,214.10 for youth service provision and subject to sufficient land being made available to allow the enlargement of the school. The area of development land for the school extension should be 2,165m². The latest drawing accompanying the planning application shows 2,068.76m².

HOUSING DEVELOPMENT OFFICER - Objects

Whilst the application delivers 40% affordable housing, the development is not compliant with the design layout & construction standards set out in the Supplementary Planning Document (SPD) as follows:

- The increase from 35% to 40% has been largely been via the addition of one bed affordable flats which will further intensify the negative impacts of a lack of social integration and non-compliance with design layout & construction standards set out in the Supplementary Planning Document (SPD).
- The application contains strong references to the Affordable Rent Tenure. This is not accepted. Social Rent is the required tenure
- A range of affordable dwelling types fail to meet the minimum net internal sizes as required by the SPD. This is a major concern for the two bed affordable houses in particular.
- The layout plan locates affordable housing in groups larger than the SPD requirements.
- Lifetime Homes design standards fail to cover the full range of affordable dwelling types.
This is a major concern for the two bed affordable houses in particular.
- The Wheelchair User design standards fail to cover the range of affordable dwelling types.
- The Affordable three bed dwellings have only 1 vehicle parking space, however the market three bed dwellings benefit with 2 parking spaces.
- Policy CP.10 requires `New housing development, both market and affordable must provide for a variety of housing types and size to accommodate a range of different households, including families, single people and low income households as evidenced by local needs assessments (e.g. B&NES Residential Review, 2007) and the Strategic Housing Market Assessments or future evidence.

PARKS - Not acceptable in the current form

The Parks team raised concerns about the quality of the main Green Space, positioned adjacent to Warminster Road and the main access into the site. The green space provision should be incorporated within the heart of the development.

They also raised concerns in relation to the approach taken to the provision of paths through the retained public open spaces and to the lack of allotment provision within the development . The Concept Statement requires formal, informal and doorstep play opportunities to be provided within distances appropriate for age and independent play.

Should permission be granted, the following contributions should be provided

Formal green space provision

Land purchase: £40,911.75

Construction costs: £325,641.00

Annual maintenance: £314,003.25

Natural Green Space provision

Annual maintenance: £255,753.90

Allotment provision

Land purchase: £8,182.35

Construction costs: £14,281.92

Annual maintenance: £14,820.30

PLANNING POLICY - A summary of their comments is as follows:

This is a very important site in respect of the maintenance of 5 year housing land supply. The SHLAA housing trajectory anticipates first completions during 2015/16 and the whole site to be delivered within the next 5 years.

The Planning Policy Team subsequently clarified that a possible refusal of the application would not threaten the Council's 5-year housing land supply, but would just push back the contribution the site would make by a year. Additionally there is also some headroom between the 5-year housing supply target (5,050 including a 20% buffer) and the Council's deliverable supply (of around 5,900) units.

- The Concept Statement suggested the site could deliver 100 dwellings. The estimated capacity of the site in the SHLAA is about 150 including a new school. Thus, assuming that the urban design response to the site is acceptable, the current application provides a useful windfall over and above the SHLAA estimate.
- The affordable housing requirement for this site set out in the Adopted Core Strategy has increased to 40 percent (75 dwellings).
- The footprint of the proposal nibbles into the SNCI along the western and eastern boundaries to enable about 22 dwellings to be constructed. Having read the preapplication advice it is the eastern area toward Hampton House that is of concern.
- Our preapplication advice was that the eastern fringe is of greatest ecological value, and should not be developed.
- For both the western and eastern areas there is still an adverse impact to some degree
- If the SNCI to the east was left undeveloped the site would still yield in excess of the SHLAA estimate i.e. the use of the SNCI is not necessary to deliver what the Plan requires of the site in terms of housing numbers. This means that other sites are available with less harmful impacts re SNCIs. Therefore the additional benefit of the housing against the harm it would cause to this particular area could be weighed in that context.

- The SHLAA estimate of 150 is most certainly achievable. The additional 'bonus' housing, is welcome, but only to the extent that it represent good design, derives from appropriate response to the core of the site and its periphery, and meets legitimate planning obligations re school land.

ARCHAEOLOGY - No objection subject to conditions.

ENVIRONMENTAL PROTECTION - No objections subject to conditions, including the provision of a Construction Management Plan.

ENVIRONMENTAL MONITORING (AIR QUALITY) - No objections subject to a Construction Environmental Management Plan being required by condition.

PUBLIC RIGHTS OF WAY TEAM - No Objections

The existing public footpath along the eastern margin of the site (PROW AQ27), is proposed to be upgraded. The PROW Team must be consulted prior to any works to ensure that the definitive line of the path is not affected. Any changes to the route of the path will require a Diversion Order.

AVON AND SOMERSET CONSTABULARY - Awaited

CANAL AND RIVERS TRUST - Object. Their comments are summarised as follows:

The Canal & River Trust do not welcome the provision of a new bridge across the canal and believe that a contribution would be better spent on improving the existing bridge or providing other improvements. If the Council supports the provision of a bridge in this location it is strongly recommended that the bridge should be included in the current application in order that its design and appearance can be properly considered and accurate costings obtained to be inserted into the Legal agreement. This would allow the Trust to properly consider it and raise a formal objection to it, either in our role as statutory consultee or landowner.

- The bridge will need a commercial license to oversail the canal and towpath.
- There is insufficient space between the water's edge and towpath to create the necessary bridge approach and therefore the bridge will also need to span the towpath, requiring a head room of at least 2.8 m above the towpath. As a result, the necessary DDA compliant ramp will be in the region of 30 m long on the towpath side. The landing point for the bridge will be close to a Listed Structure and both the deck and ramp will obscure views toward the World Heritage site when viewed from the canal itself and towpath.
- The Trust has no operational requirement for a bridge in this location and therefore the developer should meet the full cost of the bridge as well as maintain it in perpetuity.
- The Trust will not take maintenance responsibility for a second bridge crossing in this locality nor will we design or procure the bridge on behalf of the applicants.

The Canal & River Trust requests that in lieu of providing a new bridge, the contribution which would have funded a new bridge should instead be used to upgrade the stretch of towpath between Bathampton and Bath, which will be more heavily used as a result of the

development going ahead. The development should provide contributions of £315,000 to replace funding that has been lost from Sustrans.

ENVIRONMENT AGENCY - Object

Object to development due to insufficient information to demonstrate that surface water will be adequately managed. A full drainage scheme layout plan is needed and calculations to be provided to indicate what SuDS are being implemented and to be to demonstrate that runoff rates and storage volumes are appropriate for a range of return periods.

ENGLISH HERITAGE - Object - These comments were made on 8.07.14 in respect of the plans as initially submitted. Comments on the amended plans are awaited.

Despite the reduction in the number of units (from the pre-application submission) the scheme does not respond to the Outstanding Universal Value of the World Heritage Site or enhance the Character and appearance of the Conservation Area. The impact of the development of the wider setting of the World Heritage Site is considered to be at odds with the architectural context of the city.

English Heritages concerns, in summary, are as follows

- the layout doesn't follow the contours of the site, creating a visually discordant townscape that does not reflect the established street patterns associated with Bath.
- The scheme uses classical architectural themes, but with detailing at odds with this tradition, such as the introduction of integral garages into ground floors and modern floor to ceiling heights. The design details do not confirm to the rigours of the formally composed Bath architecture and does not respond to the Outstanding Universal Value of the World Heritage Site.

NATURAL ENGLAND - No objection subject to conditions and minor changes to the Conservation Management Plan.

WESSEX WATER - No objection subject to conditions.

POLICIES/LEGISLATION

Adopted Local Plan:

D.2 General design and public realm considerations
D.4 Townscape considerations
BH.6 Development within or affecting Conservation Areas
DW1 District Wide Spatial Strategy
B1 Bath Spatial Strategy
B2 Central Area Strategic Policy
B4 The World Heritage Site and its Setting
RA3 Community Facilities and Shops
GB.2 Visual Amenities of the Green Belt
GB.3 Major Existing Developed Sites
NE.1 Landscape Character
NE.2 Areas of Outstanding Natural Beauty

NE.3 Important hillsides - Bath and Radstock
 NE.4 Trees and woodland conservation
 NE.5 Forest of Avon
 NE.8 Sites of Special Scientific Interest
 NE.9 Locally important wildlife sites
 NE.10 Nationally important species and habitats
 NE.11 Locally important species and habitats
 NE.12 Natural features - retention, new provision and management
 BH.2 Listed buildings and their settings
 BH.6 Development within or affecting Conservation Areas
 BH.13 Significant archaeological remains in Bath
 BH.15 Visually important open spaces
 BH.22 External lighting
 IMP.1 Planning obligations
 D.2 General design and public realm considerations
 D.4 Townscape considerations
 SC.1 Settlement classification
 CF.1 Protection of land and buildings used for community purposes
 CF.2 New or replacement community facilities
 CF.3 Contributions from new development to community facilities
 CF.4 Allocation of land for new community uses
 CF.5 Allocation of land for primary schools
 CF.8 Allotments
 CF.9 Allocation of land for cemeteries
 SR.1A Protection of playing fields and recreational open space
 SR.2 Allocation of land for recreational use
 SR.3 Provision of recreational facilities to meet the needs of new development
 SR.9 Protection of recreational routes
 ES.4 Adequacy of water supply
 ES.5 Foul and surface water drainage
 ES.9 Pollution and nuisance
 ES.10 Air quality
 ES.12 Noise and vibration
 ES.15 Contaminated land
 HG.7 Minimum residential density
 GDS.1 Site allocations and development requirements
 T.1 Overarching access policy
 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

Core Strategy

DW1 District Wide Spatial Strategy
 B1 Bath Spatial Strategy
 B2 Central Area Strategic Policy
 B4 The World Heritage Site and its Setting
 RA3 Community Facilities and Shops
 SD1 Presumption in favour of Sustainable Development

CP2 Sustainable Construction
CP3 Renewable Energy
CP4 District Heating
CP5 Flood Risk Management
CP6 Environmental Quality
CP7 Green Infrastructure
CP9 Affordable Housing
CP10 Housing Mix
CP13 Infrastructure Provision

Bath City-wide Character Appraisal - Supplementary Planning Document - Adopted 31 August 2005
Supplementary Planning Document (SPD) titled Sustainable Construction and Retrofitting Building Heights Strategy 2010
Bath World Heritage Site Setting - Supplementary Planning Document - August 2013
National Planning Policy Framework
National Planning Practice Guidance

OFFICER ASSESSMENT

Officer Assessment:

A. PRINCIPLE OF DEVELOPMENT

As reflected in the Concept Statement for the site and the Core Strategy, the principle of the residential re-development of the site is accepted, and the site is expected to help contribute towards providing the Councils housing land supply in Bath in the next 5 years. The site consists of previously developed land in a relatively sustainable location in the city, is within walking and cycling distance of the city-centre and other facilities and is relatively well-served by existing public-transport connections.

QUANTUM OF DEVELOPMENT

The Concept statement advises that the Council's vision is for a bold, high density, low carbon development that will maximize the site's potential to accommodate new homes close to the city centre, whilst elegantly addressing the challenging topography of the site in the Bath tradition. The concept statement envisages that the site could accommodate approximately 100 dwellings. Self-evidently, the application for 206 dwellings substantially exceeds the scale of growth anticipated in the Concept statement.

Officers have consistently advised the applicants that provided that the development is acceptable in urban design, conservation and other terms and in terms of its relationship with and impact on the World Heritage Site and other historic assets, a higher number of dwellings than envisaged in the concept statement would not be problematic, and would assist in delivering the council's 5-year housing supply.

Officers maintain this view, and do not consider that it would be reasonable to refuse the application just because the development exceeded the scale of development set out in the Concept Statement, provided that the end result is acceptable in urban design and

other terms. Below is set out an assessment of the acceptability of the proposed development in these terms.

5-YEAR HOUSING LAND SUPPLY

As detailed in the Planning Policy Consultation response, the site is important in delivering the Council's 5-year Housing Land supply in Bath, but were this application to be refused, it would not threaten the Council's 5-year housing supply. This is because there is some flexibility between the 5-year housing supply target (plus 20%) of 5,050 dwellings and the Council's identified deliverable supply of around 5,900 homes. Additionally the Housing Trajectory assumes that the site would be built out over a five year period. Therefore a refusal, followed by an appeal or re-submission would delay housing delivery on the site by a year, but the site could still be expected to contribute towards housing delivery within the 5 year period.

B. DESIGN AND CONSERVATION ISSUES

FOOTPRINT OF DEVELOPMENT

The Concept Statement advises that natural areas adjacent to the existing developed part of the site should largely be retained as natural areas. Saved Local Plan policy NE.1 states that development which does not either conserve or enhance the character and local distinctiveness of the landscape will not be permitted.

Officers advised the applicants that the development needn't slavishly follow the existing fence-line of the MOD site without any deviation but that considering the landscape and ecological value of the site and its prominence within the World Heritage Site and Conservation Area, it is doubtful whether the Council would be contemplating the development of the site at all were it not already partially developed. Therefore the acceptability of development beyond the fence-line would depend on the value of the undeveloped land in the different parts of the site, in terms of the setting of the World Heritage Site, Conservation Area, Ecology and other considerations.

In general the proposed dwellings are restricted to within the existing MOD fenceline, however in a number of key areas, the proposals extend out beyond the fenceline into areas that are currently undeveloped.

Western End of Site

At the western end of the site the development proposes to build up to the rear garden boundaries of the bungalows known as Villa Rose and The Lodge, onto a currently undeveloped finger of land lying outside of the fenceline of the MOD site. The position of the fenceline at this point is quite arbitrary and predominantly the finger of land between the fenceline and the bungalows is of low landscape value. Therefore the majority of the development in this area is logical and maximises the housing potential of the site. However, the westernmost terrace would extend beyond the fenceline towards the canal and this land is of much higher sensitivity in landscape terms, forming the landscape setting of the canal, which at this point is largely interrupted by views of buildings, when

viewed from the canal. The Council's Landscape Officer has raised an objection on these grounds.

With this in mind, officers requested the deletion of plot 40. The amended plans instead relocate plot 40 approximately 2.5 metres further from the canal by substituting a single garage for the double garage originally proposed. Plot 40 would extend to within 25 metres of the canal banks, and would be positioned approximately 6 metres above the level of the canal bank. The layout plan shows a substantial group of four mature sycamore trees (T104 - T107) located to the north of this plot on the banks of the canal, which would be protected during the development process and retained.

The amended plans improve the relationship with this tree, but the boundary fence would still pass very close to it, setting up a future conflict, and additionally the placement and orientation of the plot sets up expectations that there will be views across the canal. The combination of these factors would result in pressure to remove or significantly prune these trees.

At present, whilst from the canal occasional views of the MOD buildings are possible through the trees and at the point where the MOD buildings come closest to the canal, predominantly the canal corridor is a naturalised and undeveloped sward of land stretching along the majority of its length from Bathampton, almost until central Georgian Bath is reached. The "sudden" arrival of the urbanised city is an important aspect of the Outstanding Universal Value of the World Heritage Site.

Therefore, whilst the development as a whole would inevitably result in buildings becoming more noticeable from the canal corridor due to the gain in building height within the footprint of the MOD development, this plot would have an overbearing relationship with the canal, intruding unacceptably into its landscaped setting, and harming the setting of the World Heritage Site.

Eastern End of Site

At present there is an attractive undeveloped gap at the eastern end of the site between the MOD site and Hampton House to the east. This is valuable both in terms of the landscape and ecological value of the steep undeveloped slopes and in terms of the commanding citywide views that are allowed across the valley from this position. This view also forms an important introduction to the wider city at a gateway into the World Heritage Site. At present, views are possible through the undeveloped gap and also over the rooftops of the MOD buildings, which are overwhelmingly single storey in height. The Concept statement accepts that the existing built footprint will be developed, at a greater height than the existing buildings, and therefore implicitly accepts that some of these views will be lost through the development.

The proposals would project beyond the existing fenceline, narrowing the undeveloped gap between the site and Hampton House. In the amended plans, block BF4 would project approximately 5.7 metres beyond the existing fenceline to its gable wall, and approximately 10 metres to its garden wall. Plots 141 to 144 are all positioned beyond the existing fenceline, projecting a maximum of 15 metres beyond the fenceline to the rear gable wall of plot 144 and 26 metres beyond the fenceline to the rear garden wall of plot 144.

The revised position of Block 4 would still narrow the view corridor available from Warminster Road compared to the existing situation, but would substantially retain the important views across the valley. Plots 141 - 144 would project further into the open space, however due to the topography, would be set at a much lower level, approximately 10.5 metres below the level of the road. Consequently, whilst no amended photomontages have been prepared to illustrate this view, it is likely given the height of these buildings (of 10.7 metres) that views would be retained over the roofs of these plots to the city skyline beyond.

Nevertheless, the development would breach the current fenceline at the eastern end of the site, most notably through the position of plots 141 - 144, and would erode the area of the site of Nature Conservation Interest, which is of landscape and ecological value, and is accessible to the public as outdoor amenity space. Whilst the development is likely to substantially retain the important views across the valley from Warminster Road, the reduction in the area of land open to the public would harm the landscape character of this part of the site and harm the currently naturalised views to the north from the canal. The footprint of the buildings, breaching their fenceline, in combination with the topography, would result in these buildings being highly prominent in views from the open space and canal to the north.

The Council's Planning Policy Team advise that the Council's 5-year housing land supply relies on the delivery of 150 Dwellings at the site, and that as the application purposes significantly more than this, consideration should be given to whether the harm caused by the development intruding into undeveloped land is outweighed by the benefits of the development. Officers conclude that the benefit of the additional 56 dwellings do not outweigh the considerable landscape harm caused by the development intruding into the undeveloped land beyond the existing fenceline and the harm caused to the character and appearance of the Conservation Area and World Heritage Site setting.

URBAN DESIGN ANALYSIS

The Council's Urban Design and Conservation officers have objected to the application, commenting that the layout does not appear to be grounded in a thorough urban design analysis, resulting in a scheme that appears incongruous to its surroundings and the wider city context. The urban design officer has commented further that the road layout presented in this last iteration of the scheme is very similar to the original submission, and the design approach taken of arranging different buildings around essentially the same layout has resulted in little progress in achieving a high quality, well designed scheme.

Officers consider that for a scheme of its size and for a site of such sensitivity, located prominently within the Conservation Area and the World Heritage Site, the urban design analysis to support the layout proposed (set out in the Design and Access Statement) is superficial and lacking in detail. The Design and Access Statement carries out a high-level analysis of the site context, albeit concentrating predominantly on the Georgian character of the city generally rather than the specific context of the site, which is a site located on the rural edge of the city, with predominantly Victorian rather than Georgian historic buildings nearby. It then describes the general approach to the layout of the site and the creation of different character areas within the site, but goes little further in terms

of setting out a logical rationale between the urban analysis undertaken and the proposed layout, or in terms of justifying the design, appearance and placement of individual buildings.

BUILDING LINE

Following negotiations with Council officers, amended plans have been submitted setting back plots 105 - 107 and 108 - 110 into the site by approximately 15 metres to allow structural tree planting along this frontage with Warminster Road. This building line is more appropriate in urban design terms, matching the set-back of the Victorian villas to the west. Plots 1 - 3 however would stand well in-front of this building line and would look incongruous and inappropriate, and would also prevent the continuation of the tree belt along Warminster Road. Whilst the adjoining villa (Hazelwood House) has service buildings set at the back edge of the pavement, these are relatively inconspicuous in the streetscape and the building line is set by the villa itself. These plots are unacceptable.

QUALITY OF PUBLIC SPACES WITHIN DEVELOPMENT

Officers share the concerns set out by the urban design officer regarding the domination of the scheme by parked cars. The amended plans do incorporate areas of on-street parking within the development, but the majority of plots incorporate double or single parking spaces in-front of the properties which take up the majority of front garden space, leaving only limited room for landscaping. The detailed landscape proposals for such front gardens is not shown, but it is likely that viewed as a whole such roads will be dominated by parked cars, and that the landscaped areas left over will not be sufficient to break up or mitigate this effect.

Other areas, such as the parking courts for blocks 2, 3, 4 and 5 appear to be almost wholly given over to the needs of parking, except for small trees in confined planting beds. Other areas of the development have no tree planting at all. In general within the development, the layout appears to provide very little scope for tree planting and so the development would be very "bare" and hard in character. The trees that are shown indicatively suggest that there is little scope for tree planting of any scale. Some of the buildings proposed are very significant in scale, and in order to have any impact tree planting should be proportionate with the size of buildings proposed. It also appears that there is no properly worked out tree planting strategy. The planting as shown is haphazard and is based on putting trees into the awkward spaces left behind after the car parking has been worked out. In a number of instances, plot 31, plot 33 and plot 81, the trees are shown actually within the parking bays. This would significantly limit the quality of the public realm within the development generally and the environment in which some of the affordable housing would be set, for example plots 100a and 100b, and to a lesser extent plots 101 to 104.

The access road through the band of trees creates a poor quality green space bisected by traffic and leads to a highways dominated layout that is incongruous with the context of the site and city in general.

RESPONSE TO TOPOGRAPHY

The Concept statement requires that the topography of the site should strongly influence the form and configuration of development. The Concept statement also comments that the layout must respond positively to the fact that the site is highly visible from other parts of the city and that the scale (height and massing) of new buildings will need to be very carefully considered to avoid adverse visual impacts on the World Heritage Site.

The Council's Urban Design and Conservation officers have objected to the application, commenting that the application does not pay sufficient regard to the local morphology. English Heritage have raised similar concerns, that the development does not follow the contours of the site, thereby creating a visually discordant townscape, that does not reflect the street patterns associated with Bath.

In Georgian Bath there is a largely consistent approach to the development of housing on slopes, with overwhelmingly roads of terraced houses either being oriented along a contour line, or rising perpendicularly up the slope. As the development is constructed in a Georgian style, officers consider, and the Concept Statement confirms, that the degree to which the development does this will significantly influence how the development fits into the city.

The three terraced streets oriented north south roughly follow the contours of the site. These roads will afford incidental views across the valley from the centre of the development to the north. This is evident in photoview 9, showing the view from Camden Road where these terraces are seen broadly set along the contours, with the terraces in layers.

The primary street of detached properties overlooking the canal climbs up the contours rather than being oriented along a contour line, however there is a largely unavoidable conflict between the objective to develop the MOD footprint to its fullest extent and the need to respect the topography, in that the northern edge of the MOD site footprint also does not follow the topography. This is evident in photoviews 8 and 9 from London Road and Camden Road. As set out below, there are significant concerns about the form, layout and visual impact of the Villa's proposed to be set along this road, but there is no objection in principle to a road positioned along the escarpment edge, and it is noted that the road would function as a significant retaining structure, stabilising the land above the escarpment below.

INCLUSION OF DESIGNED VIEWS INTO, OVER AND THROUGH THE DEVELOPMENT

The Concept statement stresses the need for the development to create new views over, out of and into the development and for such issues to be given consideration in the design of the layout.

The main road into the site, oriented north-west - south-east descends steeply and directly down the slope. Whilst this not illustrated in presentational material, it is likely that this road will frame an arresting view of the slopes on the opposite side of the valley. Unfortunately the curved entrance into the site from the Warminster Road through the retained trees would be likely to block views through the site from Warminster Road and is

a highway dominated solution which contrasts uncomfortably with the formality of the symmetrical layout beyond.

The design and access Statement considers views out from the northern road edge of the development. Other than this, and the substantial retention of the view at the eastern end of the site, there is no sign that the proposals have been planned to create or frame planned views through, over or out of the development, and it is noted that one of the roads within the development is located to frame a view of a sewage pumping station, needed to support the development. The external appearance of this infrastructure is unknown.

Officers also raise concerns that the development would face a large retaining wall onto the open space and open views at the eastern end of the site (plots 137 -144), giving a hostile appearance to this part of the development when viewed from the lower slopes. The amended plans have sought to address this concern by amending these plots so that they could be accessed through rear gates from the public open space, and this is an improvement, but it would be more appropriate to actually front development onto this public space.

These are considerable short-comings of the scheme, which falls short of the aspirations set out in the Concept Statement.

BUILDING FORM, AND HOUSE TYPES, CHARACTER AREAS AND ARCHITECTURAL LANGUAGE,

English Heritage comments that the scheme uses classical architectural themes and detailing in a modern idiom, and that whilst they do not object to this, they raise concerns about jarring elements such as the introduction of integral garages into ground floors and modern floor to ceiling heights.

Officers consider that the use of Georgian Architectural language relates more to the character of the city as a whole than the immediate site context, which is actually characterised by later Victorian development, rather than the Georgian development found closer into the city centre. Officers also share English Heritage's concerns about the authenticity of the development in the context of the location of the site within the World Heritage Site.

In this regard, officers consider that it would have been preferable to design a clearly contemporary scheme which responded sensitively to the defining characteristics of the site and its wider context. However, National Planning Policy is explicit that planning policies and decisions should not attempt to impose architectural styles or particular tastes, and therefore this is not put forward as a reason for refusal. If a classical design language is to be used however, it is reasonable to assess the degree of success in how this is achieved, and how well the approach relates to the context of the site.

Objections have also been raised to the design approach of the westernmost terrace. This has been amended but still features a palatial form similar to the buildings fronting onto Queen Square, with pediments at each end of the street, plus pilasters stretching across the first and second storeys. The scale of the buildings and formality of such building types would ordinarily be used for some wider urban design purpose, such as to define

and contain a large and well used public space (such as Queen Square), flank a wide and important street and frame a view (such as Great Pultney Street) or front out onto an important view (in the case of the Royal Crescent). In this case, given the context of this street, on the edge of the city, and its peripheral position within the development itself, there is no obvious urban design purpose behind the proposed form. Given that the terrace will front onto a relatively narrow street, it is likely to appear as an incongruous streetscape element.

The inclusion of integral garages into the ground floor of this terrace, the proportions of the windows and the modern floor to ceiling heights would all work to further undermine the grand effect sought, and the overall effect would be of an inauthentic pastiche which would undermine the authenticity of the genuine historic buildings and planned layouts in the World Heritage Site. Other design details such as routing downpipes down the centre of pillasters further reinforce this effect.

The primary street within the development, fronting onto the open space and the canal has been designed with a row of large detached and semi-detached villas (house type W1 - W3) climbing up the slope. Bath Heritage Watchdog have raised concerns about the detailed design of these house-types which feature a mixture of Georgian and Victorian / Edwardian design features and about incorrectly proportioned window openings. Officers agree with these detailed criticisms.

Taken in isolation, these villas relate well to the overall form of villas found elsewhere in the city, however traditionally such villas would ordinarily be set in isolation in spacious and well landscaped grounds. In this case, the villas would be positioned closely together, with very little landscaping between them. Seen together from the other side of the valley and from the lower slopes of the site and canal, the repeated form of these detached and semi-detached villas, interspersed with garages and lacking sufficient space between them for appropriate landscaping, would appear incongruous in the context of their location within the World Heritage Site. Whilst of significantly greater scale, seen from a distance, the overall impression of this street frontage would be similar to that of a street of detached suburban houses.

Officers and English Heritage had significant concerns about the form and impact of blocks BF4 and BF5 (at the eastern end of the site) as originally proposed, which intruded into the open space and by backing onto Warminster Road had a very poor relationship with the public realm. Additionally as originally proposed these blocks were set well down the slope from Warminster Road so that the roof pediment was set at the level of the road. This would have offered a particularly poor form of development at a major gateway into the World Heritage Site.

The amended plans locate these blocks on the back edge of the pavement. This has improved the appearance of these blocks from Warminster Road, giving a clearer demarcation between public and private space, but urban design and conservation officers maintain concerns that these blocks are incongruous and out of scale with their context. These blocks by virtue of their scale and size would be very prominent in views, in particular from the canal and river, and the lower parts of the site.

Whilst the buildings are designed along classical Georgian principles, this is not followed through in the design of the windows, with many buildings having casement windows with

a horizontal emphasis and / or square proportions, rather than the vertical and rectangular windows found on traditional Georgian properties. This results in many of the windows appearing squat and small, giving many buildings an inappropriate solid to void ratio. This is particularly the case in respect of the northern elevation of plots 137 - 144 (first floor) which would be very prominent when viewed from the open space to the north.

The buildings are proposed to be faced in a mixture of Ashlar stone on prominent elevations and render on less prominent side and rear elevations. Particularly prominent buildings (buildings BF4, BF5 and plots 137 - 144) would be faced in ashlar stone on all elevations. On the whole officers consider this approach to be appropriate, and it is not considered that the approach to materials should be put forward as a reason for refusal.

IMPACT ON WORLD HERITAGE SITE SETTING AND SETTING OF CONSERVATION AREA

The site is at a sensitive location within the World Heritage Site and Conservation Area and close to part of the core Georgian area. It is on rising land above the Avon valley, immediately above the important green corridor of the K&A Canal and on the eastern edge of the city.

The City of Bath World Heritage Site Setting SPD, specifically identifies the Kennet and Avon Canal and its environs, its quality and character and the views to and from it as aspects of the World Heritage Site setting which convey its Outstanding Universal Value and also the importance of views from existing recreational routes following or near to historical routes. The document also refers to historic routes into the city, such as Warminster Road, and historic leisure walks such as along the towpath. The document comments (5.31) on the distinct character of the landscape surrounding the WHS, and characteristically penetrating into the Site, provided by the topography, the land-uses particularly the natural and agricultural land-use, landscape features, distinctive pattern and characteristics of villages, historic features and associations and qualities such as tranquillity. Both the canal and the road are key attributes of the World Heritage Site and have key associations with Georgian Bath.

The steep open slopes beside and to the south of the canal are a distinctive characteristic of the site. Of particular significance is the clear break between the village of Bathampton and the edge of Bath with open views across towards Beacon Hill, Larkhall, the Swanswick Valley and Little Solsbury Hill with the Downs beyond and the well treed character beside the road both at the edge of the village and the city respectively. Views to, from and through this open space are of particular importance with potential to affect the perception, character and quality of the World Heritage Site.

Whilst the amended plans reduce the extent to which the development would intrude into the undeveloped land, as a result of the footprint of plots 141 - 144, its parking court and BF 4, the development would still significantly erode the undeveloped land in a very sensitive location in landscape terms, and result in a significant loss of the green setting of the World Heritage Site with a resultant detrimental impact on the green corridor of the Kennett and Avon canal, on the green slopes below the Warminster Road and on views into and out of the site. This would be a significant detrimental impact on the WHS and its Outstanding Universal Value as well as the Bath Conservation Area. The intrusion of plot 40 beyond the existing fenceline into the canal corridor would also be harmful in these

terms. The development as a whole would be harmful to the setting of the World Heritage Site and would harm the character and appearance of the Conservation Area.

C. IMPACT ON RESIDENTIAL AMENITY

Impact on Villa Rosa, The lodge and Orchard Leaze

Objections have been received that the development would have an overbearing overshadowing effect on the three bungalows to the west of the site (known as Villa Rosa, The Lodge and Orchard Leaze) which are located down the slope from the application site and would also overlook these properties. The residents have submitted photographs where they modeled the height and the position of the nearest terrace with balloons, to illustrate their concerns, which can be viewed on the Council's website.

Overlooking

Amended plans have been submitted setting plots 26 to 39 approximately 3 metres further away from these properties and detailed cross sections have been submitted assessing the relationship between the existing bungalows and the adjoining terrace. The latest amended plans (received 12.11.14) have also reduced the height of plots 31 - 34 from four to three storeys in height, when viewed from the rear.

The cross sections show a facing distance of approximately 20.5 metres between the development and the rear elevations of Villa Rosa and The Lodge. A recognised rule of thumb is a facing distance of 21 metres between facing properties will overcome overlooking conflicts, although this applies more to back to back relationships between new dwellings on level ground. Villa Rosa and The lodge are both set into the hillside and their east-facing windows predominantly look out onto their gardens which rise steeply up the hill to the east and their boundary fences. Both properties also have overhanging eaves (and in the case of Villa Rosa a covered walkway along its eastern elevation). The combination of these elements has the effect that direct views from the dwellings into these bungalows would not be possible.

As an exception to this analysis, Villa Rosa has a conservatory attached to its southern boundary, and views would be possible from the overlooking windows into the conservatory from a distance of 25 metres and onto the patio from a distance of approximately 21 metres at its closest point. The distance exceeds the 21 metres rule of thumb, however the development would look down into this property from higher land. Additionally, this property has limited outdoor space, and the patio and conservatory are important amenities for this resident, as is the garden to the east of the property, despite its small size. The latest amended plans change the four-storey plots (N7+) previously proposed opposite this property for three-storey dwellings, to a degree this would lessen the overbearing and overlooking impact of the development, however given the relative lack of alternative outdoor areas available to this resident and the relationship shown, the resident in using their conservatory, patio and eastern garden would be likely to feel considerably overlooked from the development, which would have also have a considerable overbearing effect. This would significantly and unacceptably harm their residential amenity.

In terms of the loss of privacy within the garden of The Lodge, this property has a large back garden. Whilst significant areas of the garden would be more than 25 metres away from the development, the proposals would nevertheless give residents the perception of a "wall" of development looking out over their garden.

The facing distance between Orchard Leaze (the southern-most bungalow) exceeds 25 metres and the property has a large garden, giving the resident options as to which part of the garden they choose to use. Additionally this property has a mature boundary hedge dividing it from the MOD site. Therefore this relationship is considered to be acceptable.

Overshadowing and Overbearing impacts

Recognised guidance on overshadowing impacts (P Littlefair. Site layout planning for daylight and sunlight: a guide to good practice) advises that if viewed from potentially affected properties, development would rise above a level horizon by more than 25 degrees, unacceptable overshadowing impacts may occur, and should be assessed through further more detailed tests.

The cross sections suggest that viewed from Villa Rosa, the roof of the development (plot 30) would rise 24 degrees above a level horizon. Viewed from The Lodge, the ridgeline of the closest proposed dwelling would be 23 degrees above a level horizon.

This indicates that the development would be unlikely to give rise overbearing and loss of light issues from within the adjoining bungalows. Predominantly the bungalows are cut into the hillside and overshadowed by their boundary fences, and the cross sections suggest that viewed from within the bungalows the development would not rise above the horizon line set by the boundary fence.

The development would have a greater overlooking and overbearing effect when viewed from the gardens of the bungalows, by virtue of the height of the development, its proximity and its position on higher land, plus the terraced form of the overlooking plots. Viewed from the gardens of these properties the development would have a significant and unacceptable overbearing effect when viewed from the gardens of the bungalows, by virtue of the height of the development, its proximity and its position on higher land, plus the unrelieved terraced form of the overlooking plots. Additionally the proposed dwellings are understandably designed to capitalise on the views available across the valley by positioning the reception rooms (family room, dining room/kitchen and living room) at the back of the houses at ground floor levels.

From The Lodge and Villa Rosa in particular (due to its smaller garden and the position of its conservatory and terrace) the development would have an over-dominant effect, giving residents a sense of being overlooked. This would detract unacceptably from the amenity of residents.

Impact on Hazelwood House, Hazelwood Cottage and Hazelend

Objections have also been raised in respect of the impact of the development on the amenity of residents living in Hazelwood House, Hazelwood Cottage and Hazelend at the south-western corner of the site. These three properties are located in a large converted

and extended Victorian Villa, set in within large grounds, with approximately a 33 metre deep back garden to the boundary with the MOD site. Hazelend, the easternmost property has a two-storey side extension which is not shown on the application plans.

Due to the size of the back garden, Hazelwood Cottage and Hazelwood House would not be significantly affected by the proposed development in terms of overlooking. The properties are also set well up the slope from the nearest facing properties, which are two-storey in height, and therefore the development would not have a significant overbearing effect. The facing distance between these properties and the closest terrace to the south is approximately 44 metres. To an extent these properties would overlook the bottom end of the gardens, and the development would change the outlook from these properties, however the proposed terrace is only two storeys in height and is set at a lower level, and therefore the relationship is considered to be acceptable.

The end property, known as Hazelend would be more directly affected, with residential development wrapping around the northern and eastern sides of its garden. Plots 4 - 10 (which would be two-storey in height) would be sited approximately 12 metres from the side wall of the garden, which is quite narrow in width. Plots 1 - 3 would face onto Warminster Road, with plot 1 being located approximately 2 metres from the side boundary of Hazelend. The land here drops away steeply, and as a result at the rear, the ground floor slab of this plot would be approximately 1.2 metres above the natural ground level. Whilst this layout would be unlikely to result in overlooking into the property itself, cumulatively the proximity, position and height of plots 1 - 10 would be likely to result in overlooking into the rear garden of Hazelend resulting in an unacceptable loss of privacy and amenity for the occupiers of this property.

D. ECOLOGY

The undeveloped part of the site comprises part of a Site of Nature Conservation Interest (SNCI). The adjoining Kennet and Avon Canal is also a designated SNCI. The site lies within 1.2km of the nearest component site of the Bath & Bradford on Avon Special Area of Conservation (SAC). Bat surveys found a wide range of species across the site including lesser and greater horseshoe bats from the SAC. As currently proposed the development would erode the site area of the SNCI.

Saved Local Plan Policy NE.9 advises that development which would adversely affect the nature conservation value of such sites will not be permitted unless any harm to the value of the site is minimised; and compensatory provision of at least equal nature conservation value is made.

The developers have submitted a lighting impact assessment and Landscape and Conservation Management Plan, as requested by Natural England. The Lighting Impact Assessment assesses the existing lighting levels within the site and models the likely impact of the new development in terms of light from properties and access roads.

The assessment concludes that lighting levels would be generally low with virtually no spill light into the bat corridors and that lux levels on the new development should be significantly lower than the present office use. The Conservation Management Plan sets out management principles and maintenance operations and a maintenance schedule for the Site of Nature Conservation Interest, with the idea being that improved management

of the SNCI will deliver biodiversity benefits which will compensate for the harm caused by the development intruding into this area.

Natural England have raised no objection to the Lighting Impact Assessment, and have made minor comments in respect of the Conservation Management Plan submitted, but appear to have no overall objection to what is proposed. Were planning permission to be issued, the detailed approval of the Management Plan and its subsequently implementation would be made a subject of the Section 106 agreement.

E. TRANSPORT / HIGHWAY SAFETY / ACCESSIBILITY

As discussed in the highways comments, the application proposes the re-development of a previously developed site, which generated approximately the same traffic levels as the proposed residential use and the application proposes the re-use of the existing vehicular accesses into the site. Consequently, the proposals are considered to be acceptable in highway safety terms.

The site is located in a relatively sustainable, accessible position in the city, within easy walking distance of the city centre and bypassed by bus routes travelling into the city via Warminster Road. There is also an existing pedestrian bridge which provides access to the Kennet and Avon Canal at the north-eastern corner of the site.

Given the scale of development proposed, were the application to be considered to be acceptable, contributions would be justified to subsidise bus routes 4 and 265 which bypass the site, but are no longer commercially viable.

The concept statement for the site sets an aspiration to provide an additional bridge crossing of the canal towards the western end of the site. This is shown indicatively on the application drawings and the developer has committed to providing the bridge by means of the Section 106 agreement, but detailed plans of the bridge have not been prepared to date.

Were the bridge landing to be provided on highways land, or on other land within the Council's control, the bridge could be secured by means of a Section 106 agreement, however the bridge landing on the far side of the canal would be on land owned by the Canal and Rivers Trust, who have confirmed that they would not be a party to a Section 106 agreement, and raise objections to the location of the bridge currently envisaged.

As a consequence, at the current time, it does not appear to be possible to secure the provision of the new bridge through a Section 106 agreement. Were the application to be re-submitted, further discussions should be undertaken between the developer, the Council and the Canal Trust, with a detailed design being included in any resubmitted application that the Trust could support.

The trust have requested that contributions be provided towards the upkeep of the towpath. Such contributions would be justified in principle, but the level of the contribution would need reflect the low level of additional usage of the towpath resulting from the development, compared to the existing high level of traffic along the towpath.

Contributions could also be justified to enhance or upgrade the existing bridge, were this to prove necessary.

F. TREE LOSS

Saved policy NE.4 advises that development will only be permitted where it does not have an adverse impact on trees and woodlands of wildlife, landscape, historic, amenity, productive or cultural value; and it includes the appropriate retention and new planting, or adequate compensatory provision.

The application proposes a significant amount of tree removal, comprising the removal of 126 trees including 63 B category trees and 1 category A tree. The proposals make insufficient provision to compensate for this degree of loss. There are also concerns about the inadequate provision for tree planting within the development.

The Council's tree officer also maintains an objection to blocks BF5 and BF4 to the east and the three units in the south western corner (Plots 1 - 3) which block the creation of a green corridor along Warminster Road.

Overall the proposals would involve a significant amount of tree removal, and make inadequate provision for compensatory replacement planting, and are consequently contrary to policy NE.4.

G. ARCHAEOLOGY

According to the applicant's documentation, the site has the potential to be rich in prehistoric and Roman remains. Consequently the possibility of archaeology being uncovered during development justified conditions being applied requiring a programme of archaeological work and field evaluation to be carried out.

H. DRAINAGE AND FLOODING

Saved Local Plan policy ES.5 states that development will not be permitted where there is inadequate provision made for sustainable foul and surface water sewerage infrastructure.

As detailed in the consultation responses, whilst the site lies within Flood Zone 1, the Environment Agency and the Council's flood risk team hold outstanding objections in that the Flood Risk Assessment submitted is based on out of date information (not reflecting the most recent flood mapping) and insufficient information is submitted to demonstrate that surface water would be properly managed.

Whilst this is an issue that could be relatively easily resolved, the objections have not been addressed and still stand. As full planning permission is sought and the application is accompanied by an Environmental Statement, these issues must be resolved prior to determination rather than by condition. Therefore this is put forward as a reason for the refusal of the application.

I. SUSTAINABLE DESIGN AND CONSTRUCTION

Adopted Core Strategy policy CP2 advises that Sustainable design and construction will be integral to new development.

The Concept Statement for the site sets out an aspiration to achieve Code for Sustainable Homes Level 5 or above for all housing across the development site, advises that the development should include resource minimization strategies for energy and water, together with a waste reduction strategy and the designing in of appropriate low and zero carbon technologies is welcome

The proposed dwellings aim to achieve CO2 emissions reductions of 25% beyond Building Regulations Part L (2010) and are targeted to achieve Code for Sustainable Homes level 4.

The development proposes the inclusion of the following features:

- o Exceedance of Building Regulation insulation requirements and maximizing air tightness
- o better heating controls for zoning and load compensation to reduce unnecessary wastage of heat; and
- o A-rated gas fired condensing boiler with high efficiency.
- o Age of mechanical ventilations and heat recovery systems and wood burning stoves.
- o dwellings are laid out to capture solar gain during spring and autumn and minimise space heating
- o the use of concrete floors and walls provide significant thermal mass to help reduce fluctuation in temperature during the day and also at night.
- o Use of water efficient fittings, flow restrictors and water meters to minimise water usage.
- o Use of "A" or "A+" rated building materials where possible / viable
- o Use of Site Waste Management Plan to reduce waste and maximise recycling opportunities during the construction process. At least 50% of non-hazardous construction waste to be diverted from landfill.
- o applicant to register the project with the Considerate Constructors Scheme
- o Development to incorporate fruiting tree and shrub species to provide an edible landscape; and native tree species

The proposals comply with Core Strategy policy CP2, but do not fulfill the aspirations set out in the Concept Statement. The Concept Statement does not however carry full weight in the determination of the application. Additionally the Government has made it clear through the Housing Standards Review Consultation (March 2014) that its intention is to consolidate and enforce energy efficiency and other technical standards through the Building Regulations system. Therefore the proposals are considered to be acceptable in terms of sustainable design considerations.

J. AFFORDABLE HOUSING

Adopted Core Strategy policy CP9 require the provision of 40% affordable housing on sites in Bath. Developments delivering on-site affordable housing should provide a mix of affordable housing units, with the size and type of affordable units being determined by the Council to reflect the identified housing needs and site suitability.

Affordable Housing should be integrated within a development and should not be distinguishable from market housing. The Planning Obligations Supplementary Planning Document sets out further design standards, including a requirement for 60% of the overall affordable housing contribution to be Lifetime Homes design compliant, and 10% of the overall affordable housing to be Wheelchair design compliant. Affordable housing should be clustered together in groups not exceeding 8 units together.

Policy CP10 reinforces these messages, requiring new housing development, to provide for a variety of housing types and size to accommodate a range of different households, including the provision of homes that are suitable for the needs of older people, disabled people and those with other special needs (including supported housing projects).

The amended plans increase the level of affordable housing to 40% in accordance with policy CP9; however an objection is raised from the Council's housing team that the mix of affordable housing, Lifetime homes and Wheelchair dwellings does not meet local needs.

Additionally, whilst the affordable housing is tenure blind in terms of its design and parking provision, the affordable housing is grouped together in very large groups of 23, 19 and 12 dwellings.

The proposals are contrary to Core Strategy policies CP9 and CP10 and to the guidance set out in the Planning Obligations SPD.

K. EDUCATION PROVISION

The Concept Statement identified a requirement for developers to provide sufficient land and to fund the construction of a 210 place school and associated facilities on the MoD Warminster Road site. The Council's Education Team have confirmed that the adjoining primary school does not have the capacity to accept pupils from the development, and needs to expand into the application site.

The Community Infrastructure Regulations (the "CIL" Regulations) is explicit that planning obligations and contributions should be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

In terms of the MOD development, this means that it is reasonable to require the development to provide sufficient land and funds to enlarge the adjoining school to meet the needs of the development (which would generate 55 pupils), in that such an obligation would be directly related and reasonably related in scale and kind to the development.

The requirement to provide land and contributions for a whole school (of 210 pupils) set out in the Concept Statement is not however directly related to the development or related in scale to the development and would not comply with the CIL Regulations, in that the development does not generate this level of need.

Should the Council wish to acquire further land in order to expand the school to a full 420 place school, it would need to purchase the additional land from the landowners in order to achieve this.

The developers have offered 2,068.78 square metres of land at the western end of the site to allow the expansion of Bathwick St Mary's primary school. The Council's Education team (and the school) have confirmed that this would be sufficient to allow the expansion of the school, subject to a contribution of £773,297.15 also being provided to fund the expansion works.

On this basis, the proposals are acceptable in terms of their impact on educational provision.

L. PLANNING OBLIGATIONS

Were the development to be considered to be acceptable, the following planning obligations would need to be secured:

- i. Affordable Housing provision at 40%, including Lifetime and Wheelchair homes.
- ii. Education
 - contributions of £730,811.93 and land measuring 2,165 m2 to fund and allow the expansion of the adjoining Bathwick St Mary primary school,
 - £28,214.10 for youth service provision
- iii. Public Open Space and Recreation

Formal green space provision

- Contributions of £40,911.75 - Land purchase
- Contributions of £325,641.00 - Construction costs
- Contributions of £314,003.25 - Annual maintenance:

Natural Green Space provision

- Contributions of £255,753.90 - Annual maintenance:

Off-site Allotment provision

- Contributions of £8,182.35 - Land purchase
- Contributions of £14,281.92 - Construction costs
- Contributions of £14,820.30 - Annual maintenance

- iv. Public Transport, Walking and Cycling Provision and off-site highway works

- £10,000 to upgrade the existing Bathampton bound bus stop to include a new shelter with Real time information.
- Contributions of £42,435 per annum for three years to subsidise the running of Service Number 4 which has recently been deemed financially non-viable by the Council. Beyond this, it would be expected that an increased number of users would reduce the need for a subsidy.
- Reservation of car club space; and
- Complimentary bus ticket provision as part of Travel Plan (the Plan is to be secured by condition).

v. Conservation Management Plan

- The submission of a finalised and costed Conservation Management Plan setting out an agreed management regime and timetable for the management of the Site of Nature Conservation Interest.

vi. Maintenance of Canal Towpath

- Reasonable contributions towards the additional costs of maintaining the canal towpath, arising from its increased use by residents of the development.

CONCLUSION AND RECOMMENDATION

The application site comprises a large previously developed site in a prominent position, with citywide views across the Bath World Heritage Site and Conservation Area. It is also located prominently on the entrance to the World Heritage, both in terms of its visibility from the Canal and Canal Path and from Warminster Road itself.

The re-development of such a large and prominent site within a World Heritage Site would be expected to emerge from a detailed and well considered appraisal of the urban design context, with a clear understanding shown of why design decisions had been taken and how the development related to its context.

Such work seems to be largely absent in this application, and overall English Heritage, Conservation, Urban Design and Planning Officers are unified in considering that the proposals pay insufficient regard to their context, and in fact would detract from the character and setting of the Conservation Area and the setting of the World Heritage Site.

The development proposes to breach the existing fenceline, which sets a firm boundary between the developed land (which is of little landscape or ecological value) and the undeveloped land beyond, which forms the Site of Nature Conservation Interest, and its eastern end is of significant landscape value. As a result, the proposals would erode the green setting of the World Heritage and thereby detract from the setting of the World Heritage Site and Conservation Area. The intrusion of plot 40 beyond the fenceline at the western end of the site would also intrude into the canal corridor. Plots 1 - 3 would also stand forward of the building line on Warminster Road and appear incongruous and inappropriate.

The development would have an unacceptably harmful impact on the amenity of adjoining residents at Hazelend, Villa Rosa and The Lodge.

There is likewise an outstanding objection that the proposed development would give rise to significant tree loss and would provide insufficient replacement planting to mitigate for this loss.

Outstanding objections in respect of drainage and flooding details have not been resolved.

The Council's 5-year housing land supply relies on 150 dwellings coming forward within the site in the next five years. Any dwellings delivered above this level are welcome, but only to the extent that they represent good design.

The additional housing proposed over and above the level anticipated in the SHLAA would assist in meeting the Council's 5-year housing land supply, and the site is in a sustainable position for residential development. However, the development would harm the setting of the World Heritage Site, the character and appearance of the Conservation Area, and would also harm the amenity of adjoining residents. Overall the benefits of the additional housing would not outweigh the extensive areas of harm caused by the development in these and other terms, and the proposals are therefore considered to be unacceptable. The 5-year housing supply would not be prejudiced by the delayed delivery of this site.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development, by virtue of its layout and design (including domination of external spaces by car parking), lack of tree planting within the development, the inappropriate position of plots 1 -3, inappropriate detailed design and appearance (including elevational design) excessive intensity of development and failure to respond to the local context, would neither preserve nor enhance the character and appearance of the city of Bath Conservation Area and would compromise the Outstanding Universal Values and authenticity of the World Heritage Site. Therefore the development is contrary to Saved Policies D.2 (b, d), D4 a), BH.1, BH.6, and D.4 of the Bath and North East Somerset Local Plan Including Minerals and Waste Policies Adopted 2007, policy CP6 of the Adopted Core Strategy, the guidance set out in the National Planning Policy Framework, the Bath World Heritage Site Setting - Supplementary Planning Document - Adopted August 2013 and the guidance set out in the Concept Statement (published September 2012).

2 The proposed development by virtue of the position and footprint of development at its eastern and western ends (plots 141 - 145 and plot 40), would unacceptably intrude into the wider undeveloped land and the setting of the canal corridor at the western end of the site. As such the development would cause unacceptable landscape harm, would harm views both within and into the Conservation Area and World Heritage Site, and would harm the setting of the Conservation Area and the setting of the World Heritage Site. The proposed development is contrary to Saved Local Plan policies D4 a), NE.1, NE4 (i) and ii), BH6 (iii, iv and v) of the Bath and North East Somerset Local Plan Including Minerals and Waste Policies Adopted 2007, Adopted Core Strategy policies B1 (1 a, b and f), B4 and CP6. The proposed development is also contrary to the guidance set out in the National Planning Policy Framework, the Bath World Heritage Site Setting - Supplementary Planning Document - Adopted August 2013 and the guidance set out in the Concept Statement (published September 2012).

3 The development would result in excessive tree loss with inadequate replacement planting in mitigation. As such the proposed development would be contrary to saved policy NE.4 of the Bath and North East Somerset Local Plan Including Minerals and Waste Policies Adopted 2007, policy CP6 of the Adopted Core Strategy, the guidance set

out in the MOD Warminster Road Concept Statement and the National Planning Policy Framework.

4 Inadequate details have been submitted to demonstrate that surface water can be adequately managed. As such, the proposals would be contrary to saved policy ES.5 of the Bath and North East Somerset Local Plan Including Minerals and Waste Policies Adopted 2007 and the National Planning Policy Framework.

5 By virtue of the height of the closest units, their proximity and position on higher land, and the internal layout of the individual dwellings, the development would have a significant and unacceptable overbearing effect when viewed from the gardens of the bungalows, The Lodge and Villa Rosa. From the gardens of these properties the development would have an unacceptable overbearing effect. This would detract unacceptably from the amenity of residents. By virtue of the position, proximity, internal layout and ground level of plots 1 - 10, the development would result in an unacceptable loss of privacy in the garden of Hazelend, detracting unacceptably from the amenity of the residents of this property. As such, the proposed development would be contrary to saved policy D.2 (f) of the Bath and North-East Somerset Local Plan Including Minerals and Waste Policies Adopted 2007.

6 The development fails to provide affordable housing to meet local needs, by virtue of the inappropriate affordable housing mix (including the mix of lifetime homes and wheelchair homes), inadequate internal size standards and inappropriate clustering of affordable dwellings in large groups within the development. As such, the proposals are contrary to policies CP9 and CP10 of the Bath and North East Somerset Core Strategy - Adopted July 2014, the guidance set out in the Planning Obligations Supplementary Planning Document 2009 and the guidance set out in the National Planning Policy Framework.

PLANS LIST:

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 has sought to work proactively with the applicants throughout the pre-application and application process to identify and find solutions to problems. Nevertheless the proposals are considered to be 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: 4
Application No: 14/02619/FUL
Site Location: Pinesgate Lower Bristol Road Westmoreland Bath Bath And North East Somerset



Ward: Widcombe **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor I A Gilchrist Councillor Ben Stevens

Application Type: Full Application

Proposal: Erection of an office building (use class B1) with basement parking, associated infrastructure and landscaping following the demolition of existing office building.

Constraints: Agric Land Class 3b,4,5, Article 4, British Waterways Major and EIA, Flood Zone 2, Flood Zone 3, Forest of Avon, General Development Site, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,

Applicant: Pinesgate Investment Company Ltd

Expiry Date: 17th December 2014

Case Officer: Rachel Tadman

REPORT

Reason For Reporting Application To Committee

In accordance with the Council's approved Scheme of Delegation the Group Manager, Development Management considers that this application should be considered by Committee.

Site Description and Proposal

The application site forms half of the Pinesgate site that is surrounded by Lower Bristol Road, Midland Bridge Road and Pinesway. The site currently holds two office blocks which are two storey in height with a surface parking area in between. Pedestrian and vehicle access to the existing site is located on Lower Bristol Road.

The site is not within the Bath Conservation Area but is within the World Heritage Site. The site is also located within Flood Zone1, 2 and 3 and is within the Bath Western Riverside area and Enterprise Area. The Grade II listed Cemetery Lodge and Gateway to Widcombe, Lyncombe and St James's Cemetery is located opposite the site on the south side of Lower Bristol Road.

The revised proposal is for the redevelopment of the eastern part of the Pinesgate site to provide an office building of 17,535 m2 Gross External area arranged over 5 and 6 stories including a basement car park of 84 spaces and 73 cycle parking spaces.

The proposed building would be located centrally within the application site and forms three elements of design. There is a taller tower element on the northern corner and which also forms the single entrance point to the building and a slightly lower element fronting Pinesway and wrapping round onto Midland Bridge Road. This side of the building comprises of 6 storeys overall with the car park below ground at this point and with the 6th floor set back. The remaining element fronts onto Lower Bristol Road, wrapping onto Midland Bridge Road, and comprises 5 storeys with the basement car parking being partially below ground and the 5th floor set back.

The building would be 21.5m high at its highest, dropping down to 20.5m along Pinesway and the element fronting Lower Bristol Road would be 18m in height. It has a large footplate format measuring 70m wide and 47.5m deep and includes an internal atrium at first floor and above.

The main external walling material is proposed to be brick.

The proposal has also included information to show that this proposed development would not prejudice the future closure of the Pinesway Gyratory.

Since the application was originally submitted the proposal has been revised to reduce the height of part of the building and to slightly increase its footprint.

RELEVANT PLANNING HISTORY:

DC - 03/01156/AR - RF - 24 June 2003 - 3 no. recruitment banners for temporary display for 6 months (Retrospective application)

DC - 03/01311/FUL - PERMIT - 18 July 2003 - Extension to plant room East Building, extension to plant room West Building and erection of enclosure compound at West Building

DC - 04/00255/FUL - PERMIT - 23 April 2004 - Erection of entrance foyer and covered courtyard to Pinesgate West

DC - 04/03759/FUL - PERMIT - 10 February 2005 - Provision of motorbike/cycle/smoking shelters and relocation of bin store and fenced enclosure

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Planning Policy: No objections.

Core Strategy Policy B2 (Central Area Strategic Policy)

The site falls within the scope of Policy B2 of the Core Strategy where it states 40,000sqm of modern office space is required in the Central Area.

The original proposal would represent a net increase to 10,250 m2 GIA, 25% of the plan periods net requirement for office space. It would also replace 2790s m2 of 1980s space with 13,000 m2 of brand new space and, if built this project would be a valuable addition to the stock of office premises, providing a new product, choice and competition.

Part 2 of Policy B2 provides Placemaking Principles to guide development proposals in the Central Area. The Placemaking Plan remains at a very early 'options' stage of preparation. It is a material consideration but currently little weight can be afforded to it in the determination of this application.

The site in question is specifically identified under bullet (i) of Part (3) for economic development-led mixed use development. Rather than being led by economic development uses the proposal is for 100% B1(a) use. It is not therefore mixed use, but this may well be part of the Central Area where a 100% office scheme is more appropriate, contributing to a wider mixed-use environment.

BANES Local Plan 'saved' Policy GDS.1/B1 and accompanying BWR SPD

In respect of uses and design, Policy GDS.1/B1 and the BWR SPD will apply to the determination of applications in this area, alongside Core Strategy Policy B2, until the Placemaking Plan is adopted. In respect of planning obligations, Policy GDS.1/B1 and the BWR SPD will apply until the CIL charging schedule is adopted.

Bath Building Heights Strategy (BBHS)

The BBHS is a material consideration. The BHHS strategy observes at para 3.2 that the use of 'storeys' (in relation to describing height) is a straightforward concept that allows the simple understanding, controlling and administering of building height. As the evidence within the BHHS is translated into policy officers will determine if it is currently too straightforward in the Bath context. Indeed, the experience of this application suggests that further guidance on actual heights for storey/indicative heights may be needed to be considered. It is too blunt a tool to apply without critique to every site that it covers.

The outputs for zone 3 of the BHHS study, within which the site is located, suggest 4 storey with a 5 set back as potential modifier. Whilst the addition of a modifier for a

residential or mix residential and office scheme might be appropriate re ultimate heights, it does not necessarily follow that is acceptable for a 100% office scheme. It needs to be properly tested.

Sequential Test for Town Centre Uses

GDS.1/B1 of the BANES Local Plan specifically allocates the site within a wider 'allocation' in the way that the Core Strategy does not. This means that although the site is edge-of-centre, the need to apply the sequential test is not engaged. In terms of NPPF (24), although this is a main town centre use not in an existing centre, the proposal is in accordance with an up-to-date Development Plan i.e. the land is allocated for town centre development.

Planning Obligations re the BWR SPD

The BWR Supplementary Planning Document (SPD) provides a comprehensive Spatial Masterplan and an Implementation Framework including infrastructure requirements and developer contributions. The SPD was prepared on the basis that all infrastructure costs within the SPD area were funded proportionately from contributions from all development and Appendix C of the SPD sets out the basis for developer contributions.

According to the formulae set out in Appendix C, a total a contribution of £2,026,412 is required.

Conclusion

A lack of modern office floor space has long been identified as a major issue in Bath. This scheme will address that to a significant degree within the Central Area, in an area earmarked for an extension to the city centre. This is sustainable development and the 'presumption in favour' applies very strongly. There is serious debate to be had on the height scale of massing of the building and its impact. Part of that debate should consider what is required to make redevelopment a financially viable proposition. There may be some consequences to the implementation of this scheme in the short term in respect of the likelihood of other central sites coming forward, but this is not necessarily a reason for refusal. Crucially, the sequential test does not apply as the site is partly allocated for business development.

Highways Development Officer: Revised Comments dated 25th November 2014:

The scheme as original submitted was considered to be unacceptable, however following ongoing discussions and further meetings with the applicant's transportation consultant, further information has been submitted to address these concerns and there are now no objections to the scheme subject to conditions and the following being secured through a S106 legal agreement. It is suggested that items 1. to 5. be secured as 'works' to be undertaken prior to occupation. Item 6 could also be a non-financial commitment written into the agreement, whereas item 7 would be a financial contribution:

1. New signal-controlled Toucan pedestrian and cycle crossing of Pines Way between the northern site access and Ivo Peters Road.
2. New continuous shared footway/cycleway around Pinesgate development site and additional cycle links to crossing points around gyratory.
3. Improvements to signalled crossings around gyratory including Pelican to Toucan crossing conversion of Pines Way/Stothert Avenue junction.
4. Lane reallocations including possible alterations to signal detection loops, Pines Way gyratory west side between Lower Bristol Road and Ivo Peters Road.
5. Traffic management requirements for the above including TROs etc.
6. Before & after monitoring of car parking in residential areas.
7. Contribution of £4,500 for real-time passenger information at Ivo Peters Road bus stop.

Urban Design: Not acceptable in the current form.

- o Lack of comprehensiveness with rest of BWR/Enterprise Area proposals.
- o No holistic improvement of public realm and pedestrian movement in proposals.
- o Massing, volume, bulk and scale of proposals incongruous and overbearing in context.
- o Refs include World Heritage Site Setting SPD, D2, D4, CP6, B2 and B4

Economic Development: Support subject to comments:

We have reviewed and taken account of the applicant's details for the proposal, and are supportive of the overall aims for development of the site, subject to a number of comments set out below.

There is a lack of modern office floor space in Bath, as identified in various studies underpinning the EA Masterplan. This scheme will address that to a significant degree within the Central Area, in an area earmarked for an extension to the city centre.

There are issues of comprehensiveness and the relationship to the siting of other potential issues, such as the retail store, which need to be considered. However in overall terms the application is welcomed due to the wide ranging economic and regeneration benefits it will deliver, and should be supported.

Core Strategy Objective 6 includes promoting and delivering employment, training and regeneration opportunities that can contribute to a reduction in the health and social inequalities across the District, and as a result the delivery of economic development will be facilitated by the B&NES Economic Strategy, the Regeneration Delivery Plans and the Development Management process.

The draft B&NES Planning obligations Supplementary Planning Document seeks the following:

- o a contribution towards the cost of delivering a local Targeted Recruitment & Training (TR&T) package;
- o Participate in a TR&T Management Board;
- o Undertake to facilitate an agreed level of local employment, together with associated training and skills during occupation of the on-site employment space.

and should be included as provisions within a Section 106 Agreement.

English Heritage: The Landscape and Visual Impact Assessment (VIA) indicates that the development will be dramatically higher than the current building on this site and will, therefore, have an impact on the immediate vicinity of the site. The closest designated heritage assets are Grade II and the site is not within the Conservation Area.

It is unfortunate that this proposal does not include both buildings as they form a harmonised composition that will be damaged by only bringing forward one of the blocks for redevelopment.

The closest Grade II* listed buildings are in Norfolk Crescent and we do not consider that there will be a direct impact on their setting. However the VIA does not show winter views.

Our main concern remains with the height and scale of the proposed development and the impact that this will have on the Outstanding Universal Value (OUV) of the World Heritage Site (WHS).

Further comments on revised scheme: We note that the roof form has had some variations added to soften the height. However the overall scale remains an impact that causes concern within the context of the OUV of the WHS.

Landscape: Not acceptable in its current format.

I have no overall problem with redeveloping this site and I am pleased that the opportunity has been taken to utilise under-building car parking.

However, I have read the LVIA submitted with this application and whilst the proposed building may not have significant levels of visual impact from medium / longer distance views, I do think that there would be a major adverse impact on short range views.

I do understand the relationship with the nearby (recent) buildings but my main concern arises primarily from the way the new building sits right on the outside of its site and would tower over the users of the roundabout - both pedestrian and vehicular. The building would overpower this very busy location and this would be experienced by large numbers of pedestrians and car users.

I am sure there are (architectural) ways that the building form could be amended to reduce this impact and I would ask that these are looked at.

Soft landscape within this 'roundabout' is also very important and the building needs to either retain the existing established or leave adequate space for new (and appropriately sized) trees on all sides if possible. I do not think adequate space has been allowed.

Further comments: The LVIA addendum confirms that the building footprint is identical and that only one element of the roofscape has been reduced by 1 storey. The diagram on p5 of the revised D&AS Chapter 6 serves to illustrate my points, which I do not think have been adequately addressed.

As such, I continue to conclude that it is unacceptable in its current format.

Ecology: Raises concerns but no objection in principle subject to conditions.

A brief ecological assessment has been submitted, which does not find any key ecological constraints nor bat roost potential at the site and does not make any recommendations for further ecological assessment..

The ecological assessment states that planting will be chosen to provide ecological benefit, but it is not clear that the above commitments have been incorporated into the plans. There is scope for significant benefit especially for the species mentioned and I would recommend drawings are revised to include a strong provision for swifts and potentially other bird species. It is disappointing that the proposed footprint and layout leaves less rather than greater opportunity for planting or habitat provision.

Flood Risk Management and Drainage Team: No objections subject to conditions.

Environment Agency: No objection in principle to the proposal subject to conditions.

Canals and Rivers Trust: No comments

Contaminated Land: No objection subject to conditions:

Environmental Health: No objection subject to conditions.

Archaeology: No objections subject to conditions.

Crime Prevention Design Adviser: No objections

Conservation: The English Heritage letter raises the same objections to the scheme (... dramatic adverse impact on the adjacent historic environment by virtue of the increase of height of the eastern block).

Further comments: The small reduction in massing proposed for the Pinesgate redevelopment does not alter my previous comments about the scheme.

Arboricultural Officer: Object - the submission does not include a tree survey, arboricultural impact assessment or any heads of terms for an arboricultural method statement following the recommendations contained within BS5837:2012 have been provided.

Therefore proposal currently does not demonstrate due consideration of retained policy NE.4 so my current response must be an objection.

Further comments: I have reviewed their submissions and according to the photographs (existing views) submitted they lose the four trees on the east side (two Pines and two other) and the replacements are edged out towards the road within a narrow planting area.

The row of Limes along Pines Way are significant trees and have great potential for the future - no space for replanting.

Bath Preservation Trust: Object

1. There is a lack of a commercial case for office development on this site, especially as other schemes nearby have not been implemented.
2. It has failed to follow the overarching principles of the BWR SPD
3. Overly large and oppressive and has not responded to the Bath context
4. Footprint is too large and the height, bulk and scale do not relate comfortably with the adjoining townscape and would have an overbearing impact on that townscape.
5. The use of brick is of serious concern, natural Bath stone is preferable.
6. The design aesthetic is unconvincing
7. Could create a precedent for height/scale for this area
8. Fails to preserve or enhance the Conservation Area and would compromise the special qualities of the World Heritage Site.

Local Representations: A total of 12 letters of representation have been received, of which 9 are objections. 2 are general comments and 1 is a letter of support. The concerns raised include:

1. Lack of cycling infrastructure and lack of consideration for cyclists in the design of the highway works
2. The development is of a poor quality design and layout, the scale and massing is out of context with the surrounding area
3. Design is out of character and scale with the surrounding buildings and the World Heritage Site
4. The development is contrary to the BWR SPD particularly with regard to its scale and proportions
5. The footprint is too large
6. The massing will have an overbearing impact on the character of the local townscape and will have a negative impact in views across the World Heritage Site
7. Harmful impact on listed buildings.
8. Light spill from upper floor windows is of concern
9. The roof is flat with little articulation and will likely experience problems with gulls nesting
10. The use of brick is of serious concern - Bath stone should be used.
11. The building is too tall and does not comply with the building heights strategy
12. Detrimental impact on the Conservation Area
13. By providing 25% of the Enterprise Area's office requirements on this site it would preclude the future development of a zone of multiple developments of differing sizes spread through the Enterprise Area.

POLICIES/LEGISLATION

POLICY CONTEXT:

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

- o Bath & North East Somerset Core Strategy (July 2014)
- o Saved Policies from the Bath & North East Somerset Local Plan (2007)
- o Joint Waste Core Strategy

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

- o Policy DW1 - District Wide Spatial Strategy
- o Policy B1 - Bath Spatial Strategy
- o Policy B2 - Central Area Strategy
- o Policy B4 - World Heritage site and its setting
- o Policy SD1 - Sustainable Development
- o Policy CP2 - Sustainable Construction
- o Policy CP3 - Renewable Energy
- o Policy CP5 - Flood Risk Management
- o Policy CP4 - District Heating
- o Policy CP6 - Environmental Quality
- o Policy CP7 - Green Infrastructure

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.

- o D.2 and D.4 - General design and townscape considerations
- o BH2 - Listed buildings and their settings
- o ET.2 - Bath City Centre Core Office Employment Area
- o GDS.1/B1 General Development Site - Bath Western Riverside
- o NE.4, NE.12 - Landscape features and trees
- o T.24 and T.26 - Highways Safety

Bath Western Riverside Supplementary Planning Document
Bath Building Heights Strategy

National Planning Policy Framework
National Planning Practice Guidance

OFFICER ASSESSMENT

PLANNING POLICY CONSIDERATIONS:

The site is located within the Bath Western Riverside (BWR) area which is an extensive (33.05 Ha) regeneration area to the west of Bath City centre, but within the established built up area of the City. In the Local Plan Policy ET.2 is applicable and which supports the provision of additional office space on this site, the site also appears as an Allocated Site under Policy GDS.1, with the designation B1. Western Riverside where it seeks a comprehensive mixed use scheme including Use Class B1 uses. This policy is saved and therefore remains relevant to this application.

A Supplementary Planning Document (SPD) for Bath Western Riverside was approved by the Council in March 2008. The SPD document is comprehensive in its guidance as to what is expected for the long term redevelopment of the site and includes requirements for information that should be submitted as part of any application for planning permission.

This site is located within BWR East and whilst the SPD clearly outlines the development aspirations for the wider development site, it is also very specific in the design principles for each separate area of the site.

The site also falls within the scope of Policy B2 of the Core Strategy and this policy, along with Policy GDS.1/B1 of the Local Plan are to be considered alongside each other until such point that the Placemaking Plan is adopted.

The site is also within the Bath City Riverside Enterprise Area which is part of the emerging Bristol and West of England City Deal aimed at promoting economic and employment growth. Overall the Enterprise Area has the capacity to deliver up to 9,000 jobs, 200,000sqm of new employment space and 3,500+ new homes.

The Bath Regeneration Delivery Plan identifies the BWR East and Green Park area as a key site with the potential to deliver up to 3,500 new jobs. It is also understood that, since 2011, there has been no significant new office development in the city whilst there have been a number of losses of office space connected with the relaxation of permitted development rights that came into force in April 2013.

Evidence provided by the Economic Development Team also states that the recent Bath Office Market Review 2014 (Lambert, Smith Hampton on behalf of B&NES) identified quality and location as key issues, however it was also found that there was a shortage of Grade A space capable of meeting modern occupier requirements. Furthermore it is stated that much of the better quality space was not in preferred central locations which has led to a latent un-met demand in the central area for in excess of 18,000sqm of office space.

The development would provide a Gross Internal Area (GIA) of office floor space of 12,300 m² (excluding the lower ground floor which is mostly a car park with cycle storage). As the development would be replacing 2,790 m² GIA of floor space, this results in a net gain of 10,205 m² GIA of office floor space.

Considering Policy B2 of the Core Strategy first, this forms the strategic policy for the city centre and neighbouring areas where the long term aspiration is for the city centre to expand to 'colonise' BWR East. The site is therefore located in an area where significant change is anticipated in the future and it is clear that this scheme would make a significant contribution to this goal.

Part (1) of Policy B2 requires that changes within the Central Area should improve Bath's profile and performance across eight headline criteria (a-h) and the provision of modern office space meets criterion (c) in providing "a more dynamic place for business, enterprise, creativity and invention". The scheme should also be well designed so as to also be able to contribute to criterion (b) re design and (h) re connectivity. However the site also lies within the World Heritage Site and therefore criteria (a), which refers to Bath being an international cultural asset i.e. the OUV of the World Heritage Site is also relevant. The building's design should therefore sit comfortably with this designation.

Although there are concerns with regard to the design of the proposed development, discussed further below, the proposed development is considered to provide a dynamic

place for business and connectivity and is therefore supported from an economic development perspective.

Part 2 of Policy B2 provides Placemaking Principles to guide development proposals in the Central Area. They comprise assets and positive characteristics of the Central Area that the application should 'demonstrably' draw on, if relevant, in formulating their proposals. In time the Placemaking Plan will translate these general principles to site specific requirements, but that will not happen in the timeframe within which this application will be determined. The Placemaking Plan remains at a very early 'options' stage of preparation and whilst it is a material consideration, only limited weight can be afforded to it in the determination of this application.

Turning to Part 3 of Policy B2 the Pinesgate site is specifically identified as a site where, within the context of the NPPF, economic development-led mixed use development is welcomed.

It is considered that this specific development cannot be described as mixed use as, although the submitted documents mention the potential for future changes of use on the ground floor, primarily to include active frontages to the building, it is nevertheless being proposed as a 100% B1 Office use. However whilst the lack of active frontages is a concern with regard to the design of the proposal, discussed further below, it nevertheless forms part of the Central Area where it is envisaged, and there is scope for, it to form part of a wider mixed-use environment.

Furthermore, given its location on the edge of the Central Area, it is considered that this is a location where a 100% office scheme is more appropriate.

Part 4 of Policy B2 relates to criterion (c) of Part 1 and confirms that 40,000sqm of modern office space is required in the Central Area. This figure relates to GIA (gross internal area). The proposed development would provide approx. 12,900 m² of this target, approx. 25% of the plan periods net requirement for office space.

The proposed development is considered to be of significant importance and benefit to the city's economy as well as an opportunity for employment provision and business creation. The proposal also provides much needed grade A space in an identified preferred location for office occupiers.

Furthermore, in terms of job creation, using the Homes and Communities Agency employment guidance, the development, if fully occupied could provide office floor space for 868 jobs. Compared with the existing capacity of 279 jobs, it results in an increase of capacity in the region of 589 jobs which is a strong material consideration in favour of the development.

Turning to the 'saved' Local Plan Policy GDS.1/B1 and accompanying BWR SPD, they seek, inter alia, high density urban form and significant provision for business development. A key further aspect of the GDS.1/B1 is its pursuit of a comprehensive mixed-use scheme across the entire allocation through a masterplan approach. This means that any planning application will need to demonstrate that it is consistent with and contributes to the delivery of comprehensive development of the whole site by reference to the BWR SPD. The SPD seeks a masterplan approach to the redevelopment of BWR

East and clearly sets out in Paragraph 3.2.5 the requirement for individual phases of development to provide a Context Plan for the entire development zone (BWR East) within which the site is located.

The SPD requires the Context Plan to go into some depth to show how the streets, squares and open space within each zone are to be connected to surrounding neighbourhoods, identify the network of movement patterns for people to surrounding neighbourhoods, define the heights, massing and bulk of buildings, include the immediate interface to that zone and include two dimensional layout plans and three dimensional massing diagrams. It is then envisaged that future applications within the zone would follow the agreed principles so that it fits with the approved Context Plan.

Unfortunately this application has not been accompanied by a Context Plan that goes into the level of detail required by the SPD. However, it is acknowledged that the site forms a small area on the edge of the wider Bath Western Riverside site, therefore the applicant has little control over land not within its ownership.

In light of this, the lack of a comprehensive Context Plan is not of overriding concern especially as the submitted application has attempted to engage with the principles of the SPD and also show how this site can be developed in a way that would not prejudice or overly constrain a number of options for the remainder of BWR East.

However this is with the exception Pinesgate West, the adjoining site which is also in the Applicants ownership. Whilst Pinesgate West is let on a long lease and is therefore unlikely to come forward for development in the near future, nevertheless, in light of the site forming part of the same ownership, and the same planning unit, it is of significant concern that this site is neither included in the application (as part of a phased development) or that more significant detail has been shown to demonstrate how the future buildings would sit together. This is considered to be a significant failing of the application as it shows a lack of a comprehensive approach.

Notwithstanding this, in demonstrating that the development would not prejudice the future development of the remainder of BWR East, the road network is a key consideration in this case. It seems clear that at least three spurs of the Pinesway Gyratory will likely have to remain, and building an office building here does not preclude the partial truncation of the fourth (if this was deemed appropriate in the Placemaking Plan).

With regard to the sequential test for offices, crucially GDS.1/B1 specifically allocates the site within a wider 'allocation' in the way that the Core Strategy does not. This means that although the site is edge-of-centre, the need to apply the sequential test is not engaged. In terms of NPPF (para 24), although this is a main town centre use not in an existing centre, the proposal is in accordance with an up-to-date Development Plan i.e. the land is allocated for town centre development.

If permitted and delivered within the next few years it would take some time for this site to be fully occupied. The existence of this new development may deter office proposals coming forward on alternative sites in the short term as the current scheme could attract any pent up demand. However, the SPD (1.5.22) states that BWR will play an 'early' role in providing commercial space and so the Council has endorsed a sequentially less preferable approach to implementing its economic objectives.

DESIGN, LAYOUT AND IMPACT OF THE DEVELOPMENT ON THE WORLD HERITAGE SITE AND SURROUNDING AREA:

The proposed layout, whilst developing only half of the overall Pinesgate site, includes an area of circulation space along the north south boundary that provides a new through route from Lower Bristol Road to Pinesway. This is a distinct benefit of the scheme as it provides permeability by allowing pedestrians to walk through, something that cannot be done at present. This also frames the gates to St James Cemetery which is beneficial and reduces the impact on this listed structure to an acceptable level.

Since the application was first submitted the proposed building has been revised in order to address the concerns of Officers with regard to the height and massing of the building. The revisions to the scheme has resulted in the loss of a floor on part of the building fronting onto Lower Bristol Road but has resulted in a slightly larger footprint.

The overriding design approach is of a contemporary modern office block building that uses a mixture of glass and walling to break up its mass and to provide verticality. The development has a single entrance layout which is located on the north west corner and is given prominence by the use of a tower element at that point.

The larger element of the scheme, fronting Pinesway, uses large expanses of glass at ground and first floor level, above this the window size is reduced and is balanced with an increase in walling running vertically from second to third floor level. The fourth floor is set back with full height glazing and metal louvres. The element fronting Lower Bristol Road uses smaller windows at ground floor level and then vertical windows and walling running up to second floor level with a full height glazed third floor, again set back.

Turning to the Bath Building Height Strategy (BBHS), this is a strategy that was compiled as part of the evidence base to the Placemaking Plan. In light of this, and as it is endorsed within the Core Strategy, it is considered to be a material consideration and therefore can be afforded some weight.

The application site is located within Zone 3 Valley Floor of the BBHS which applies across an extensive area of the river corridor. The BBHS strategy observes at para 3.2 that the use of 'storeys' is a straightforward concept that allows the simple understanding, controlling and administering of building height'.

The outputs for zone 3 of the Strategy states that the recommended height should be 4 storeys with one additional setback storey within the roof scape likely to be acceptable. It also states that, as a modifier, 1 additional storey may be acceptable along Lower Bristol Road except where it is in close proximity to existing 2-3 residential areas. Furthermore 1 additional storey may be appropriate fronting public space and marking key locations such as corners or gateways to mixed use centres although these modifiers are at the discretion of the Council to be considered on a case by case basis.

In relation to Building heights, the BWR SPD sets out a range of 3-6 storeys (assuming 2.5m residential floor to ceiling heights). If one converts this to 3.0m floor to ceiling heights for office use, one arrives at a range of about 9-18m (excluding rooftop details, any plant etc). The SPD advises that the assessment of buildings with commercial uses

will have to be adjusted to take into account the use of residential storey heights in the SPD. Generally speaking, commercial schemes with 4m floor to ceiling heights will be limited to 4.5 floors if 18m is the limit. Given that one cannot have half a commercial floor, the building height of a wholly commercial building would be limited to 16m unless, through site specific analysis (absent in the SPD and the Buildings Height Strategy) 20m is deemed acceptable. The proposal seeks to develop the office building to a height of between 20m and 21.5m when viewed from Pinesway and drops down to 18m when viewed from Lower Bristol Road. Overall this is considered to be largely in line with the SPD guidance.

The overall approach to the design is considered to be acceptable and represents a modern office block design. Furthermore the reduction in height on the Lower Bristol Road frontage is welcomed and does represent an improvement to the scheme. This frontage now addresses the two/three storey residential scale buildings opposite more successfully than before.

However, despite the revisions, the scheme has attracted a number of concerns, some significant, from the Conservation Officer, Landscape Officer, Urban Design Officer and English Heritage along with other local representations including Bath Preservation Trust.

To detail them further, there remain concerns that the building is very large, both in its height and massing. The supporting VIA serves to demonstrate that the building is prominent within short/medium range views of the site and the Landscape Officer has expressed the view that it would have a major adverse impact on short range views. The flat roof particularly appears as a large expanse.

A further concern is the use of the large block footprint which is considered to preclude flexibility and only provides a single through route for pedestrians. There are concerns that the building would overpower this very busy area especially as it forms an entrance point into the Bath Western Riverside area when approached from the East. balanced against this however it needs to be recognised that this is a single use proposal.

It is considered that the public realm that this creates is relatively poor and reinforces the island in the middle of roads, even though one of these could eventually become pedestrian only following the closure of the gyratory. This does remain a concern as the improvement of pedestrian movement routes and environments should be an important driver of proposals on not only this site but also within the wider BWR area.

The single point of entry has also resulted in the site having a poor relationship with the surrounding streets. The boundaries are shown as impermeable and, were the future highway works completed, the building would still offer a 'dead' frontage on all three sides. The submitted documents mention the future provision of active frontages but it has not been demonstrated how this could be achieved. Furthermore the building has a large expanse of blank walling on its south eastern corner, right at the pedestrian junction point.

The height and mass of the building where it fronts onto Midland Bridge Road leads it to somewhat dwarf the Thrings building opposite, which is currently the largest building in the immediate vicinity.

In particular these elements of the design and layout of the scheme are considered to result in some localised harm to the area which needs to be weighed against the benefits of the scheme.

Turning to materials, the information provided variously describes the external walling materials as lime mortared brickwork and lime rendered brickwork which is considered to be unacceptable and a natural bath stone should be used instead. The Applicant has confirmed that they are willing to be flexible on the materials however they are concerned about the additional expense that natural materials will involve.

Officers are of the view that, in this case, due to the size of the building, its prominence within the street scene and its location within the World Heritage Site that, the use of the proposed brick would have a harmful impact on the character of this part of the World Heritage Site. In light of this it is considered that the use of natural Bath stone is necessary to make the development acceptable and an appropriately worded condition has been attached. With this condition it is considered that the proposed building will not harm the Outstanding Universal Value of the World Heritage Site.

TREES, LANDSCAPING AND ECOLOGY:

The proposed development would result in the loss of a number of trees that currently exist on the site, particularly those forming landscaping around the periphery of the building and adjacent to the surrounding highway.

The information submitted is considered to be inadequate by the Arboricultural Officer and, in her view, does not demonstrate due consideration of Policy NE.4 of the Local Plan. Since these comments were made an additional Arboricultural Report has been received but further comments from the Officer have not been received.

Although the scheme proposes some replacement planting, the Arboricultural Officer is of the view that their location is unsatisfactory, being edged out towards the road within a narrow planting area, and that the level is inadequate compensation for the number and size of trees lost.

These concerns are echoed by the Landscape Officer who is also of the view that soft landscaping is an important requirement for this development, given its location surrounded by highways, and that either the existing established planting should be retained or adequate space is provided for new (and appropriately sized) trees on all sides if possible. As a consequence a planning condition is proposed to secure an acceptable landscape scheme.

Whilst the Ecologist is largely happy with the proposal and the submitted information she has also expressed concern that the proposal represents a reduced opportunity, in comparison with the existing, for planting or habitat provision. Furthermore, no consideration appears to have been given to alternative options such as green roofs etc and overall represents a lost opportunity to strengthen "greenness" and green infrastructure in this city centre location.

IMPACT ON RESIDENTIAL AMENITY:

The site is not directly adjoining residential properties but it must be acknowledged that there are two storey commercial properties nearby on the south side of Lower Bristol Road which could have residential accommodation on their first floors. To date no objections have been received from these properties and with these properties and as they are separated from the application site by the Lower Bristol Road it is not considered that the proposed development would adversely effect the amenity of any residential occupiers of these properties.

IMPACT ON HIGHWAYS SAFETY:

The original scheme raised significant concerns with the Highways Development Officer who initially objected to the scheme. Since then significant negotiations have been made resulting in the submission of further information to address those concerns.

The scheme provides 84 parking spaces for the occupants with an additional 73 cycle storage spaces within a basement parking area that is accessed off Lower Bristol Road. Deliveries and refuse are to be collected from the front of the building (East elevation) with vehicle entering the site from Lower Bristol Road and exiting onto Pinesway. Removable bollards will be provided to prevent a through route by general traffic.

In line with the requirements of the BWR SPD the scheme has also provided evidence to show that the development would not preclude the closure of the eastern part of Pinesway, between Ivo Peters Road and Midland Bridge Road at a future date.

Furthermore, traffic flows and signalised junction assessments have been considered and have been found to be acceptable.

Whilst trip generation and highways impact has been found to be acceptable, the Highways Development Officer has commented that the development does provide reduced levels of parking. The proposed parking standards for new developments in the Enterprise Area, given in the draft Bath Transport Strategy, state one space per 200 m² for office uses. The Pinesgate East scheme proposes 84 spaces for 18,280 m² (Gross External Area) equivalent to one space per 217 m². This proposal is therefore close to the required standard, which reflects aspirations for encouraging sustainable travel through a policy of parking restraint. On this basis the car parking proposals are supported by the Highways Development Officer.

Nevertheless there remains a risk of a potential overspill impact on local streets. It is considered that this can be adequately managed through a condition requiring the submission of a car parking management and access plan along with a programme of before and after monitoring, to be secured through a S106 agreement, to confirm whether off site car parking is occurring in connection with the development, and whether extension of residents parking zone 5 is required (subject to consultation with residents) as a result.

With regard to pedestrian safety, significant concerns were initially raised by the Highways Development Officer that the proposed pedestrian access to the north side of Pines Way would generate strong demand for crossing movements to the Sainsbury's site, the Green

Park area and hence the city centre and that this had not been adequately addressed within the application.

Whilst regard was had to the future closure gyratory, at which time the concerns would be overcome, this issue would arise in the interim period. A number of options were considered and it was concluded that a signalled solution was the most appropriate. Details have now been submitted to show a pedestrian/cycle crossing facility of Pines Way and it is now considered that the significant pedestrian safety concerns have been overcome and furthermore will not affect the operation or capacity of the road network.

Concerns have been raised by residents and grounds about the lack of cycle infrastructure in the planned highway layout following the future closure of the Pinesway Gyratory. These concerns have been considered with revised plans submitted plans showing a shared cycle/pedestrian route can be provided around the outside the whole of the Pinesgate 'island'. Together with the proposed new crossing of Pinesway, and improvements to the equipment on existing crossing points in the area, cycle accessibility is greatly improved, both in terms of safety and linkages to existing routes.

As can be seen from the comments of the Highways Development Officer above, the initial objections have now been overcome subject to conditions and a number of measures and financial contributions being secured through a S106 agreement. There is no reason to disagree with this view and therefore it is considered that the development would not have a harmful impact on highway safety.

FLOODING:

The site is within Flood Zones 2 and 3 therefore the development has required the submission of a sequential test to ensure that there are no sequentially preferable sites available in areas at lower risk of flooding.

The sequential test clearly identifies the terms of reference under which it has been carried out and the approach has been found to be acceptable and shows that there are no sequentially preferable sites that meet the criteria. The sequential test is therefore passed.

A Flood Risk Assessment (FRA) has been submitted as part of the application and which has been considered to be acceptable by the Environment Agency.

The Environment Agency has advised that the site is within a flood warning area and therefore Flood Warning and Evacuation Plan for future occupants is required for the development and will be produced as part of the development. Furthermore, as the basement car park is at a low level, and therefore prone to flooding, details of flood mitigation measures are also required. These items can be dealt with by condition and a suitably worded condition has therefore been attached.

DEVELOPER CONTRIBUTIONS:

The BWR SPD provides an Implementation Framework including infrastructure requirements and developer contributions. The SPD was prepared on the basis that all infrastructure costs within the SPD area were funded proportionately from contributions

from all development and Appendix C of the SPD sets out the basis for developer contributions.

According to the formulae set out in Appendix C of the BWR SPD, a total a contribution of £2,026,412 is required to fund necessary infrastructure to achieve the comprehensive development of the BWR. However it has been argued by the developer that the payment of such a high level of contributions would make the scheme unviable and as a consequence a Viability Assessment Report was submitted to demonstrate this. Officers have since employed Consultants to scrutinise the submitted financial information where it was concluded that the scheme is unviable and recommended that the Council did not seek any S106 contributions.

The Economic Development Officer has requested that the following provisions be included in a S106 legal agreement:

- o a contribution towards the cost of delivering a local Targeted Recruitment & Training (TR&T) package;
- o Participate in a TR&T Management Board;
- o Undertake to facilitate an agreed level of local employment, together with associated training and skills during occupation of the on-site employment space.

Whilst it is acknowledged that these provisions are included within the Draft Planning Obligations SPD, this document is not yet adopted and therefore carries limited weight. In light of this it is considered that the requested provisions cannot be required at this time.

VIABILITY:

The proposed development, with specific regard to the provision of additional office space within the Central Area, and Enterprise Area, of Bath is considered to be largely in accordance with Policy B2 of the Core Strategy and Policy GDS.1/B1 of the Local Plan as well as the BWR SPD.

Overall the policies seek to facilitate and encourage the redevelopment of the BWR East area to provide a mixed use development by expanding the city centre to 'colonise' this area. In doing this there is also a requirement to provide some 40,000 m² of office floor space and this site is specifically identified within Policy B2 as being within one of the areas with the most capacity for significant change and key regeneration opportunities. In this regard the development would result in a net increase of approx. 9,500 m² GIA of high quality flexible floor space by replacing the existing 1980's office floor space of 2790 m². This would provide approx. 25% of the plan periods net requirement for office space and would go some way to meet the identified unmet demand by providing much needed grade A space in an identified preferred location for office occupiers. It would also represent a significant qualitative improvement to the office space on offer within Bath.

In terms of job creation, the development, if fully occupied, could provide office floor space for 868 jobs, an increase of capacity in the region of 589 jobs which is a strong material consideration in favour of the proposed development.

The BWR SPD also provides an Implementation Framework including infrastructure requirements and developer contributions with Appendix C setting out the formulae.

Using this, a total contribution of £2,026,412 is required to fund necessary infrastructure to achieve the comprehensive development of the BWR.

In response the Applicant has submitted Viability Assessment Report, which following scrutiny, has demonstrated that the development is unviable and therefore the Council cannot seek any S106 contributions.

SUSTAINABILITY AND RENEWABLE ENERGY:

A sustainability statement has been submitted as part of the application and which explains the measures within the building to achieve energy efficiency and sustainability.

These measures have been incorporated into the design of the building and the scheme aims for a BREEAM 'Very Good' rating. It is proposed that this will be achieved by including:

- o Water efficiency measures to minimise water use
- o Sustainable drainage systems to reduce water run off rates
- o Provision of cyclist facilities to encourage sustainable transport
- o Energy efficient lighting design and controls
- o Improvement of Part L Building regulations (U-Values)
- o Use of renewable technology to provide 15% of the Energy Demand.

PLANNING BALANCE AND CONCLUSION:

With regard to the design and layout of the scheme, there are a number of benefits including increased permeability through the Pinesgate site as well as the use of a contemporary design approach that uses a mixture of glass and walling to break up its mass and to provide verticality. The development has also located its car park within the basement precluding the need for a large car park that would potentially be visible within the street scene.

Overall the approach to the design is not considered to be unacceptable and the reduction in height on the Lower Bristol Road frontage means the development now addresses the two/three storey residential scale buildings opposite more successfully than before.

However, there remain concerns regarding the height, massing and size of the building with the submitted VIA demonstrating that the building is very prominent within short/medium range views. The flat roof particularly appears as a large expanse. Furthermore the use of a large block footprint is considered to preclude flexibility and only provides a single through route for pedestrians. The proposal is considered to create a poor public realm and fails to provide active frontages with impermeable boundaries.

The proposed external walling materials of brick are considered to be unacceptable and in light of the size of the building, its prominence within the street scene and its location within the World Heritage Site that the use of natural Bath stone is necessary to make the development acceptable and an appropriately worded condition has been attached.

However, the concerns referred to above have to be carefully balanced against the location of the site within the BWR area where, as has been explained above, a high level

of development is planned for the future. Therefore, whilst there are no current permissions for the redevelopment of the surrounding sites, such as Homebase or Sainsbury's, and there is no guarantee that there will be in the future, it is nevertheless envisaged that the surrounding area will undergo significant redevelopment in the coming years.

Consequently although the building may be prominent, particularly in short/medium range views of the site, when it is first constructed, the impact will potentially be lessened once buildings of similar heights are constructed within the area to the north and west i.e. the Sainsbury's and Homebase site. Therefore whilst the existing context of the site around the corner of Midland Bridge Road and Lower Bristol Road is unlikely to change in the future, the rest of the surrounding area could potentially change significantly to reflect the comprehensive redevelopment of the BWR area. The site is also located at a corner and complies with the Building Heights Strategy.

Whilst more could potentially be done to reduce the bulk and massing of the building this would further reduce the floorspace and render the development unviable. The height of the building is largely in accordance with the SPD and the BBHS. Furthermore, with particular regard to the impact on the OUV of the WHS, a particular concern raised by English Heritage, the proposed building is not considered to have a significant visual impact from medium / longer distance views, and whilst it will have an impact on the WHS, it is relatively localised and will potentially be lessened if and when the rest of BWR is redeveloped. The proposal is therefore not considered to be contrary to Policy B4 of the Core Strategy.

The scheme proposes some areas of landscaping and tree planting to replace those lost as a result of the development. However, the level of provision is considered to be inadequate by the Arboricultural Officer and Landscape Officer, and in the view of the Ecologist, represents a lost opportunity to strengthen the green infrastructure in this city centre location, but conditions are proposed to address this.

With regard to highway safety, the proposed development has adequately shown that it would not prejudice the future redevelopment of BWR East or the future closure of the Pinesway gyratory.

The application proposes a basement car park and, whilst the level of parking provided is slightly below that recommended in the Bath Transport Strategy for the Enterprise Area, it is considered that any potential for overspill parking on residential street can be adequately controlled and monitored through conditions and a S106 legal agreement.

Initial concerns about pedestrian safety have now been overcome and information has been provided to show that cycle accessibility, including improvements to existing crossing points, will be improved as a result of the development. Therefore, in terms of the impact of the development on highway safety, all outstanding concerns have now been overcome and the scheme is considered acceptable.

Overall there are a number of outstanding concerns with regard to the development principally in relation to its design, layout and impact on the World Heritage Site. There are also some aspects of the development that are considered to be at odds with the adopted Policies and SPD, however these need to be carefully balanced against the

benefits of the scheme through the provision of a significant level of high quality office space thereby helping to fulfil an identified unmet need within Bath. Furthermore the location of the building within BWR and the Enterprise Area would represent a significant start to the regeneration of this area and represent an increase of capacity in the region of 589 jobs.

In light of the above, the arguments for and against the development are considered to be finely balanced but overall the very strong economic and regeneration benefits of this scheme outweigh the identified concerns and the recommendation is therefore to delegate to permit subject to an acceptable S106 legal agreement and conditions.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

A. Authorise the Group Manager, in consultation with the Planning and Environmental Law Manager, to enter into a Section 106 agreement to provide the following:

1. New signal-controlled Toucan pedestrian and cycle crossing of Pines Way between the northern site access and Ivo Peters Road.
2. New continuous shared footway/cycleway around Pinesgate development site and additional cycle links to crossing points around gyratory.
3. Improvements to signalled crossings around gyratory including Pelican to Toucan crossing conversion of Pines Way/Stothert Avenue junction.
4. Lane reallocations including possible alterations to signal detection loops, Pines Way gyratory west side between Lower Bristol Road and Ivo Peters Road.
5. Traffic management requirements for the above including TROs etc.
6. Before & after monitoring of car parking in residential areas.
7. Contribution of £4,500 for real-time passenger information at Ivo Peters Road bus stop.

B. On completion of the Section 106 Agreement Permit 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 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 Notwithstanding the details on the approved plans, the development shall be constructed of natural Bath stone in accordance with a sample panel that shall have been

erected on site and agreed in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be carried out strictly in accordance with the sample panel which shall be kept on site for reference until the development is completed.

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

4 Notwithstanding the submitted details 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 planting to benefit wildlife; details of the surface treatment of the open parts of the site; and a programme of implementation. The scheme shall also include details of ecological features including incorporation of nesting provision for swifts and sparrows on or into the buildings, to include specifications of numbers, locations, dimensions, materials and design.

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

5 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.

6 No removal of buildings or structures shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority and no building or structure shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection Scheme.

Reason: to protect nesting birds

7 No occupation shall commence until the area allocated for cycle parking on the approved plan has been provided for use by the occupants. The area shall thereafter be kept clear of obstruction and shall not be used other than for the parking of cycles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

8 No occupation shall commence until the access, parking and turning areas have been properly bound and compacted (not loose stone or gravel) in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter be kept clear of obstruction and shall not

be used other than for the access, turning and parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

9 No occupation shall commence until a Car Parking and Access Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Plan.

Reason: To ensure the safe operation of the highway.

10 Within three months of first occupation of the approved development, a final Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan.

Reason: In the interests of sustainable development.

11 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, the need for cranes for construction etc. All construction and demolition works shall thereafter take place in accordance with the approved details.

Reason: To ensure the safe operation of the highway.

12 No development shall commence until a detailed surface water drainage strategy Plan has been submitted to and approved in writing by the Local Planning Authority.

The strategy should:

1. Review the existing drainage records (the FRA mentions a 'drainage survey') to determine the surface water drainage strategy and methods for drainage (at the moment this is undecided) and it should do this in such a way as to satisfy planning authorities that the most sustainable surface water drainage solutions have been considered for the development
2. Include drawings showing the proposed drainage system. Drawings should show all locations, connections and discharge points and details for any proposed infiltration, attenuation or flow control devices
3. Where infiltration techniques are proposed, include infiltration test results (BRE Digest 365) to show feasibility
4. Include estimates for volume of runoff pre and post development and identify how the additional runoff will be dealt with
5. Provide supporting electronic windes calculations showing the simulated performance of the proposed system at the critical storm durations (1in30 and 1in 100yr +climate change events)
6. Identify discharge points
7. Detail the ownership and long-term maintenance of the drainage system.

Reason: In the interests of flood risk management

13 No development shall commence until details of the drainage connection to the Wessex Water drainage network have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being first occupied.

Reason: In the interests of flood risk management

14 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (Issue A03, dated 02 July 2014) by Waterman and the following mitigation measures detailed within:

- 1) Limiting the surface water run-off generated by the proposed developed up to and including the 1 in 100 year (plus climate change) critical storm to 26l/s so that it will provide a 25% betterment over the run-off from the existing site.
- 2) Finished floor levels within the development are set no lower than 19.96m above Ordnance Datum (AOD).

Reason: To ensure satisfactory storage of/disposal surface water from the site and reduce the risk and impact of flooding on the development and future occupants.

15 No occupation shall commence until an Emergency Flood Response and Evacuation Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be managed and occupied in accordance with the approved details.

Reason: In the interests of flood risk management and safety

16 No development shall commence until a scheme to provide flood mitigation to the basement car parking has been agreed in writing with the Local Planning Authority. The scheme shall subsequently be implemented as agreed prior to occupation of the development. The scheme should include either a warning system on internal and external entrances to the basement to warn people about the potential onset of flooding in the basement or alternatively a mechanical gate incorporated into the basement entrance. The mitigation measures will also need to be incorporated in an Emergency Flood response and evacuation Plan for the development as required by the condition above.

Reason: To reduce the risk and impact of flooding to the proposed development and future occupants.

17 Site Characterisation - 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:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o 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: In order to ensure 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.

18 Submission of Remediation Scheme - 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: In order to ensure 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.

19 Implementation of Approved Remediation Scheme - 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: In order to ensure 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 Reporting of Unexpected Contamination - 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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, 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 3.

Reason: In order to ensure 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.

21 Long Term Monitoring and Maintenance - 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: In order to ensure 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.

22 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.

23 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.

24 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.

25 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 drawing nos 1669/P/001 P1, /002 P1, /020 P1, /021 P1, /051 P1, /052 P1, /061/ P1, /062 P1, /063 P1, /064 P1, 071 P1, /072 P1, /100 P3, /101 P3, /102 P3, /103 P3, /105 P3, /107 P3, /301 P3, /302 P3, /321 P3, /322 P3, /323 P3, /324 P3, /421 P3, /422 P3.

2 Informative:

SuDs Approval Bodies have not been established and it is unclear when they will be set-up. As such Bath & North East Somerset Council will not adopt SuDS features, therefore the applicant should detail the long-term maintenance of the drainage system. The ownership and maintenance responsibility of the SuDS features should be explained as part of the drainage strategy. (Model legal agreements that provide a mechanism for SuDS maintenance can be accessed from Ciria (Publication 626))

Flood Warning and Evacuation

The site lies within a Flood Warning area. The Environment Agency does not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users.

3 DECISION MAKING STATEMENT

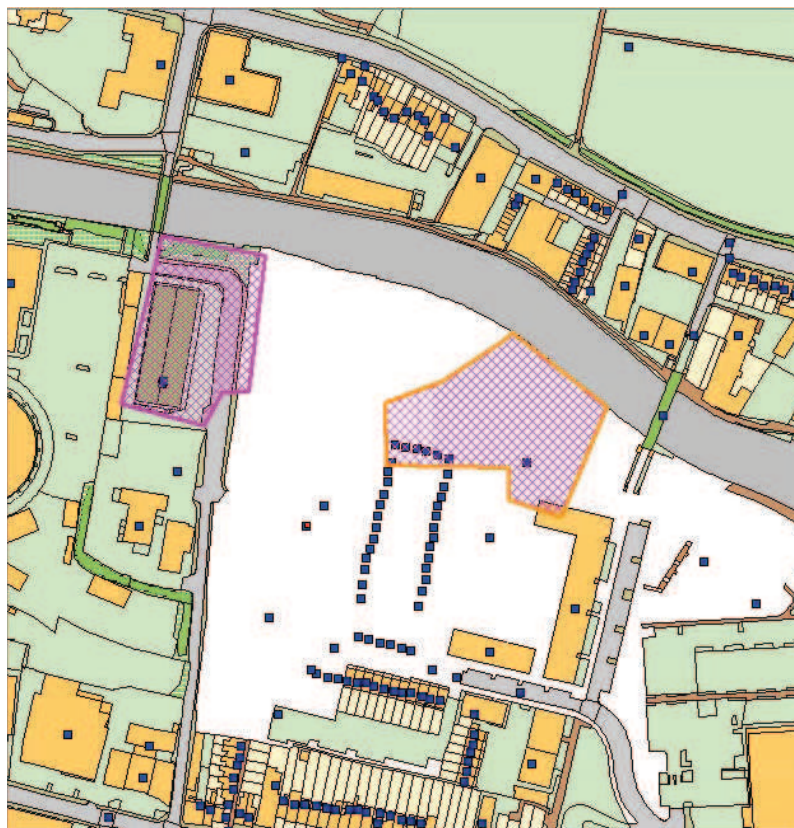
In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the revised proposals was taken and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

4 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.

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

Item No: 5
Application No: 14/02005/ERES
Site Location: Western Riverside Development Area Midland Road Twerton Bath



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

Ward Members: Councillor S Ball Councillor June Player

Application Type: Reserved Matters App with an EIA

Proposal: Approval of reserved matters with regard to outline application 06/01733/EOUT for the erection of 97 residential dwellings (blocks B5 and B16), 750m² of ground floor commercial uses, erection of bin and cycle stores, plant, and associated landscaping works.

Constraints: Agric Land Class 3b,4,5, British Waterways Major and EIA, British Waterways Minor and Householders, Flood Zone 2, Flood Zone 3, Forest of Avon, General Development Site, Hazards & Pipelines, Hotspring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Interest, World Heritage Site,

Applicant: Crest Nicholson Operations Ltd

Expiry Date: 1st September 2014

Case Officer: Chris Griggs-Trevarthen

REPORT

REASON FOR REPORTING TO COMMITTEE

Councillor June Player has requested that the application be determined by the Development Control Committee for the following reasons:

- The height of the buildings exceeds that in the BWR masterplan;
- The design has been softened, but being in the 'bowl' of Bath tall buildings will stand out greatly;
- Detrimental impact upon amenity of occupiers of nearby properties;
- Planting on roof could increase in height further;
- Issues of light pollution to nearby properties and along the river corridor.

In accordance with the Council's scheme of delegation the application has been referred to the chairman who has decided that the application should be determined by the Development Control Committee.

DESCRIPTION

This application relates to two parcels of land on the south side of the river within the Bath Western Riverside area. The first parcel lies just to the west of Victoria Bridge and the second parcel lies to the east of the Destructor Bridge. Both parcels fall within the World Heritage Site and flood zone 2 and both also lie adjacent to the Bath Conservation Area. There are a number of designated heritage assets that are in close proximity to the site including the Grade II* Victoria Bridge and Royal Victoria Park. The River Avon is also designated as a Site of Nature Conservation Importance.

The Bath Western Riverside (BWR) site was granted outline consent in 2010 (06/01733/EOUT) which included the provision of three 'landmark' buildings of 8 or 9 storeys on the river's edge. This application is for reserved matters (scale, appearance and landscaping) relating to the erection of two of these buildings (blocks B5 and B16). The proposals include 97 residential dwellings 750 square metres of ground floor commercial uses, erection of bin and cycle stores, plant, and associated external and rooftop landscaping.

Block B5 (8 storeys) is situated adjacent to Victoria Bridge and comprises 45 residential units with a mix of 1 and 2 bedroom apartments and a ground floor restaurant and cafe uses.

Block B16 (9 storeys) is adjacent to Destructor Bridge and comprises 52 residential dwellings with a mix of 1 and 2 bedroom apartments and a ground floor restaurant use.

RELEVANT HISTORY

13/04574/ERES - PERMIT - 4 February 2014 - Approval of reserved matters with regard to outline application 06/01733/EOUT for the erection of 38 residential dwellings (blocks B6 and B12), erection of associated bin and cycle stores, on-street car parking, associated landscaping works and extension of underground tunnel link.

The outline planning application was an environment impact assessment application and an environmental statement was submitted to the planning authority at that time (06/01733/EOUT).

13/03929/ERES - PERMIT - Approval of reserved matters with regard to outline application 06/01733/EOUT for the erection of 259 residential apartments within four buildings (blocks B11, B13, B15a and B15b) of four to seven storey height surrounding a central courtyard, which includes play space, gardens, landscaping and exterior lighting.

13/01649/ERES - PERMIT - 3 July 2013 - Approval of reserved matters with regard to outline application 06/01733/EOUT for the demolition of existing Destructor Bridge and construction of replacement bridge and steps.

12/05590/ERES - PERMIT - 18 April 2013 - Approval of reserved matters with regard to outline application 06/01733/EOUT for the erection of three and four storey buildings comprising 26 houses and apartments and 1 commercial unit (A3 cafe/restaurant), vehicular access to Victoria Bridge Road, parking and landscaping.

12/05387/ERES - PERMIT - 19 April 2013 - Approval of reserved matters with regard to outline application 06/01733/EOUT for the erection of a six storey building comprising 55no. apartments and 1no. commercial unit, erection of a cycle store, vehicular access from Midland Road, parking, landscaping and formation of temporary car park.

11/03189/FUL - PERMIT - 11 November 2011 - Erection of temporary sales office, associated feature entrance walls, car parking and landscaping

11/02586/RES - PERMIT - 16 April 2012 - Approval of reserved matters with regard to outline application 06/01733/EOUT for a new residential quarter including up to 2281 residential homes and apartments (Class C3); up to 675 student bedrooms and associated communal areas (Class C3) (or alternatively up to 345 student bedrooms (Class C3) and a primary school (Class D1)); local shops, restaurants, and other community services and facilities (within Classes A1, A2, A3, A4, A5, D1); construction of new bridges, roads, footways and cycleways; associated infrastructure and facilities; accommodation works; and landscaping

11/05440/RES - PERMIT - 4 May 2012 - Approval of reserved matters with regard to application 06/01733/EOUT for the change of use of former Wessex Water Building to an Energy Centre, erection of a chimney and extensions (first floor and single storey), external alterations, alterations to the means of enclosure and associated works.

07/02879/EFUL - PERMIT - 22 June 2010 - Planning application for enabling site works

06/04013/EFUL - PERMIT - 23 December 2010 - Phase 1A of Bath Western Riverside Western Quarter on land at former Stothert and Pitt works, comprising of 299 residential homes and apartments (Class C3) shops (Class A1) construction of roads, footways and cycleways, associated infrastructure and facilities, accommodation works and landscaping

06/01733/EOUT - APPROVED - 23 December 2010 - A new residential quarter including up to 2281 residential homes and apartments (Class C3); up to 675 student bedrooms and associated communal areas (Class C3) (or alternatively up to 345 student bedrooms (Class C3) and a primary school (Class D1)); local shops, restaurants, and other community services and facilities (within Classes A1, A2, A3, A4, A5, D1); construction of new bridges, roads, footways and cycleways; associated infrastructure and facilities; accommodation works; and landscaping.

The site has also been subject to numerous applications for the approval of matters reserved by condition full details of which can be found on the Council's website.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summaries of all consultation responses are provided below. The full text of all comments received is available on the Council's website.

HEALTH AND SAFETY EXECUTIVE

The HSE has not been informed by Bath and North East Somerset Council that the hazardous substances consent for the Windsor Gas Holder Station has been revoked. Advise against granting permission unless condition 12 of 06/01733/EOUT is reapplied.

WESSEX WATER

No comments

NATURAL ENGLAND

No objection - Concurs with the view of the Council's Ecologist that on the basis of lighting information submitted can conclude that there is no likely significant effect on bats from the SAC. Lighting mitigation must be secured by condition.

ENGLISH HERITAGE

Outline Consent has already been granted for a total of three tall 'towers' next to the river thereby accepting the principle of development of a scale and height that will be conspicuous within this part of the city and the World Heritage Site (WHS). However, we are concerned that the design will be discordant to the more formal architectural regularity of Bath and wish to investigate with the applicants whether there is any scope for further amendments to this proposal. The height of the final scheme also needs to be fully understood, together with a more detailed picture of the landscape in which these structures will sit.

ENVIRONMENT AGENCY

No objection

ARCHEALOGY

No objection

HIGHWAYS OFFICER

No comment

ECOLOGY

No objection - The proposal, using internal lighting design to reduce light spill from the buildings (internal designed achieving 40% below standard lux specification), combined with provision of a 1.2m solid panel fence along the river front to provide a screening effect as additional mitigation, now demonstrates the ability to achieve a dark corridor on the river that is considered to meet ecological requirements.

URBAN DESIGN

The Urban Designer has concerns about the overall height, volume and massing of these buildings in cityscape views for example in visualisations from viewpoints 13, 17, 26, 30 and 33. They also have concerns that the roofscape is not adequately articulated for a building of such height and that the buildings have a poor interface with the public realm, examples are given of walls and service uses on public frontages.

The Urban Designer states that the conceptual ideas behind the building design appear well grounded in the elemental qualities of the city such as use of high quality materials like natural Bath stone and designing well-articulated elevations. Incorporating ceramic elements, green walls and roofs are welcome to help break down the massing of the buildings from long distance views, providing architectural interest and outside space for apartments. However, they have concerns that this is not enough to reduce the negative impact of the bulk of the buildings.

AVON AND SOMERSET POLICE

The Crime Prevention Design Advisor has made a number of comments in relation to the schemes ability to meet Secure by Design. Concerns are raised about the use of sliding doors to form the main entrance doors to the atriums. Further comments are provided about the standard of doors required, secured glazing to be used on the exterior of the commercial properties, CCTV and lighting.

LANDSCAPE OFFICER

Building B5 - The terracing around the west side of the building works well and is an attractive feature. The SW end of the retaining walls has an awkward junction with the ramp and this would be better if they met at right angles. Likewise, the detailing of these walls is critical to avoid a grass cutting issue at the base. The choice of paving materials is a little confusing. It generally dictates what is 'public' and what is 'private', yet access to the ramp is denoted as 'private'.

Building B16 - The terracing to the east side of B16 is too narrow and separates itself from the adjacent open space. The steps need to be much more curving and wrap themselves around the building and out onto the main ramped feature in a broad sweeping curve. This would be relatively easy to achieve and would set this end of the space as more of an amphitheatre type space. At present the space would be dominated by the large retaining wall and it is queried whether it could be split as it is with B5.

CONSERVATION OFFICER

Both blocks will be clearly evident in views within the World Heritage Site and inevitably have impact, but their location and height is pre-determined by the outline permission. The form of the blocks does appear somewhat unrelieved with a lack of articulation which will emphasise their visual bulk. The public realm treatment at ground level will be essential.

BATH PRESERVATION TRUST

The Bath Preservation Trust objects to the application on the basis of concerns about the height of the building, but consider that the overall design quality contributes to the mitigation of harm. They wish to see that the highest standard of architectural detailing is maintained throughout the build. They commend the level of technical building detail presented, but hold reservations about the stone thickness around the curves of the building. The concept of green walls is welcomed, but more details are requested on species. They also comment on the lack of details for the parkland between the two buildings. The disguise/mitigation of the rooftop plant and atrium roof by the surrounding gardens is welcomed, but clarity is required on actual height and maintenance. The approach to advertising for the commercial units is welcomed.

THIRD PARTIES/NEIGHBOURS

3 letters of objection have been received including letters from the Federation of Bath Residents' Association. The main points raised were:

- The buildings are over the maximum height set out in the outline consent;
- The service towers and roof garden cover 80 % of the roof;
- Proposed buildings are inappropriately high;
- These buildings would be extremely prominent from all around Bath and inappropriate in the World Heritage Site;
- Concern about the impact of commercial units and bin stores in relation to odours and noise impacts upon nearby residents;
- Possibility of impact upon BWR residents if appropriate restrictions are not placed upon the commercial premises.

POLICIES/LEGISLATION

At the meeting of the full Council on the 10th July 2014, the Bath and North East Somerset Core Strategy was adopted. From the 10th July 2014 the Development Plan for Bath and North East Somerset comprises:

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

CORE STRATEGY

- CP2: Sustainable construction
- CP3: Renewable Energy
- CP4: District Heating
- CP5: Flood Risk Management
- CP6: Environmental Quality
- CP9: Affordable Housing
- B1: Bath Spatial Strategy
- B2: Central Area Strategic Policy
- B4: World Heritage Site

LOCAL PLAN

- IMP.1: Planning Obligations
- D.2: General Design and public realm considerations
- D.4: Townscape considerations
- ES.5: Foul and surface water drainage
- ES.10: Air Quality
- ES.13: Safety Hazards
- GDS.1: Site allocations and development requirements
- NE.10: Nationally important species and habitats
- NE.15: Character, amenity and wildlife value of water courses
- BH.2: Listed buildings and their settings
- BH.6: Development within or affecting Conservation Areas
- T.1: Overarching access policy
- T.24: General development control and access policy

SUPPLEMENTARY PLANNING DOCUMENTS

- Bath Western Riverside SPD (adopted 2008)
- City of Bath World Heritage Site Setting SPD (adopted 2013)

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

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 12: Conserving and enhancing the historic environment

OFFICER ASSESSMENT

The Bath Western Riverside (BWR) site received outline planning permission 06/01733/EOUT) in December 2010 for a mixed use development comprising up to 2,281 homes and apartments, student accommodation, a primary school, shops, restaurants and other community services and facilities. The land use plan (1268/P/112 rev E) identified the application sites of B5 and B16 as residential blocks with a commercial use at ground floor level.

The reserved matters application refers to those matters not dealt with at outline stage which are scale, appearance and landscaping, although it is noted that condition 6 of the outline planning permission requires that the reserved matters are substantially in accordance with the development parameters set out in that permission, including the maximum number of storeys and the maximum building heights.

It should also be noted that a significant amount of the landscaping of the BWR site is being dealt with under conditions attached to the outline permission, including the landscaping of the parkland which lies between B5 and B16.

The main issues to consider are:

1. Height
2. Design and appearance
3. Landscaping
4. Residential amenity
5. Parking
6. Ecology

HEIGHT

A number of concerns have been raised about the height of the two proposed buildings. The siting and layout of both buildings is as indicated within the outline indicated within the outline planning permission. The outline planning permission indicates B5 and B16 should be eight and nine storeys respectively and also sets out the indicative maximum building heights (46.20m for B5 and 48.70m for B16).

The submitted plans for the reserve matters application achieve the eight and nine storey buildings envisaged by the outline planning permission and the proposed building have maximum finished floor heights which meet the indicative parameters set out in condition 6 of the outline planning permission. However, the proposals also indicate that there are a number of elements of the buildings' plant, atriums and rooftop gardens which exceed these parameters. The maximum projection above these parameters is 1.8m which relates to the condenser units required for the commercial extracts, but other elements include the atriums which exceed by 1.1m and the terrace planters which exceed by 1m.

Although the increase of the building height parameters is relatively minor in the context of these large buildings, it is recognised that, due to the position of the BWR site along the valley floor and the general lack of tall buildings within Bath, the site is in a prominent location and the overall height is a sensitive issue.

The height of the building must be viewed in the context of several other factors including the massing of the proposed buildings, the impact of the roofscape and the floor-to-ceiling heights.

The development parameters set out in outline planning permission which set out the footprint and the maximum height of the building allow for a block which would have considerable mass which would appear bulky and would fail to respond positively to the surrounding context. The proposed buildings have adopted a softer design approach utilising a curved footprint and stepping back the storeys as the buildings rise. This results in a tapering of the building which has the effect of reducing its overall massing and sense of bulk.

The elements of the buildings which exceed the height parameters include much of the plant which are necessary to enable these buildings to function. The inclusion of a rooftop garden helps to mask the unattractive plant and add visual interest to what would otherwise be a very large flat roof.

The floor-to-ceiling heights of the proposed buildings are approximately 2.4m and are not considered to be excessive. The unusual shape and tapering of the buildings means that it would be extremely difficult to reduce the floor-to-ceiling heights any further. In any case, a further reduction to the floor-to-ceiling heights would compromise the design, appearance and living standards of these landmark buildings.

In light of the above, it is considered that the elements which slightly exceed the development parameters are beneficial to the overall appearance of the proposed buildings and do not substantially depart from the outline planning permission.

DESIGN AND APPEARANCE

The outline planning permission identifies B5 and B16 as 'Riverside Buildings' and condition 7 of that permission specifically excludes them from the requirement to be in accordance with the Design Codes set out in the Bath Western Riverside SPD. However, the SPD does also recognise that a change in the architectural style to the prevailing context in the BWR site may be appropriate for these landmark buildings. The architectural detailing presented for these buildings as part of the outline planning permission was similar to the treatment of the other terrace blocks within BWR. Officers at the time considered the design rationale for this approach to be insufficiently robust.

The current proposal departs from this previous approach and creates buildings with a visually distinctive appearance that abandons the neo-classical proportions and repetitive forms of the other terraces within BWR. The asymmetric plan form and rounded corners of the building therefore emphasise its difference with other parts of BWR adding to its distinctiveness and strengthening its status as 'landmarks'. However, there are also

elements within the design which help tie its appearance to the rest of BWR and acknowledge the wider character of Bath. These include the consistent use of Bath stone, the incorporation of windows with a vertical emphasis and the use of metal railings for balconies.

There are also a number elements, such as the use of ceramic elements, green walls and green roofs, which help to break down the massing of the buildings from long distance views, provide architectural interest and additional outside spaces for proposed apartments.

The commercial use to the ground floor satisfies the need for active frontages as identified in the SPD and maintains a link between the buildings and the public at street level. Some elements such as the bin and cycle stores do create blank frontages. However, these are unavoidable due to the design of the building having 4 elevations and no obvious rear of service yard in which to locate these facilities. Furthermore, the impacts of these have been mitigated through the provision of green walls along the outside of the building.

Overall it is considered that the proposed buildings achieve a high quality, contemporary design which clearly distinguishes them as 'landmark' buildings whilst not appearing out of place within the context of BWR or the wider setting of Bath. The proposals are therefore considered to preserve the character and appearance of the Conservation Area and World Heritage Site.

LANDSCAPING

The main landscaping proposals, specifically species, density, etc. will be considered under the landscape conditions attached to the outline approval, these include a masterplan and a detailed schedule of densities, materials, species, size for each phase and stage of the BWR development.

The drawings submitted with the application show a new riverside park situated between the two proposed buildings. It should be noted that details of the park in the application are indicative and fall outside of the red line boundary of the current application. The detailed design of the landscaping in this area will be dealt with through the submission of details in relation to conditions attached to the outline planning permission

The landscaping under consideration as part of this application is the urban squares at the foot of each of the buildings and their respective terraces. The landscaping also includes the rooftop gardens and 'living green walls' proposed as part of B5 and B16.

The proposed terrace arrangement for part of the land around B5 and B16 steps down into the area of the proposed Riverside Park. This provides an appropriate setting for the buildings, particularly the ground floor commercial uses, to engage with the Riverside Park and is considered acceptable.

The management and maintenance of all areas of landscaping will be controlled via a condition of the outline planning permission.

RESIDENTIAL AMENITY

As already discussed, the proposal falls broadly within the parameters of the outline planning permission and as such does not raise any significant new issues relating to residential amenity.

The proposed buildings are adequately separated from other blocks within BWR so that all residents can enjoy a reasonable level of privacy and outlook. Due to the height and size of the two proposed buildings, there will be some shadow over the surrounding areas. However, given the adequate separation distances, this will not significantly diminish the amenity of any of the other blocks in BWR or any local residents on the north side of the river.

Some comments have been raised in relation to odour and noise impacts arising from the proposed commercial units at ground floor level. The extraction plant for these units is located at the roof level of both proposed buildings which are above the level of surrounding properties. Given the height of the extraction and the separation between the proposed buildings and surrounding dwellings, it is considered that the proposed extraction will not give rise to any harmful odour or noise impacts.

PARKING

Parking provision for the proposed dwellings will be in the undercroft parking area below the blocks B3/B7/B8, the tunnel link below B6/B12 and the undercroft parking below B11/B13 and B15. This provision is in accordance with condition 51 of the outline planning permission which requires an average ratio of not less than 0.7 spaces per residential dwelling across the whole site. The Highways Officer has raised no objection and it is therefore considered that the proposal provides adequate parking provision.

ECOLOGY

The two proposed buildings lie adjacent to the River Avon which is an SNCI. Light sensitive species of greater and lesser horseshoe bats are known to utilise the river and are likely to be connected with the Bath & Bradford on Avon Bats SAC. The Local Authority must therefore undertake a Habitats Regulations Assessment to determine whether the proposals are likely to have a significant effect on the SAC. The applicants have submitted a lighting report which demonstrates the provision of a dark corridor along the river's edge through internal lighting design to reduce light spill from the buildings (internal designed achieving 40% below standard lux specification), combined with provision of a 1.2m solid panel fence along the river front to provide a screening effect as additional mitigation. The Council's ecologist and Natural England are satisfied that these measures will eliminate the risk of a likely significant effect. These mitigation measures will need to be secured by condition.

This proposal has been considered in combination with other know projects (permitted and plans) to provide confidence that even in combination with the likely effects of other projects, this proposal does not give rise to a risk of a "likely significant effect" on bats of the SAC.

OTHER MATTERS

The outline planning permission was subject to a S106 agreement which secures the delivery of affordable housing across the BWR site. Since the outline planning permission was granted in 2010 the Core Strategy has been adopted and has introduced policy CP9. This has changed the requirements for the provision of affordable housing in the district. However this application is for reserved matters and the affordable housing has already been secured through the outline planning permission.

CONCLUSION

Overall it is considered that the proposed buildings B5 and B16 are considered acceptable in terms of scale, appearance and landscaping and conforms with the aims and objectives set out within the BWR SPD and the approval granted at outline stage and is considered to preserve the character and appearance of this part of the BWR site, the Conservation Area and the setting of the World Heritage Site.

In reaching the above conclusion, this application for the approval of Reserved Matters has been considered in the light of the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, having regard to the Environmental Statement submitted with the Outline Application for BWR. Officers are satisfied that the current proposal sits within the development parameters considered at the Outline stage, and that there have been no material changes in the environmental context that might give rise to a need to the ES to be renewed or reassessed.

RECOMMENDATION

PERMIT

CONDITIONS

1 Unless otherwise agreed in writing with the Local Planning Authority, the lighting mitigation measures related to building B5 as set out within Scenario 4 of the Hoare Lea Illumination Impact Profile (reference 16-02229-110813-LG-CN IIP-01/P6, dated November 2014) shall be implemented prior to the occupation of any of the dwellings within building B5. Details of the proposed screen along the river edge shall be submitted to, and approved in written by, the Local Planning Authority prior to its construction. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of preventing excessive light spill onto the river and to protect the interests of ecology.

2 Unless otherwise agreed in writing with the Local Planning Authority, the lighting mitigation measures related to building B16 as set out within Scenario 4 of the Hoare Lea Illumination Impact Profile (reference 16-02229-110813-LG-CN IIP-01/P6, dated November 2014) shall be implemented prior to the occupation of any of the dwellings within building B16. Details of the proposed screen along the river edge shall be submitted

to, and approved in written by, the Local Planning Authority prior to its construction. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of preventing excessive light spill onto the river and to protect the interests of ecology.

3 A schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, shall be submitted to and approved in writing by the Local Planning Authority, prior to the use of any such external material on site. 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 this part of the World Heritage Site.

4 Prior to the construction of each of the elements set out below, detailed plans at a scale to be agreed in writing with the local planning authority (and/or written details where appropriate) shall be submitted to and approved by the Local Planning Authority, of each of those elements:-

fenestration,
balconies,
railings, including to external stairways
coursing and pointing of the stone
rainwater goods

Development shall then only take place in accordance with the approved details.

Reason: In the interests of the character and appearance of the area, within the World Heritage Site.

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:

The following drawings and documents form part of the application:

0193_B16_0010
0193_B16_0010 REV4
0193_B16_0100 REV3
0193_B16_0101 REV3
0193_B16_0102 REV3
0193_B16_0103 REV3
0193_B16_0104 REV3
0193_B16_0105 REV3
0193_B16_0106 REV3
0193_B16_0107 REV3
0193_B16_0108 REV3
0193_B16_0109 REV3

0193_B16_0201 REV2
0193_B16_0202 REV2
0193_B16_0301 REV2
0193_B16_0302 REV2
0193_B16_0303 REV2
0193_B16_0304 REV2
0193_B5_0010 REV 3
0193_B5_0100 REV3
0193_B5_0101
0193_B5_0102 REV.3
0193_B5_0103 REV3
0193_B5_0104 REV3
0193_B5_0105 REV3
0193_B5_0106 REV 3
0193_B5_0108 REV3
0193_B5_0201 REV2
0193_B5_0202 REV2
0193_B5_0301 REV2
0193_B5_0302 REV2
0193_B5_0303 REV02
0193_B5_0304 REV2
0193_B5_1107 REV 3
0193_B5_B16_0001

Hoare Lea Lighting - Illumination Impact Profile - Nov 2014

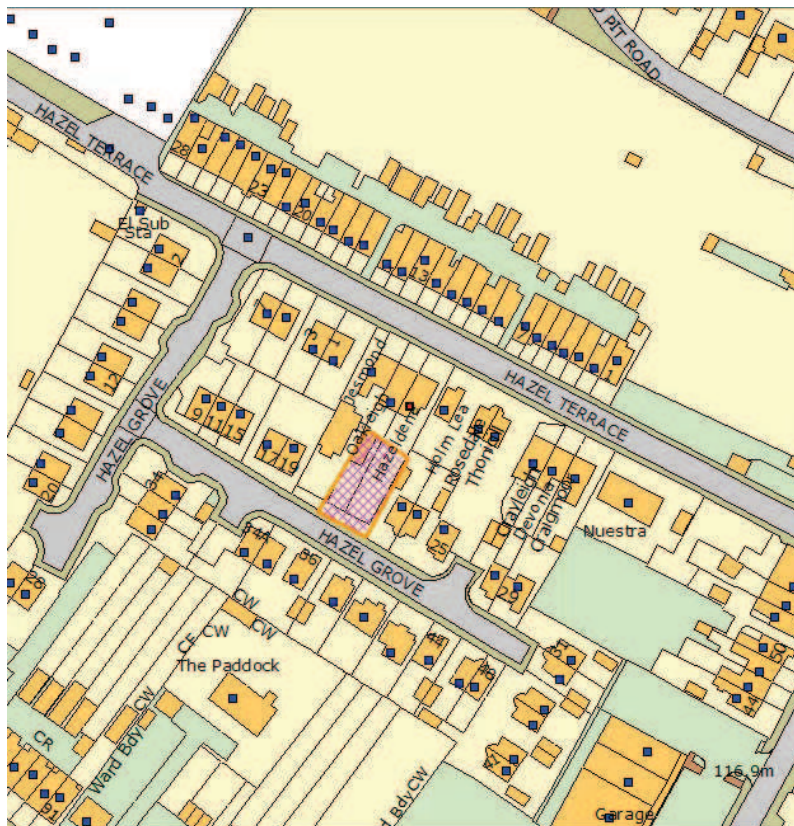
Design and access statement - May 2014

Updated photomontages for B5 and B16 - EDP167_08a - April 2014

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.

Item No: 6
Application No: 14/03849/OUT
Site Location: Hazeldene Hazel Terrace Westfield Midsomer Norton Radstock



Ward: Westfield	Parish: Westfield	LB Grade: N/A
Ward Members:	Councillor R Appleyard	Councillor Robin Moss
Application Type:	Outline Application	
Proposal:	Erection of 2no. semi-detached houses.	
Constraints:	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,	
Applicant:	Flower & Hayes Ltd	
Expiry Date:	12th December 2014	
Case Officer:	Alice Barnes	

REPORT

Reason for reporting application to committee.

The parish council have object to the application contrary to the case officers recommendation to permit.

The application has been referred to Councillor Curran who has agreed that the application should be considered by the Development Control Committee.

Site and Application

Hazel Grove is located within Westfield. The application site forms part of the rear gardens of the properties of Hazeldene and Oakleigh which are accessed from Hazel Grove.

The application relates to an outline permission with all matters reserved for the erection of a pair of semi-detached properties.

Hazeldene forms part of a terrace of three properties accessed from Hazel Terrace. The rear garden boundaries face Hazel Grove. The proposed dwelling would be built within the rear gardens of Oakleigh and Hazeldene and would be accessed from Hazel Grove.

Hazel Grove is characterised by a mix of detached and semi-detached properties. The proposed development would infill the gap between two sets of semi-detached properties.

Relevant History

DC - 14/04120/FUL - PCO - Erection of 1 no four bed dwelling.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Westfield Parish Council: Object. Neighbouring properties are four foot below the application site and the proposed dwelling would be overbearing.

Highways: No objection. The applicant will need to provide adequate visibility splays for entering and leaving the site. Two parking spaces will need to be provided on site. Parking spaces should not encroach upon pedestrian access between the front door of the dwelling and the footway on Hazel Grove. The applicant will need to provide dropped kerb access between the parking spaces and the carriageway and will need to seek approval from the highway maintenance team prior to commencement of the works. The access and parking areas will need to be surfaced in a bound material to prevent loose material being tracked onto the highway.

Contaminated land: No objection subject to conditions

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

The proposed dwelling will harm the amenity of nearby residential occupiers from increased overlooking.

The new dwelling will result in a loss of light and would appear overbearing to the rear gardens of neighbouring properties.

The provision of the new homes would make nearby dwellings vulnerable to intrusion.

The patch of land that will be removed by the development is currently used by local children as a recreational area.

This could provide an unwanted precedent.

The increased number of homes would result in increased surface water run-off and flooding.

Access to the cul-de-sac is difficult due to the number of cars in the cul-de-sac.

There will be a loss of light to neighbouring dwellings

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

HG.4: Residential development in the urban areas and R.1 settlements

T.24: General development control and access policy

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 an outline permission with all matters reserved for the erection of a pair of semi-detached properties. The application site forms part of the rear gardens of the properties of Hazeldene and Oakleigh which are accessed from Hazel Grove.

Principle

The application site is located within the housing development boundary. Policy HG.4 of the local plan allows for residential development within the defined housing development boundary. Therefore the principle of residential development is accepted subject to compliance with all other policies within the local plan.

This is an outline application with all matters reserved therefore the access, layout, scale, appearance and landscaping would be agreed at the reserved matters stage.

Design and layout

The applicant is proposing to build a pair of semi-detached properties at this site. The existing streetscene is characterised by two storey detached and semi-detached properties. They have a similar elevational treatment and are similar in scale and height. Whilst this is an outline application with all matters reserved the neighbouring dwellings to

the site are semi-detached properties and the site would be able to accommodate further dwellings of a similar size and footprint to those adjacent properties. The site could accommodate two further dwellings whilst still allowing for the set back from the road edge and maintaining a gap between the neighbouring property.

Therefore whilst all details would be considered at reserved matters stage the site is considered able in principle to accommodate two further semi-detached properties of a similar appearance, size and scale to the surrounding dwellings.

Amenity

The proposed dwellings would be sited between the existing dwellings on Hazel Grove. It is likely that the side elevations of the building would face the side elevations of the neighbouring dwellings therefore there would be unlikely to be an impact on the amenity of the neighbouring dwellings on Hazel Grove.

The rear elevations of the properties would face the rear elevations of the properties of Jesmond, Oakleigh and Hazeldene located along Hazel Terrace. Currently there is a back to back relationship between the properties along Hazel Grove and Hazel Terrace. This proposal would have a similar relationship. The rear of the site would be a minimum of 10m from the rear elevations of the properties on Hazel Terrace. Issues such as siting and the positioning of windows would be considered at reserved matters stage and can be controlled so as to avoid increased overlooking of the neighbouring properties and ensure that the proposed dwellings are a sufficient distance away so as to not appear overbearing to these neighbouring properties.

Highways

The highways officer has raised no objection to the application provided that conditions are attached requiring the provision of on site parking and a visibility splay. This is an application for outline permission with all matters reserved and the provision of access and parking would be considered at reserved matters stage. Therefore such conditions are not appropriate until the application for access is made.

Other matters

The contaminated land officer has requested that conditions should be attached to any permission requiring the reporting of any unexpected contamination found on site.

Conclusion

The proposed development would be located within the housing development boundary where the principle of development is accepted. The existing site can accommodate two further dwellings.

RECOMMENDATION

PERMIT

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 Applications 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 Approval of the details of the appearance, landscaping, scale, access and layout of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is 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 Articles 1 and 3 of the General Development Procedure Order 1995 (as amended).

4 A Desk Study and Site Reconnaissance (walkover) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment of the site. The desk study shall include an assessment of the risks in relation to potential contaminants. The Desk Study shall be submitted to and approved in writing by the Local Planning Authority. Should the Desk Study identify the likely presence of contamination on the site, whether or not it originates on the site, then full characterisation (site investigation) shall be undertaken in accordance with a methodology which shall previously have been agreed in writing by the Local Planning Authority. Where remediation is necessary, it shall be undertaken in accordance with a remediation scheme which is subject to the approval in writing of the Local Planning Authority.

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

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

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:

Site location plan PL_01
Proposed site plan PL_03

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 submitted proposals was taken and consent was granted.

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Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	
RESPONSIBLE OFFICER:	Mark Reynolds, Group Manager, Development Management (Telephone: 01225 477079)
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

APPEALS LODGED

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

App. Ref: 14/02747/FUL
Location: Ivybank House Ivy Bank Park Lyncombe
Proposal: Erection of single storey and two storey extension to care home (Resubmission)
Decision: REFUSE
Decision Date: 25 September 2014
Decision Level: Delegated
Appeal Lodged: 4 November 2014

App. Ref: 14/02090/FUL
Location: 43 North Road Midsomer Norton BA3 2QB
Proposal: Erection of three new dwellings to the rear of 41 and 43 North Road.
Decision: REFUSE
Decision Date: 8 September 2014
Decision Level: Chair Referral
Appeal Lodged: 12 November 2014

App. Ref: 14/03664/TPO
Location: Ravenscroft North Road Bathwick Bath
Proposal: Tree works to trees identified as T4, T6, T10, T19, T20, T21, T24 and T26 as detailed in the accompanying report
Decision: Split decision - check file/certificate
Decision Date: 1 October 2014
Decision Level: Non-Planning applications
Appeal Lodged: 13 November 2014

App. Ref: 14/03965/FUL
Location: 100 Wellsway Keynsham Bristol BS31 1JB
Proposal: Erection of 1no three bed dwelling including creation of 1no new access point, replacing the existing.
Decision: REFUSE
Decision Date: 23 October 2014
Decision Level: Delegated
Appeal Lodged: 18 November 2014

App. Ref: 14/00847/FUL
Location: New Leaf Farm Mill Lane Bathampton Bath
Proposal: Erection of a permanent agricultural workers dwelling (Resubmission)
Decision: REFUSE
Decision Date: 14 May 2014
Decision Level: Delegated
Appeal Lodged: 19 November 2014

App. Ref: 13/04235/FUL
Location: Hope House The Royal High School Lansdown Road
Proposal: 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.
Decision: REFUSE
Decision Date: 5 September 2014
Decision Level: Planning Committee
Appeal Lodged: 20 November 2014

APPEALS DECIDED

App. Ref: 13/04848/FUL
Location: Lawrence House Lower Bristol Road Twerton Bath BA2 9ET
Proposal: Erection of extension comprising the addition of two new floors to provide 14 new apartments, external alterations and demolition of fire escape stairway
Decision: REFUSE
Decision Date: 14 March 2014
Decision Level: Delegated
Appeal Lodged: 15 July 2014

Appeal Decision: Allowed on 18th November 2014

Click [here](#) for Inspectors Decision

App. Ref: 14/00389/FUL
Location: 1 Sunnyside Clutton Hill Clutton Bristol
Proposal: Erection of porch/ boot room following demolition of existing porch. (Resubmission).
Decision: REFUSE
Decision Date: 27 March 2014
Decision Level: Delegated
Appeal Lodged: 19 June 2014

Appeal Decision: Dismissed on 19th November 2014

Click [here](#) for Inspectors Decision

App. Ref: 14/01652/FUL
Location: Horseshoe House 51 Sydney Buildings Bathwick Bath
Proposal: Erection of two storey replacement side extension (garage with bedroom over) following demolition of single storey side extension (garage) - (Resubmission).
Decision: REFUSE
Decision Date: 17 July 2014
Decision Level: Delegated
Appeal Lodged: 10 September 2014

Appeal Decision: Dismissed on 7th November 2014

Click [here](#) for Inspectors Decision

App. Ref: 14/01653/LBA
Location: Horseshoe House 51 Sydney Buildings Bathwick Bath
Proposal: Internal and external alterations to include the demolition of single storey side extension (garage) and construction of two storey replacement side extension (garage with bedroom over).
Decision: REFUSE
Decision Date: 17 July 2014
Decision Level: Delegated
Appeal Lodged: 10 September 2014

Appeal Decision: Dismissed on 7th November 2014

Click [here](#) for Inspectors Decision
