

Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **23rd September 2015**

AGENDA
ITEM
NUMBER

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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.

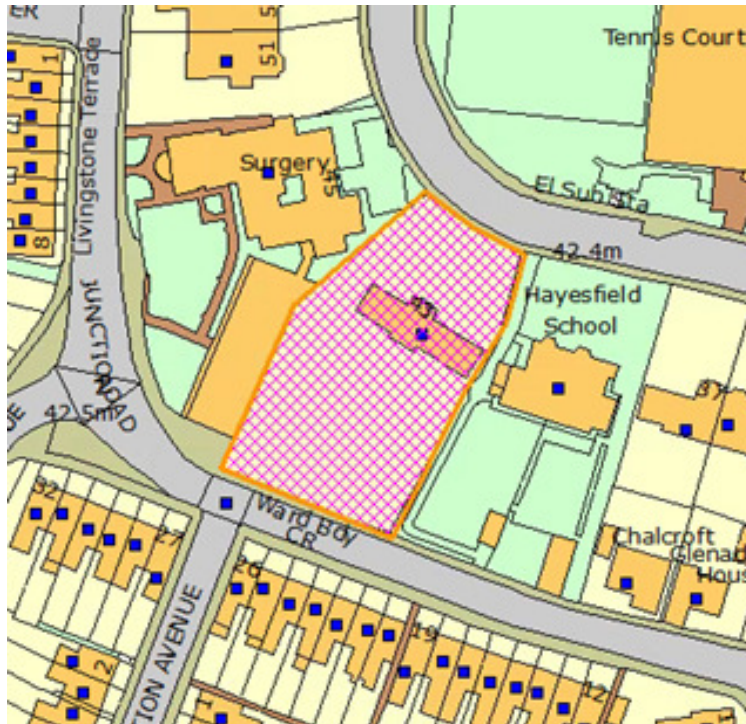
INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	15/02931/FUL 28 September 2015	Landmark Developments Limited 43 Upper Oldfield Park, Oldfield Park, Bath, , Erection of 14no residential apartments with parking and shared grounds (Revised Proposal)(Retrospective)	Widcombe	Rachel Tadman	Delegate to PERMIT
02	15/02465/RES 7 September 2015	Curo Enterprise Ltd Former Ministry Of Defence Foxhill Premises, Bradford Road, Combe Down, Bath, Approval of reserved matters with regard to outline application 14/04354/EOUT for the development of 276 dwellings, public open space and all associated infrastructure.	Combe Down	Simon Metcalf	APPROVE
03	15/02904/FUL 31 August 2015	Mr Nicholas Johnson Echo Gate, 27 Rodney Road, Saltford, BS31 3HR, Erection of 3no. detached dwellings and garages.	Saltford	Chris Griggs- Trevarthen	PERMIT
04	15/03171/FUL 8 September 2015	Mr Willats' Charity 5 St James's Square, Lansdown, Bath, Bath And North East Somerset, BA1 2TR Change of use from use class C3 (last used as a House in Multiple Occupation) to House in Multiple Occupation (large HMO) (use class Sui Generis) and reconstruction of front lightwell staircase.	Kingsmead	Victoria Griffin	PERMIT
05	15/00453/FUL 6 April 2015	Mr Brian Harwood 10 Entry Hill, Combe Down, Bath, Bath And North East Somerset, BA2 5LZ Erection of 1no two bed dwelling.	Lyncombe	Chris Griggs- Trevarthen	PERMIT

06	15/03124/FUL 28 September 2015	John Riti Developments Land At Rear Of 25-32, Sladebrook Avenue, Southdown, Bath, Erection of new single storey dwelling with associated parking and access at land rear of 25-32 Sladebrook Avenue, Bath (resubmission)	Southdown	Laura Batham	REFUSE
07	15/02801/FUL 23 September 2015	Mr And Mrs John Boyce Rosebank, Common Lane, Compton Dando, Bristol, Bath And North East Somerset Erection of two storey side extension following the removal of existing conservatory	Farmborough	Nikki Honan	REFUSE
08	15/00987/FUL 28 August 2015	Ms M Evans Woodborough Mill Farm, Woodborough Mill Lane, Woollard, Bristol, BS39 4JT Conversion and extension of existing barns to staff accommodation unit ancillary to equestrian use, american barn stabling and all weather riding arena.	Farmborough	Rachel Tadman	PERMIT

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

Item No: 01
Application No: 15/02931/FUL
Site Location: 43 Upper Oldfield Park Oldfield Park Bath



Ward: Widcombe **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor I A Gilchrist Councillor Jasper Martin Becker
Application Type: Full Application
Proposal: Erection of 14no residential apartments with parking and shared grounds (Revised Proposal)(Retrospective)
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: Landmark Developments Limited
Expiry Date: 28th September 2015
Case Officer: Rachel Tadman

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application has been referred to Development Control Committee at the request of the Development Group Manager.

At the Development Management Committee on 26 August 2015 Members failed to reach a decision and the application was deferred to the next meeting for clarification and a legal ruling on the next step in the process.

Members will recall that at the last meeting this application was deferred for legal advice, motions to refuse and approve having been lost. The legal advice is that Rule 14 of the Non-Executive Committee Procedure Rules contained in the Council's Constitution states that a non-executive committee will not consider any matter which it has already considered within the previous six months unless 'the matter is coming to the Committee as part of a report from an Officer'. As this is clearly the case here, Members are advised that there is no procedural bar to this application being considered again, especially as further representations have been received. Members are also reminded that the NPPF states:

'14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

..... For decision-taking this means:

- approving development proposals that accord with the development plan without delay....' [Unless material considerations indicate otherwise]

In light of this and the fact that an applicant may appeal against non-determination, Members are advised that the application should now be determined.'

DESCRIPTION OF SITE AND APPLICATION:

The application site comprises some 0.2 hectares on the south side of Upper Oldfield Park, adjoining a GP surgery/medical centre to the west and Hayesfield School buildings to the north and east. The site has a historic residential use, being previously occupied by a two storey dwelling of inter-war age known as Oakford House, prior to the granting of planning permission for the redevelopment of the site in 2009.

Other than the directly adjoining medical and educational uses the site context is predominantly residential in nature. Upper Oldfield Park is characterised by large four/five storey detached or semi-detached Victorian/early 20th Century villas set in large plots, but with some infill development, which includes the application site and the GP surgery next to it. To the south and west of the site the area is characterised by smaller, two storey Victorian/Edwardian terraced dwellings.

The site is within the Bath Conservation Area and World Heritage Site. The boundary of the Conservation Area runs along Junction Road to the west of the site, directly adjacent to the GP surgery.

In summary the application proposes the erection of 14 residential apartments over 5 storeys with three units per floor on ground to third floor, and two units on the fourth floor with basement car parking and shared grounds.

As discussed in further detail later in this report the site has a long planning history and is currently the subject of enforcement action. Notwithstanding this it was initially assumed

that the building was being constructed in accordance with planning permission 07/02461/FUL, however it came to light that the building was not following the approved plans and has since been largely completed in line with the drawings submitted as part of the refused application 14/04547/FUL.

The proposal now seeks changes to the roof and fourth floor in order to overcome the reasons for refusal of that application.

The changes include:

At roof level - the lowering in height of a number of chimneys, flues and aerials along with the removal of the solar panels on the South East pitched roof slope.

At fourth floor level - the projections to the side have each been reduced in width by 0.5m resulting in an overall reduction in width at that level of 1m across the building. The windows at the front and rear of the projection have also been amended to show 'wrap around' windows.

Overall the building now measures 18.6m high from the top of the basement slab level to ridge height, 19.1m to the highest point of the roof, (19.5 m to the top of the roof lights), the top of the building sits at a height of 60.06 AOD.

In plan form the building would be 28.6 metres wide at lower ground, upper ground and first floor level, 18.9m wide at second and third floor and 17.2m at fourth floor level. The building would be 18.7 metres deep extending to 19.7 metres to include the bay windows on the front elevation.

The building includes a number of balconies and terraces, side terraces at first floor level, front balconies at third floor, front and rear balconies at fourth floor level.

The principal vehicle and pedestrian access to the site is proposed from Upper Oldfield Park. The existing access is to be widened, and this will provide access to an undercroft parking area which will accommodate 15 parking spaces on the basis of one space per dwelling as well as level access to the lift.

The building is to be construction of natural Bath Stone external walling under a slate roof.

The site is proposed to be subject to a comprehensive landscape treatment, including replacement tree planting and ancillary structures.

BACKGROUND HISTORY:

REFUSED APPLICATIONS

1) The site has a long planning history with the first planning application ref: 06/02073/FUL being refused for the development of 14 flats on 2nd November 2006 (as resolved at Development Control Committee 'A' on 1st November). That scheme was of a modern, flat roof, type design. This application was refused for the following reason:

The proposal by reason of its scale, bulk, width and depth would represent an excessively prominent obtrusive and excessive form of development which would have an adverse effect on the setting and character of the site, would result in its overdevelopment and would fail to appropriately preserve or enhance the character or appearance of the Bath Conservation Area and World Heritage Site contrary to the provisions of policies VIS2, SS9, EN3, EN4 and HO6 of RPG10, policies 1, 6, 19 and 35 of the Joint Replacement Structure Plan, policies C1, C2, C4 and H13 of the adopted Bath Local Plan and policies BH.1, BH.6 and D4 of the revised deposit draft Bath and North East Somerset Local Plan, and the Bath City Wide Character Appraisal Supplementary Planning Document.

For clarity this building was approx. 31m wide reducing to 25m at second floor and above, 20m deep and 17.3m tall.

2) Planning application Ref: 07/00653/FUL was refused on the site for the erection of 13 no residential apartments with parking and shared grounds on 15 June 2007 (as resolved at Development Control Committee on 13 June 2007). This application was refused for the following reason:

The proposed development, by reason of its inappropriate design, incorporating a predominance of flat roofs, would be incongruous in this prominent location and out of character within its context. This would be harmful to the character and appearance of this part of the Conservation Area and World Heritage Site. This would be contrary to Policies C1, C2, C3, C4 and H13 of the Bath Local Plan and BH.1, BH.6, D.2 and D.4 of the Bath and North East Somerset (including waste and minerals policies) Local Plan as proposed to be modified.

For clarity this building was approx. 28.5m wide reducing to 18.2m, 18.8m deep and 16.3m tall.

3) Planning application ref: 10/00294/FUL was refused for the erection of 13 no residential apartments with parking and shared grounds on 11 June 2010, at delegated Officer level, for the following reason:

The proposed development, by reason of its inappropriate design, incorporating a predominance of flat roofs, would be incongruous in this prominent location and out of character within its context. This would be harmful to the character and appearance of this part of the Conservation Area. This would be contrary to Policies BH.6, D.2 and D.4 of the adopted Bath and North East Somerset Local Plan (including minerals and waste policies) and advice contained within PPS 5.

For clarity this building was approx. 28.5m wide reducing to 18.5m, 18.8m deep and 16.3m tall

4) As stated above planning application ref: 14/04547/FUL was refused for the erection of 14no. residential apartments with parking and shared grounds (Revised Proposal) (Retrospective) on 8 April 2015, at Development Control Committee, with the decision being issued on 20 April 2015 for the following reason:

The development, by reason of its excessive height, bulk and inappropriate design, incorporating enlargements of the side wings at fourth floor level a predominance of flat

roofed elements, and a cluttered roof, is incongruous in this prominent location and out of character within its prevailing context. The development is harmful to the character and appearance of the street scene, part of the Bath Conservation Area and to the setting of the wider World Heritage Site. The development is contrary to Policies BH.6, D.2 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies), 2007, which are saved Policies, contrary to Policies B4 and CP6 of the Bath & North East Somerset Core Strategy, 2014 and contrary to the National Planning Policy Framework, 2012.

For clarity the building measured approx. 19.1 m high. 28.6 m wide at lower ground, upper ground and first floor level, 18.9m wide at second and third floor and 18.2m at fourth floor level. The building would be 18.7 metres deep extending to 19.7 metres to include the bay windows on the front elevation.

An appeal has now been lodged with the Planning Inspectorate which is due to be considered at Public Inquiry in February 2016.

APPROVED APPLICATIONS

1) Planning permission was granted on 26 January 2009 for the erection of 14no. residential apartments (Ref: 07/02461/FUL).

For clarity the approved building measured 17.4 metres high at ridge height from the top of the basement slab level, the total height of the building was 58.93 AOD.

In plan form the building would be 28.4m wide at lower ground, upper ground and first floor level, 18m wide at second and third floor and 15m at fourth floor level.

The building would be 17.8 metres deep extending to 18.7 metres to include the bay windows on the front elevation.

COMMENCEMENT OF DEVELOPMENT

Application 07/02461/FUL was granted permission on the 26th January 2009 and therefore was due to expire on the 26th January 2012. The permission carried 23 conditions of which 12 required the formal consent of the Council before work could commence on site. Application 11/05409/COND discharging all 12 requisite conditions was approved on the 24th January 2012, two days before the permission expired. The Council is therefore satisfied that the requirements of the pre-commencement conditions had been met prior to the permission expiring.

As a result of a complaint received by the Enforcement Team, Officers inspected the site on 25th January 2012 (the day before the permission was due to expire) and it was found that works commenced on site were in accordance with the approved details. Based on the observations made on site Officers were satisfied that a material commencement of development had taken place before the 26th January 2012 in accordance with Section 56 of the Town and County Planning Act 1990.

Notwithstanding the commencement of development, it then became apparent once the development reached roof level that the building as currently erected on site had deviated from the original plans and is therefore unauthorised.

Despite the commencement of development of planning permission 07/02412/FUL, Officers are of the view that this does not mean that the site benefits from an extant planning permission.

There is case law which suggests that the correct approach to considering whether a planning permission has been implemented involves looking at what has been built as a whole and reaching a judgment as a matter of fact and degree upon that whole as to whether or not the planning permission has been implemented.

In this case, where there are differences between the planning permission and what has been built, officers' view is that the planning permission (07/02412/FUL) was not in fact implemented, meaning that it has now expired. This means that it is not capable of implementation and does not provide a fall-back position.

Notwithstanding, this, the planning history of the site is a material consideration and it is highly relevant that permission was granted previously and that the policy position against which that permission was granted has not changed in any material respect. As such, it is still correct to make a comparison between what was permitted, what has been constructed on site and the revised proposals now being considered.

ENFORCEMENT ACTION

As stated above, it became apparent to the Council in mid-2014, when the development reached roof level, that the building had not been built in accordance with the approved plans of 07/02412/FUL insofar as the building appeared taller and wider than approved, lacked the recessed balcony elements on the side elevations at roof level, and featured a more disjointed roofscape with additional fenestration.

An enforcement investigation was carried out culminating in the issuing of a Temporary Stop Notice (TSN) on 12th September 2014. The Notice ceased all works on site for a period of 28 days and allowed Officers the opportunity to fully assess the deviations from the approved plans in order to negotiate with the developer and consider the appropriate course of action.

Once the facts had been established and negotiations had taken place to secure amendments to the roof the decision was taken that it would not be expedient to follow up the TSN with a full Stop Notice and Enforcement Notice. It was considered, subject to various design amendments to the roof, that the applicant could exercise their rights under Section 73A in order to seek retrospective permission, allowing the Council the opportunity to conduct a full public consultation and seek the views of statutory consultees. The submitted retrospective application ref 14/04547/FUL was subsequently refused planning permission on 20 April 2015.

The issuing of the TSN is a material consideration although is not binding to any future decision of the Council.

Following the refusal of 14/04547/FUL a decision was taken by Members at Development Control Committee on 29 April 2015 to serve an Enforcement Notice requiring the demolition of the building and removal of all resulting materials from the land. The Enforcement Notice was subsequently served on all interested parties on 8 June 2015.

An appeal has now been lodged with the Planning Inspectorate and is due to be considered at the same Public Inquiry that has already been scheduled for March 2016 to consider the refused planning permission 14/04547/FUL.

OTHER RELEVANT PLANNING HISTORY:

DC - 06/02075/CA - CONSENT - 19 July 2006 - Demolition of 43 Upper Oldfield Park.

DC - 11/05409/COND - DISCHARGED - 24 January 2012 - Discharge of conditions 2,4,5,11,12,14,15,17,20,21,22,23 of application 07/02461/FUL (Erection of 14no. residential apartments with parking and shared grounds (Revised Application))

DC - 12/00387/CA - CONSENT - 5 April 2012 - Demolition of existing dwelling on site.

DC - 14/04229/NMA - APPROVE - 1 October 2014 - Non-Material Amendment to application 07/02461/FUL. (Erection of 14no. residential apartments with parking and shared grounds (Revised Application))

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways Development Officer: No objections subject to S106 obligations in respect of car-club membership and parking space provision, and conditions.

Conservation Officer: No objections with the following comments:

Policy context - The significance of this site is recognised by its location in the Bath Conservation Area. There is a duty placed on the Council under Section 72 of the Planning (listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the conservation area and full consideration has been given to these duties whilst assessing the current application.

I have also considered the application in line with the provisions contained in the NPPF (paras 132 and 134) and in terms of Policy BH.6 of the Bath & North East Somerset Local Plan and CP6 of the Council's Core Strategy.

Assessment of the development - Since the last application was refused by the Council I have taken the opportunity to view the development as built from other vantage points in the City, including from Lansdown to the north. This has confirmed my opinion that its visibility primarily results from the colour of the new stonework and not from its architecture. In time the stone will weather down and the building will harmonise and blend with adjoining built fabric in this part of the conservation area, preserving character.

Although some concerns over the appearance of the roof top remain, the enhanced (revised) treatment of the 'paraphernalia' in this current submission will be an improvement on any longer distance views from higher vantage points in the Conservation Area.

Overall much of the fabric of the Conservation Area would remain unaltered by the development, so any harm caused to its character by the revised roof top treatment is in my view outweighed by the development in its totality which is considered to be acceptable.

English Heritage: No objections with the following comments:

The reduction in the overall height and number of different roof top features has helped to reduce the overall amount of paraphernalia at this level, providing a cleaner finish to the development.

The upper storey on each of the projecting wings has been reduced in width with more glazing introduced to provide a more translucent appearance.

The combination of these changes does help to reduce the harm caused to the Conservation Area by the unauthorised works. Although these changes are a compromise and are not replicating the original approved scheme, we no longer consider that this proposal is sufficiently harmful to justify an objection.

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Waste Services: Not acceptable in its current form.

The proposed waste and recycling store cannot be serviced for collections from its current location within the plans. It is positioned within the further corner of the lower ground floor, the adjacent access point appears to be steps to the outside ground level.

The position of the bin storage area should be a maximum distance of 8m from the highway, ideally outside. Any slope the bins will need to be taken up must not exceed 1:12.

Affordable Housing: No objection subject to contributions.

Policy CP9 of the adopted core strategy requires 30% provision on large development schemes in this postcode area, however no affordable housing has been proposed and therefore the application is not policy compliant.

However if an affordable housing contribution is sought in line with the Planning Obligations SPD, no objections.

Bath Preservation Trust: Object making the following comments:

1. The proposed revisions are not sufficient to address the original reasons for refusal and remains harmful to the character and appearance of this part of the Conservation Area and World Heritage Site.

2. The raised central roof area has a dominating and damaging impact on the streetscape, the topography of the hillside, longer views and this part of the Bath.

3. The revised proposals do not illustrate in clear format the 'approved', 'as built' and 'new scheme' and it is therefore difficult to assess the changes and their impact.
4. The fourth floor side wings (reduction of 600mm each) now appear less solid in appearance
5. There is no discernible change to the overall impact or height of the building, particularly in views from the lower Oldfield Park area and in long views from vantage points across Bath.

Local Representations: A total of 32 letters of objection and general comment have been received raising the following concerns:

1. No material change to the overall scale and bulk
2. The oversized roof form with various extrusions remain, and which do not represent a high quality design
3. The scheme remains incongruous and harmful to the Conservation Area

A total of 99 letters of support have been received with the following comments:

1. The building is a magnificent piece of architecture.
2. Its form and proportions is a 21st Century version of the neighbouring Victorian buildings.
3. It sits sympathetically with the neighbouring buildings.
4. The loss of 14 new homes is unacceptable given it is a brownfield site and in line with the Core Strategy.

The City Car Club have also commented on the proposed development:

1. The car club section 106 was agreed before a car club bay was established on street at Upper Oldfield Park.
2. The location is popular but one car club vehicle in the area is sufficient at this time.
3. An additional space at Upper Oldfield Park is not considered necessary in the short term but may be in the medium to long term future.

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 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 SD1 - Sustainable Development
- o Policy B1 - Bath Spatial Strategy
- o Policy B4 - World Heritage Site and its setting

- o Policy CP6 - Environmental Quality
- o Policy CP9 - Affordable Housing
- o Policy CP10 - Housing Mix
- o Policy CP2 - Sustainable Construction
- o Policy CP3 - Renewable Energy
- o Policy CP6 - Environmental Quality
- o Policy CP7 - Green Infrastructure
- o Policy CP13 - Infrastructure Provision

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 Policy SC.1: Settlement classification
- o Policy SR.3: Provision of recreational facilities to meet the needs of new development
- o CF.3 Contributions from new development to community facilities
- o IMP.1 Planning Obligations
- o Policy D.2: General design and public realm considerations
- o Policy D.4: Townscape considerations
- o Policy NE.4: Trees and woodlands
- o Policy BH6: Development within the Conservation Area
- o Policy T.24: General development control and access policy
- o Policy T.26: On-site parking provision

SUPPLEMENTARY PLANNING GUIDANCE

- Planning Obligations SPD
- Sustainable Construction & Retrofitting SPD
- Bath & North East Somerset Council Green Space Strategy adopted March 2007
- Bath & North East Somerset Council Green Infrastructure Strategy adopted March 2013

LEGAL FRAMEWORK

Town and Country Planning Act, 1990 (as amended)

Development Management Procedure Order, 2010 (as amended)

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

NATIONAL PLANNING POLICY

Full consideration has been given to the National Planning Policy Framework (NPPF) including, but not limited to, Chapter 6 Delivering a wide choice of high quality homes, 7 Requiring good design and 8 Promoting healthy communities.

Section 12 'Conserving and enhancing the historic environment' of the NPPF 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.

Full consideration has also been given to the Government Guidance set out in the National Planning Practice Guidance (NPPG) 2014

OFFICER ASSESSMENT

PRINCIPLE OF THE DEVELOPMENT:

The proposed development is within the defined urban area of Bath where residential development is acceptable in principle and is in accordance with Policy B1 of the Core Strategy.

Furthermore the principle of a building of a similar scale, height and width in this location has also been established by the granting of planning permission in 2009 ref: 07/02461/FUL. This is a material consideration that has some weight. The policy position has not significantly changed since the grant of planning permission in 2009.

Notwithstanding the history of the site, this application has to be considered on its merits.

DESIGN, LAYOUT AND IMPACT ON THE BATH CONSERVATION AREA AND WORLD HERITAGE SITE:

The character of Upper Oldfield Park and this part of the Bath Conservation Area and World Heritage Site is relatively mixed with terraces of modest two storey dwellings on Junction Road to large Victorian villas on Upper Oldfield Park. This is also interspersed with more modern low level buildings such as the Doctor's surgery adjacent to the site and the contemporary Hayesfield School development opposite that uses a high proportion of flat roofs.

Within this context the overall design of the proposed building appears as a contemporary representation of the more historic villas that form part of the character of Upper Oldfield Park and particularly with regard to the adjacent building of Hayesfield School.

The Hayesfield School building to the east is the largest building in this part of the street scene and the overall width of the proposed building, when measured at first floor level, at 18.9m is only marginally wider than Hayesfield School which is 18m wide. Furthermore the gaps between the proposed building and its neighbours are considered to reflect that found between buildings immediately adjacent to the site.

The ridge of the development is 60.06 AOD whereas the ridge of the adjacent Hayesfield School building is 60.49 AOD. The development as built is therefore approx 0.4m lower than the adjoining Hayesfield School building.

In terms of the overall height, size and bulk of the proposed development, the building is considered to relate well to its immediate context and compares favourably to the adjacent Hayesfield building and would not have a significant detrimental impact on the street scene. The building is highly visible and somewhat prominent in some medium range views of the site, particularly from the south, due to its location on a ridge within Upper

Oldfield Park where the land slopes gently away to the south and more steeply to the north. However the fact that it is visible/prominent in these views does not necessarily make it incongruous or unacceptable.

It has always been accepted that in terms of comparative scale the building relates poorly to the adjacent doctor's surgery to the west, as this building itself is out of context, which is especially noticeable when viewed from Junction Road. However the surgery is very clearly an anomaly producing a visual gap in what is otherwise a street of a fairly uniform pattern and as such the relationship between the proposed development and the Doctor's is considered to be acceptable.

Turning to more detailed design matters, the building's main elevation is that of a double gabled front elevation with wider additions at lower ground and upper ground level culminating in an outdoor terrace at first floor level. The lower ground level, providing the parking for the development, is located partially below ground with a sloping driveway leading down and would not be overly visible in the street scene as it would be screen by planting and the front boundary wall.

Running up the building from first floor level, on each side, and set back from the main front elevation, is a side projection which culminates at fourth floor level with a slate hung flat roofed element.

In comparison with the recently refused scheme (ref: 14/04547/FUL) the design of the building has been amended at the fourth floor and roof level to reduce the width of the side projections and to simplify the roof.

Dealing with the side projections first, each projection has been reduced in width by approx. 0.5m. This has been achieved by structural changes at both third and fourth floor level to provide the necessary loading on which to sit the amended side projection. Furthermore the windows to the front and rear elevations of the projection have been made larger, and now wrap around the corner onto the side elevation, which has helped to reduce the visual bulk at this level.

The side projections remain set back from the front and rear of the side projection to form a small balcony at the front and rear.

These side projections remain reflective of the character of the adjoining Victorian villas, albeit in a contemporary style, and the provision of the slate clad flat roof addition at fourth floor level is still considered to add an interesting and not incongruous element that improves the architectural legibility of the building.

Turning to the roof of the building, a mixture of flat and pitched roofs are used in a mix of materials including natural slate and slate grey glass fibre.

The upper roof level was previously very cluttered with ventilation stacks, rooflights, air vents and flue's and as a result of the previous refusal the proposed plans now show that the clutter has been significantly reduced by lowering the rooflights, vents and flues. The satellite dish has been moved to the rear of the main front chimney so it will no longer be as prominent or readily visible.

On the north eastern sloping roofslope the solar PV panels have been removed from the scheme which has also reduced the clutter and simplified the appearance of the development at roof level.

Some solar panels will remain, laid flat against the flat roofs of the side projections meaning that they will be hardly visible.

The amendments to the size of the side projections is considered to reduce the bulk of the building at the top floor level. Furthermore the reduction in the clutter at the roof level has significantly improved its appearance in both short, medium and long range views of the site and are, overall considered sufficient to overcome the reason for refusal of the previous application ref: 14/04547/FUL.

With regard to materials the building uses a high level of glazing, particularly on the rear corners where wrap around windows are provided. The main external walling material is natural Bath Ashlar stone, quarried in Limpley Stoke, and slate are used on the elevations of the fourth floor side projection. These materials are reflective of the character of the surrounding area and are considered to be acceptable.

Overall the size, design and massing of the proposed building is considered to be acceptable and would not have a harmful impact on the street scene. The overall height is also considered to relate well with respect to the context and the addition of a building of this design is deemed to add an appropriate addition in the streetscene to form a group of buildings of similar design and size in this part of the street.

The site is within the Bath Conservation Area and therefore there is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. The development also needs to be considered under Para 132 of the NPPF which states that "great weight" should be given to the conservation of the Conservation Area as a heritage asset.

Furthermore the location of the site within the World Heritage Site requires that the wider setting issues in this part of the city, particularly as they might affect the Outstanding Universal Values of the World Heritage Site are taken into consideration.

As part of the consideration of this revised proposal the Conservation Officer has taken the opportunity to view the existing development from a number of viewpoints and is of the view that the prominence of the development in views is primarily due to the fresh colour of the stonework.

Historic England have also made comments and agree with the Conservation Officer in that the harm caused by the building has been reduced by the amendments. Therefore, although some concerns still remain about the appearance of the rooftop, it is considered, overall, that the harm to the heritage assets is now minimal. Furthermore it is considered that the harm, albeit minimal, is in any case outweighed by the public benefits of providing a total of 14 dwellings on a brownfield site that will add to the housing supply in the City of Bath thus contributing to the overall supply of housing in the district reducing the need to develop greenfield sites. The development would introduce a building which, overall, is of a high quality, contemporary design that makes a positive contribution to local character

and distinctiveness. Finally the development is considered to represent the optimum viable use of the site by maximising the available land to deliver an appropriate number of residential units.

Overall the design is considered to be of a high standard and the building is constructed out of high quality materials which is considered to closely reflect and interpret the siting, form, scale, symmetry and front building line of the imposing pair of semi-detached C19 villas of Hayesfield School to the east. Furthermore the overall form of the building proposed will satisfactorily group with and reflect the appearance of these prominent structures in this part of the Conservation Area street scene.

Whilst the proposal is within a Conservation Area, this does not preclude modern architecture or large buildings, subject to them being of a high standard of design. The UNESCO Mission Report of 2009 stated that high quality contemporary styles are desirable in Bath as it adds a new layer of quality to complement the existing excellence. It is considered that this proposal is in line with these recommendations and would preserve the character and appearance of the Conservation Area and would not have a harmful impact on the Outstanding Universal Values of the World Heritage Site.

Furthermore when a comparison is made against the original two storey inter war dwelling the overall design of the proposed building is considered to represent an enhancement to this part of the Bath Conservation Area and World Heritage Site through the introduction of a high quality building into the area.

Whilst this application is judged on its own merits, as previously discussed, the history of the site is a material consideration. In comparison with permission 07/02461/FUL the design of the proposed building is largely unchanged apart from some minor changes to windows. The main area of amendment is to the side projections at fourth floor level and the roof design.

The refused permission ref: 14/04547/FUL sought to make a number of amendments to the building including extension of the side projections at fourth floor level and the extension of the roof upwards in order to accommodate a plant room etc. at fifth floor level. These changes were found to be unacceptable which was reflected in the reason for refusal.

This planning application now seeks to reduce the width of the fourth floor side projections in order to reduce the bulk of the building at this level and also significantly reduce the level of clutter at roof level to provide a much simpler roofscape.

The side projections at roof level were considered very carefully when planning permission (07/00653/FUL) was originally granted and it was considered that they were acceptable. The projections are still larger than originally approved but are smaller than refused and, overall, the proposed amendments are considered to overcome the previous reason for refusal.

IMPACT ON RESIDENTIAL AMENITY:

The impact on residential amenity is unchanged from the consideration of planning application ref: 14/04547/FUL however it still remains to be considered as below:

The directly adjoining properties to the north, east and west of the site are not in residential use, but instead are occupied by a medical centre and Hayesfield School. Whilst there are residential dwellings to the rear of the site, on Junction Road, there is approx. 40m distance elevation to elevation.

In light of this, with regard to the impact of the development on residential amenity, this proposal is not considered to have an unacceptable impact on the amenities of the neighbouring occupiers.

With specific regard to residential amenity, the previous proposals to redevelop this site, including the permission in 2009 and the refusal in 2007, also concluded that the proposals would not have an unacceptable detrimental impact on the residential amenity of neighbouring occupiers.

There is the potential for overlooking from the large roof terraces at first floor level, however the proposed planted beds along the shared side boundaries, in conjunction with a suitable landscaping scheme, would ensure that views out of the site are restricted by a planting screen.

It is acknowledged that there would be some overlooking from the balconies, although this would be at an oblique angle, and given that the neighbouring properties to the north, east and west are not in residential use this is considered acceptable.

The impact on the existing residential properties in Junction Road to the rear of the site has been considered and assessed in detail. The proposal includes two small rear balconies at fourth floor level along with habitable rooms located at the rear of the upper floors of the proposed building and it is acknowledged that some overlooking would inevitably occur. The terraces at fourth floor level were proposed, within the extant scheme, to wrap around the projection at fourth floor level allowing future residents the ability to overlook neighbouring dwellings from a high level. The removal of a significant part of the terrace by expanding the side projections to increase the internal living accommodation is considered to reduce the incidence of overlooking to the benefit of residential amenity.

However, due to the significant distance of approx. 40m between the front elevations of junction Road and the rear elevation of the proposed development, it is concluded that there would not be a significant or unacceptable detrimental impact in terms of loss of privacy or amenity as a result of direct overlooking or overshadowing from the proposal.

In comparison with the previous permission 07/02461/FUL, the number of windows and their proximity to neighbouring dwellings have not changed to such a degree as to have any further impact on residential amenity. The overall increase in size of the building is also not considered to have any further impact on amenity by reason of overbearing impact or overshadowing.

The terrace at first floor level is proposed to be 0.45m lower and the impact of this on the level of overlooking caused is marginal and would in any case still be adequately overcome by planting. The terrace at third floor is substantially unchanged.

Overall it is considered that impact of the development on the residential amenity of surrounding occupiers would be largely unchanged, reduced in specific areas and therefore would remain acceptable.

LANDSCAPING AND TREES:

The impact on landscaping and trees is unchanged from the consideration of planning application ref: 14/04547/FUL however it still remains to be considered as below:

The proposed development would not have an adverse impact on trees as the necessary tree protection fencing is already in place. Therefore, subject to conditions to retain the tree protection fencing during construction, it is considered that the impact on the tree within the adjacent Hayesfield Girls School site is acceptable.

With regard to landscaping of the site, the submitted plans show that the communal garden areas are to be laid out in a formal style and, whilst there is a limited amount of detail at this stage, this can be dealt with by condition.

It is therefore considered that the proposal will preserve this part of the Conservation Area, subject to appropriate conditions and the submission of a high quality landscaping scheme.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

The impact on highway safety is unchanged from the consideration of planning application ref: 14/04547/FUL however it still remains to be considered as below:

The provision for vehicular access and parking to serve the proposal is considered acceptable in the context of the site's location and accessibility by non-car modes. The access on to Upper Oldfield Park is also considered acceptable, the access onto Junction Road is intended for use only for service and maintenance, and, subject to a condition to control this, the proposal is considered acceptable in this regard.

The application includes the provision of membership of the local car share club for future residents on a lifetime basis at a ratio of two memberships per flat and a parking space for a car club vehicle. Upper Oldfield Park already has a Car Club space on street which is well used and at this time, a further space is not considered necessary. However it is considered that the provision of a further space on the development site for use in the long term is necessary. This is considered to be acceptable and will form an obligation within a S106 legal agreement.

The proposed development is therefore considered to be acceptable in terms of highway safety subject to an obligation in a S106 legal agreement and conditions.

SUSTAINABILITY AND RENEWABLE ENERGY:

The development is proposed to be constructed to Code for Sustainable Homes Level 4 and includes the following measures to achieve energy efficiency and sustainability including:

- o Sustainable urban drainage systems to reduce water run off rates
- o Sustainable building materials, in conjunction with solar passive gain, to reduce energy needs of the buildings
- o Energy high performance windows
- o Energy efficient lighting design
- o Use of renewable technology including solar PV panels

The incorporation of sustainable construction features is considered to be in accordance with Core Strategy policy CP2 and the Sustainable Construction & Retrofitting SPD.

REFUSE COLLECTION:

A bin storage area is proposed at basement level with refuse collection taking place from Upper Oldfield Park, the same as the existing dwelling.

The Waste Services Section of the Council has raised concerns that the proposed bin storage area could not be serviced for collection and that its adjacent access point appears to use steps to the outside ground level.

Whilst these concerns have been considered, the specific location of the bins and the ease in which they can be moved to a kerbside location for collection, relates more to the operation of the building and is a matter to be overcome through the day to day management of the building.

PROVISION OF AFFORDABLE HOUSING AND DEVELOPER CONTRIBUTIONS:

The development was initially designed when a scheme of 14 dwellings would have been below the relevant thresholds over which an affordable housing provision would have been required. However due to the intervening adoption of the Core Strategy, the proposal is within the Bath area where, under Policy CP9 of the adopted core strategy, 30% provision of affordable housing is required. The scheme does not include the provision of any affordable housing on site nor are contributions being offered.

The lack of on site affordable housing provision has been met with concern by Housing Services with the view expressed that a contribution should instead be provided to ensure that the scheme is in accordance with Policy CP9 of the Core Strategy. Housing Services are of the view, in this instance, that on site provision is not absolutely necessary to make the scheme acceptable as the layout does not lend itself to its provision nor are the appropriate affordable housing standards going to be met, part of which is due to the high service charges that a scheme like this would demand.

In response application ref: 14/04547/FUL, and again to this current application, it has been stated that the provision of affordable housing on site or contributions towards affordable housing would make the scheme unviable. Therefore application ref: 14/04547/FUL was accompanied by a Viability Assessment Report which, following independent assessment, was found to demonstrate that the development is unviable even before the seeking of any on site affordable housing provision or contributions.

A new viability assessment report has not been submitted, or requested, as part of this application as very little time has passed since the original viability report was

independently assessed. In light of this Officers have relied on the previously submitted report in relation to viability.

Para 016 (Reference ID: 10-016-20140306) of the NPPG states 'where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary.'

Para 019 (Reference ID: 10-019-20140306) goes on further to state 'where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.'

'This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered in line with the principles in this guidance.'

The National Planning Policy Framework sets out a core planning principle that in decision-taking local planning authorities should encourage the effective use of land by re-using land that has been previously developed. To incentivise the bringing back into use of brownfield sites, the Government confirms (through the NPPG) that local planning authorities should take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.

As it has been demonstrated that the scheme is unviable even before taking into account affordable housing provision, Officers are of the view that, in line with the NPPF and NPPG, the Council is allowed to take a more flexible approach in not seeking commuted contributions.

The lack of affordable housing provision/contributions for reasons of viability make the application contrary to Policy CP9 of the Core Strategy and therefore the application has been advertised as a departure in line with the statutory requirements set out in the Development Management Procedure Order.

CONCLUSION:

The application has been submitted in order to gain planning permission for the existing building on site, with some amendments, and to overcome the reasons for refusal for planning application 14/04547/FUL. A building of a similar scale, height and width in this location has already been previously granted planning permission under application ref: 07/02461/FUL although now expired.

The amendments have included the decluttering of the building at roof level with the reduction in size of the ventilation stacks, rooflights and flue's at roof level as well as the removal of the solar panels on the north eastern sloping roof.

The fourth floor side projections have also been reduced in width by 0.5m each meaning that the fourth floor level has been reduced in width by 1m overall. This has reduced the bulk of the building at this level and improved its appearance.

The size, design and massing of the proposed building is now considered to be acceptable and has overcome the previous reason for refusal. The development is not considered to have a harmful impact on the street scene and the overall height relates well with respect to the context and the addition of a building of this design is deemed to add an appropriate addition in the streetscene to form a group of buildings of similar design and size in this part of the street.

It is the case that the building is marginally larger than the building permitted under 07/02461/FUL but, considering the overall size of the building, the principle issue is not whether one building is bigger than another, but instead whether or not a building of this scale is acceptable with the street scene and preserves the character and appearance of the Conservation Area. The height of the proposed building is considered to remain acceptable in terms of its relationship with its immediate neighbour (Hayesfield School), retains the step between building heights and maintains the gap between buildings which is characteristic of this part of the Conservation Area and World Heritage Site. In light of this the height, bulk and mass of the development is considered to be acceptable and would sit in harmony with the surrounding buildings and streetscene.

Overall it is considered that would preserve the character and appearance of the Conservation Area and would not have a harmful impact on the Outstanding Universal Values of the World Heritage Site.

The proposed development is not considered to have an adversely harmful impact on the residential amenity of either the future occupiers or those neighbouring the site.

The proposed development is also not considered to have a harmful impact on highway safety subject to an obligation in a S106 legal agreement and conditions.

The proposed development, under Policy CP9 of the Core Strategy, has triggered a requirement for affordable housing provision. The previous application 14/04547/FUL was accompanied by a Viability Assessment Report which was independently assessed and demonstrated that the development was unviable even before affordable housing provision had been taken into account. As very little time has passed since planning application 14/04547/FUL was considered, a new viability assessment has not been requested and the findings of the previous assessment are also relied upon by this application.

Great care has been taken to not only consider the proposed development on its merits but also in light of the site's extensive planning history. Having carried out this careful assessment Officers are of the view that, in comparison, the amendments to the size and design of the building are acceptable and represent an improvement to the scheme which addresses the reasons for refusal of permission ref 14/04547/FUL.

In light of the above it is therefore recommended that permission is granted subject to the completion of a legal agreement and subject to conditions.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

A Authorise the Head of Legal and Democratic Services to enter a Section 106 Agreement to secure the following:

The provision of a parking space for the local car share club and membership of the aforementioned club for future residents on a lifetime basis at a ratio of two memberships per flat

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

1 Within 6 months of the date of this permission a detailed programme for the implementation of the development, as shown on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. The programme should confirm the commencement of construction within 12 months of the date of this permission.

Reason: As the scheme is partially retrospective a programme is required to ensure that the building is amended on site to comply with the approved plans and in the interests of the character and appearance of this part of the Conservation Area.

2 Within 6 months of the date of this permission a hard and soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority; such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of new walls, fences and other boundary treatment, finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

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

3 All hard and/or soft landscape works shall be carried out in accordance with the approved details and within 12 months of the date of this permission or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

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

4 The protective fences erected around the Pine tree on the Junction Road boundary, approved under Condition 4 of planning permission Ref: 07/02461/FUL, and discharged under application Ref: 11/05409/COND, which is located within Hayesfield School site, shall not be removed until the completion of the development. The area within the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for arboricultural or landscape works as otherwise approved.

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

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

Reason: In the interests of amenity and road safety.

6 Within 6 months of the date of this permission, or first occupation (whichever is the later), a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall have previously been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety.

7 Within 3 months of the date of this permission the cycle parking indicated on the approved plans shall be provided and 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 sustainable development.

8 The vehicle access/exit from Junction Road shall not be used other than for servicing and emergency vehicles.

Reason: In the interest of Highway Safety.

9 New resident's welcome packs shall be issued to purchasers within 3 weeks of their first occupation. The packs should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc. The packs shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

10 Notwithstanding the approved plans and 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 further satellite dishes or microwave antennae shall be attached to any building or erected within the site without the prior written permission of the Local Planning Authority.

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

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no 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.

12 Within 6 months of the date of this permission, minimum 1:50 scale details of the proposed front boundary wall and stone piers shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the approved details and within 3 months of the details being approved in writing by the Local Planning Authority.

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

13 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 further solar PV or solar thermal shall be installed on the building 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 and the character and appearance of this part of the Bath Conservation Area.

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

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

PLANS LIST:

1 PLANS LIST:

This decision relates to drawing nos 492.5.000, 492.BR.01E, 492.BR.02H, 492.BNR.03H, 492.BR.04H, 492.BR.05H, 492.BR.06H, 492.7.006A, 492.007A, 492.7.008A, 492.7.009B, 492.7.010B, 492.7.011A, 492.7.012A, 492.7.111.

2 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 Committee report, a positive view of the submitted proposals was taken and consent was granted.

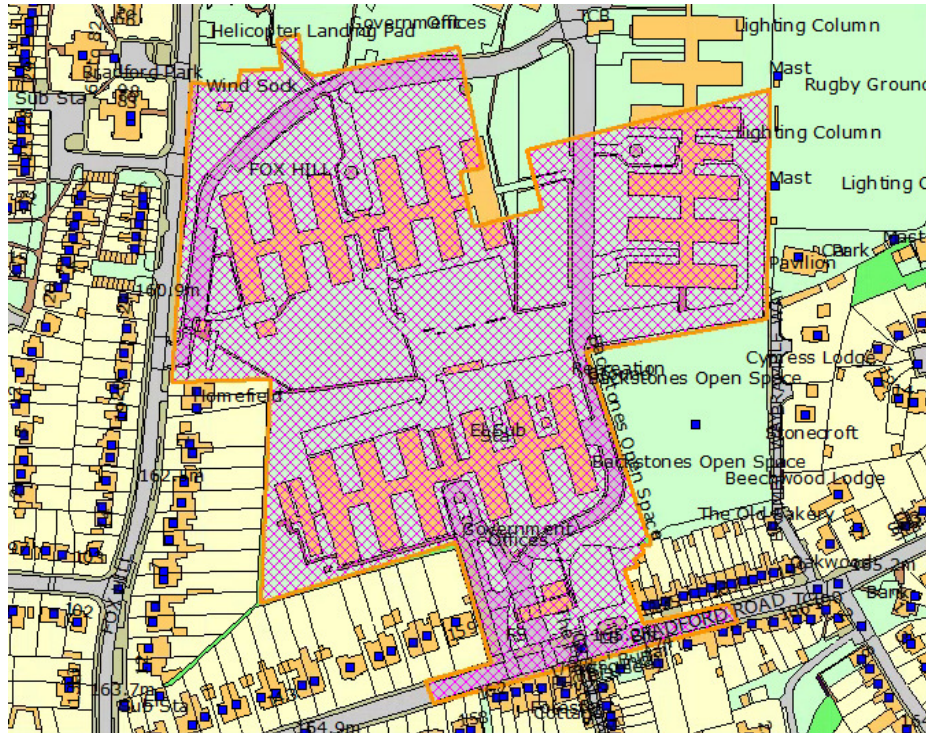
3 ADVICE NOTE:

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

4 You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

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

Item No: 02
Application No: 15/02465/RES
Site Location: Former Ministry Of Defence Foxhill Premises Bradford Road Combe Down Bath



Ward: Combe Down **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Cherry Beath Councillor Bob Goodman

Application Type: PI Permission (Approval Reserved Matters)

Proposal: Approval of reserved matters with regard to outline application 14/04354/EOUT for the development of 276 dwellings, public open space and all associated infrastructure.

Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Sites with Planning Permission, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Tree Preservation Order, Water Source Areas, World Heritage Site,

Applicant: Curo Enterprise Ltd

Expiry Date: 7th September 2015

Case Officer: Simon Metcalf

REPORT REPORT

This application has been reported to the Planning Committee by the Group Manager due to its strategic nature.

APPLICATION SITE

The application site consists of part of the former MOD Foxhill site and areas of public highway on Bradford Road. The phase 1 area is approximately 5.6 hectares in size. This is approximately 30% of the former MOD Foxhill site which extends to 19 hectares in size and which benefits from outline planning permission granted in March 2015 (LPA ref. 14/04354/EOUT).

The site is within the urban area of Bath, approximately 2 km to the south of the City centre and between the existing residential areas of Combe Down and Foxhill.

The phase 1 area is formed by the southern part of the former MOD site and public highway on Bradford Road. It is located directly north of Bradford Road, east of Fox Hill and west of Backstones, Bramble Way and the Combe Down Rugby Club.

To the south of the site are residential properties fronting Bradford Road, a public house and a Jewish Cemetery. To the west, the site is bounded by residential properties on Fox Hill and Fox Hill road itself. To the east is the Combe Down Rugby ground accessed off Bramble Way and Backstones open space. To the north of the site lies the remainder of the former MOD site including the former nursery building, which is now Curo's site office. The reserved matters site falls approximately 200m short (at its closest point) of the northern boundary of the outline application site, which is formed by the tree lined edge of the escarpment.

The site is relatively flat with a gentle slope from south to north, the overall level change across the site is approximately 6m from a high point of 165m AOD adjacent to Bradford Road, down to 159m AOD in the north west corner adjacent to Fox Hill.

The site was formerly occupied by low rise MOD buildings most of single storey but some of 2 storey, large areas of surface car parking and landscaping. The former MOD buildings were demolished in 2014. The site is now cleared with some spoil heaps on the site and a number of trees which have been retained. The trees on the site are subject to a Tree Preservation Order (TPO) (Ministry Of Defence Foxhill, Combe Down, Bath No.298) made in 2013. The boundaries to the site are formed by the former MOD security fencing. Branded site hoarding has also been erected adjacent to Bradford Road and adjacent to part of Backstones.

Vehicular access to the site is currently achieved from Bradford Road (former primary access to the MOD site) and Fox Hill Road (former secondary access). There is no other vehicular access to the site.

The site lies within the City of Bath World Heritage Site (WHS), the southern part of the site also lies within the Bath Conservation Area. The Cotswolds Area of Outstanding Natural Beauty (AONB) and Green Belt, which washes over the 'Perrymead' area, is to the north and also wraps around the edge of Combe Down to the south of the site. No part of the site lies within the AONB or Green Belt.

There are no listed buildings on the site. Greendown Terrace and a Jewish Cemetery both lie directly opposite the reserved matters site on the southern side of Bradford Road and are Grade II listed.

The outline planning permission approved matters of access to the site; this application seeks reserved matters approval of appearance, landscaping, layout and scale for Phase 1 only.

PLANNING HISTORY

Recent planning or related applications on the site include:

- o 13/02050/DEM Prior notification for demolition of all the former MOD buildings on the site. Deemed consent with the exception of the guard house, owing to its location in the Conservation Area.
- o 13/04083/CA Conservation Area consent conditionally granted for the demolition of the Guard House.
- o 13/04136/SCREEN Environmental Impact Assessment (EIA) Screening Opinion sought regarding proposed demolition on the site.
- o 14/01568/SCREEN EIA Screening Opinion sought regarding the redevelopment of the site. The Council determined that the proposed development was EIA development.
- o 14/02526/SCOPE EIA Scoping Opinion requested and responded to by the Council.
- o 14/04354/EOUT Outline planning permission conditionally granted for redevelopment of the site for up to 700 dwellings, up to 500 sq m retail (Use Class A1, A2, A3, A4, A5), up to 1,000 sq m employment (Use Class B1), up to 3,500 sq m community/education (Use Class D1), single form entry primary school, open space and all associated infrastructure. The outline planning permission was also subject to a S106 Agreement.

TPO (Ministry Of Defence Foxhill, Combe Down, Bath No.298) made in 2013.

PROPOSAL

Reserved matters approval is sought for the appearance, landscaping, layout and scale of the phase 1 development. The principle of access was agreed at the outline stage; the detailed requirements of the access are controlled through condition and in the S106 legal agreement. Account should be taken of the outline planning permission ref: 14/04354/EOUT which has established the principle of developing the site and which set a number of parameters.

This phase 1 reserved matters application includes the details of 275 dwellings and an area of public open space on the site. Details of associated infrastructure and landscaping are also provided.

The outline planning application was subject to an Environmental Impact Assessment (EIA). This reserved matters application was subject to an EIA screening assessment and no further environmental assessment was sought following the adoption of that screening opinion.

The details submitted confirm that 30% of the dwellings proposed in phase 1 will be affordable housing. The mix of dwellings includes, apartments, flats over garages (FOGS), terraced, semi detached and detached houses. The proposed dwellings vary in

size from 1 bed apartments up to 5 bed houses. The bulk of dwellings (70%) are houses with the remaining 30% being apartments.

The scale of development proposed ranges from 2 storeys up to 4 storeys. The 2 storeys development is predominately proposed towards the eastern, western and southern peripheries of the site. Two 3 storeys blocks of apartments are proposed to "book end" the entrance to the site off Bradford Road. This 3 storeys scale development then continues down an avenue in a northerly direction rising to 4 storeys in height at the northern edge of the Phase 1 area. This scale of development sits comfortably within the maximum parameters set by the outline planning permission (plan reference MXX-XX-DR_0112 Rev F)

The proposed development in terms of layout generally reflects the illustrative Masterplan (plan reference MXX-XX-DR_0101 Rev G) that was approved as part of the outline planning permission. A main avenue provides the principle access into the site from the Bradford Road roundabout, the principle of which was agreed at the outline stage. This avenue has a number of distributor roads leading from it which serve the residential areas. It is proposed to be tree lined with some parallel car parking provided. The pavements along the avenue will be approximately 2.6m wide. At the end of the avenue is an open space in the form of a "garden square"; this forms the main open space to be provided in phase 1. This "garden square" is split across both the eastern and western sides of the avenue providing 4 equally sized landscaped areas. With the exception of the main avenue, other roads in phase 1 have largely been designed to be shared vehicle and pedestrian spaces.

The proposed layout and scale results in the density of development being greater along the avenue and reducing towards the site edges. This is more reflective of the relatively low density development along Bradford Road and Fox Hill.

The layout at the site frontage includes two identical apartment blocks which sit set back from Bradford Road behind landscaped areas. These apartment blocks mark the entrance to the development. They are necessarily set back to take account of the location and size of the approved roundabout and need to ensure visibility for the public highway.

The layout on the eastern part of the site includes a mix of link detached and terraced houses which front the Backstones area. To the north of this, the residential development proposed overlaps with the area identified on the amount and access parameter plan (plan reference MXX-XX-DR_0110 Rev F) as being for the primary school.

Other areas of the site where they adjoin existing properties have a mix of dwellings which generally face into the site, having rear aspects facing the rear aspects of existing properties, for example on Bradford Road and Fox Hill. The western periphery of the site includes a mix of property styles which front Fox Hill continuing the regular pattern of development along this street.

The appearance of the development varies across the site, generally reflecting the "character areas" established at the outline stage. These character areas have been further subdivided within the first reserved matters phase to provide clearer sense of place and to reflect the style of housing proposed. The more formal appearance of the

apartment blocks at the gateway to the site continues with the town houses and villas which line the avenue. This then terminates in this first phase in the formal "garden square" at the northern edge of the site. This is framed by the four storey apartment blocks to the west. To the east will be the school and community buildings, the details of which do not form part of the first phase of development. To the north beyond this first phase will be the main public open space. The development as it permeates to the east and west of the avenue changes in character to the "neighbourhood areas". These are generally more informal in nature and of a lower scale being predominantly 2 storeys. There is a greater feeling of space with shared road and pavement spaces in these areas. Streets and views are framed by a mix of mews properties which back onto the avenue. Detached terraced and semi detached dwellings provide the form of development towards the periphery of the site.

The reserved matters application identifies a materials palette including Bath stone, reconstituted stone, brick, slate, tile, metal standing seam. A condition on the outline planning permission requires samples of the materials to be submitted to the Local Planning Authority and approved prior to development commencing. The design intent set out by the applicant is to use Bath stone, reconstituted stone and brick, on principle elevations. Bath stone is also proposed to be used to punctuate or emphasise design features of some buildings, e.g. window surrounds. Roof materials and colours are proposed to vary across the site to add interest and diversity.

In terms of landscaping , as identified above, the main open space in this first phase is the formal "garden square", which straddles the avenue towards the north of the reserved matters area. In addition, there are landscaped areas that face the roundabout on Bradford Road. These areas assist in providing the setting for the gateway apartment blocks. There are no other landscaped areas provided within this first phase, although the first phase wraps around Backstones and specific entrances into Backstones have been incorporated into the design. Landscaping and tree planting also is proposed around this area to enhance its setting. Along the proposed streets a variety of tree planting is proposed to reflect the street hierarchy, to soften the built form and to create a sense of place. Smaller ornamental tree planting is also proposed in rear gardens where space allows. The layout also retains a number of existing trees on the site, in particularly a cluster on the southern site boundary. That said, the vast majority of trees currently on site within the Phase 1 area are proposed to removed to facilitate redevelopment.

Amendments

The proposed details have been revised during the course of the application. The amendments follow discussions with the applicant to address concerns raised by officers. The revisions have resulted in the loss of a single dwelling owing to layout changes. Revisions made include:

Garden Square:

- o Change in materials and improved access to the garden square
- o Introduction of seating and cycle stands
- o Adjustments to improve vehicle tracking around the space.

Bradford Road:

- o Simplification of landscaping adjacent to Bradford Road.

- o Hard landscaping of the roundabout
- o Introduction of feature tree adjacent to Block A on Bradford Road
- o Improved access into garden areas

Tree Planting:

- o Greater space given to the proposed avenue trees
- o Introduction of London Plane Trees
- o Revisions to tree types and locations to reflect layout changes
- o Revisions to planting around Backstones

Backstones:

- o Car parking and tree arrangement amended.
- o Estate rail to the park edge added.
- o Surfaced entrances (3 no.) provided to the park.
- o Cycle parking provided.

Apartment blocks A and B:

- o Blocks redesigned to introduce mansard roof design on the Bradford Road frontage.
- o Fenestration revised to seek to address overlooking of adjoining properties.

Apartment blocks C, D and E:

- o Balcony areas redesigned to address overlooking and loss of privacy of future properties.

Layout changes:

- o Changes to layout to address concerns regarding vehicle tracking (numerous changes across the site)
- o Changes to the layout to provide more space to retained trees (Plots 145-150 and 159).
- o Changes to layout to provide greater separation between elevations (Plots 139-142).
- o Drive accesses widened to ease vehicle movements in some locations.
- o Boundary plan provided clarifying treatments across the site (fencing, walls, hedges and railings).
- o Revisions to bin store and cycle store locations and size.
- o Revision to plot layouts to rationalise car parking provision.

Dwelling/elevation changes:

- o Numerous changes to elevations to ensure natural surveillance of spaces and parking areas.
- o Changes to Plot 127 to avoid overlooking of neighbouring property.
- o Further clarity on materials provided

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A summary of consultations responses and representations received is provided below, the full representations can be inspected on the Council's website. The comments

reported below relate to the application as originally submitted, rather than the amended scheme, unless otherwise stated.

Historic England (formerly English Heritage) - Did not wish to comment in detail, but offered the following general observations:

Identified two areas of interest, firstly how the proposal impacts on the Outstanding Universal Value (OUV) of the World Heritage Site and the secondly, its impact on the adjacent Conservation Area and the designated heritage assets contained within it.

In respect of the WHS the concerns relate to the proposed height of buildings and form of the roofscape. The buildings towards the centre of the site are tall and will, if seen above the ridgeline and woodland to the north of the site, lead to an erosion of the OUV regarding the green bowl setting to the city. The details submitted with the Reserved Matters do not, in our view, provide sufficient information to assist us with assessing this matter. Furthermore, these roof forms are relatively pronounced and dominate the surrounding development. We ask that this aspect of the scheme is revisited in order to provide more break-up of the roofs to reduce their massing.

With regards to the proposed main entrance into the site from the Bradford Road, it is at odds with the surrounding area, especially the form of planting on the roundabout. It will no doubt be lit by standard highways lights, although not shown - that will also be incongruous in this context. More work is needed to ensure that there is a smoother transition between each side of this road and safeguarding the setting to the Conservation Area.

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

No further comments have been provided since the amended drawings were submitted.

Environment Agency - Have no comments to make further to those they made on the outline scheme in 2014.

Natural England - Has no comments regarding the reserved matters proposal.

Wessex Water - have no comments on the reserved matters application, but clarify they will continue to work with the applicant to agree a foul drainage strategy for the site.

The Coal Authority - No comments.

Cotswold Conservation Board - The Cotswold Conservation Board (CCB) confirmed that they raised no objections at the principle of the development at the outline application stage, though did refer to the possible impact of a development on the setting of the adjacent AONB. The CCB note that the development is within the 176m AOD height limitation in accordance with the Outline Planning Permission conditions. However, they request the Council ensure through the design, landscaping and mitigation process that the development does not become unduly prominent in the wider landscape in views

to/from the AONB over the Bath Skyline. The CCB also expresses concerns over the suitability of the proposed advanced tree planting plan which appears to show a patching up of the existing landscaping rather than a long term strategic and comprehensive wider landscaping belt including suitable trees.

Sport England - has no comments to make on the application.

Avon and Somerset Police - No objections subject to comments, in summary:

1. Provision of appropriate gates on accesses to private garden and better natural surveillance of such areas.
2. Avoiding recessed doorways that have limited natural surveillance.
3. Improve overlooking and natural surveillance of car parking areas.
4. Reduce the incidents of blank gable walls, but inclusion of windows or providing landscaping buffers.

BATH AND NORTH EAST SOMERSET COUNCIL

Arboriculture - object, in summary:

No further information or justification has been provided for the loss of T6, G1, G2 and G3 of the Tree Preservation Order (500/298). Robust justification is needed for the removal of protected trees and perhaps some back ground information included in any submission to explain how they were considered in the evolution of the plan and why a decision was made not to accommodate their retention.

Trees identified in the tree survey as T58 and T60 are Beech trees growing in neighbouring properties which overhang the site significantly and have developed wide canopies. These trees have the potential to be considered a source of nuisance to future occupants e.g. overhang, shading of afternoon sun and general sky light, dominance, seasonal fruit and leaf drop. The positioning and garden depth of the proposed plots identified on drawing HTA-A-0101119- 121 rev H as 119-121 and 125- 127 do not take into account these issues which are included within section 5.3.4 of BS 5837:2012 Trees in relation to design, demolition and construction.

Recommendations.

Plots 145 - 150 are shown close to the protected and offsite trees to the rear of existing properties in Bradford Road. Again, these trees have the potential to be considered a source of nuisance to future occupants e.g. overhang, shading of sun and skylight, dominance, seasonal fruit (Yew berries in particular), leaf drop future growth. All blocks should be moved north.

Plot 159 will be dominated by the protected Copper Beech to the south. This plot should be removed from the scheme.

The locations and space provided for trees within the street setting limits the species choice and long term survival or retention.

The application does not demonstrate due consideration of policy CP7 of the adopted Core Strategy and retained policy of the Bath & North East Somerset Local Plan (2007) NE.4 Trees and Woodlands

Should consent be given despite my objection conditions requiring an arboricultural method statement and tree protection would be required.

Archaeology - no comments or objection to the reserved matters application. It is noted that a discharge of condition application (ref: 15/02894/COND) was made pursuant to the outline planning application (condition 16) to address matters relating to archaeology. The submitted WSI relating to two target areas was agreed, works undertaken and the condition subsequently discharged in July 2015.

Building Control - no comments received.

Contaminated Land - no further comments, other than re-enforcing the requirement for compliance with the outline planning conditions relating to dealing with potential contaminated land on site.

Development and Regeneration - No comments received.

Drainage and Flooding - no objections, stating:

Conditions 17 to 21 of 14/04354/EOUT are outstanding and are to be discharged prior to commencement of any part of the development.

Ecology - No objection subject to conditions. Stating:

I have no significant ecological objection to the proposal for this area of the site. However, I note the comments of the Arboricultural officer and am concerned if these are not addressed, that there will be reduced ecological opportunities and green infrastructure at the site.

I anticipate submission of details in relation to conditions 13 and 15 of the approved outline application 14/04354/EOUT.

Education

Advise that the following triggers in the S106 agreement could theoretically be activated by this Reserved Matters application for 275 (246 2 bed +) dwellings from the total of 700 dwellings included in the Outline application:

Prior to 1st occupation - Developer to provide a timetable for provision of Early Years (EY) facility Developer to provide a timetable for delivery of the school and agree a specification and design with the Council

Prior to 100th occupation - EY facility specification and design agreed with the Council. Reserved Matters application submitted. 50% of Youth contribution paid. School Reserved Matters application submitted

Prior to 200th occupation (excluding 1 bed flats) - EY facility open and school open

275 dwellings (246 no. 2 bed plus dwellings) anticipated to result in approximately 55 primary age pupils.

In response to the amended plans, including the plan showing the area reserved for the primary school reservations are raised regarding the primary school land in terms of its size, shape and potential costs resulting from the need to deliver a school on such a site. Detailed issues are also raised around access to the school site and relationship with the adjoining community building.

Environmental Health - No comments received

Highways - Raised objections to the proposal as originally submitted on the basis of the layout and in particular the inability of the layout to allow larger vehicles, including refuse vehicles and buses to safely navigate through the site. The submitted tracking and details demonstrated that some lengths of road are too narrow; visibility splays at junctions are insufficient or are compromised due to trees and or proposed parking bays. Corners are too tight to allow large vehicles to safely move through the site. Tracking demonstrates that large vehicles would conflict with proposed parking bays and pavement areas. Pavement widths in some areas appear to be deficient.

In response to the amended plans, the majority of the highway objections have been resolved. Limited concerns remain regarding tracking of large vehicles in limited areas.

Historic Environment - raise objections, in summary:

The concerns relate to the Bradford Road frontage where the new development will engage with the character of the conservation area and the character and setting of the nearby listed buildings. Concerns include:

- o The "green" roundabout will be out of keeping with the established character of this part of Bradford Road. A well designed hard roundabout possibly with an appropriately scaled central feature would more acceptable.
- o The triangles of planting in front of blocks A and B have clear potential to be weak in streetscape terms which will harm the character of the conservation area.
- o Blocks A and B are too overtly formal for the character of Bradford Road. I note that the absolute height of blocks A and B is similar to the PH on the opposite side of the road. Nevertheless the overall impression (which comes across in drawings SK-0096) is that these buildings are overscaled in relation to the domestic scale of their surroundings which again will harm the conservation area. The use of brick for elements of these frontage buildings will not tie in with local character.

No further comments have been provided since the amended drawings were submitted.

Housing - Support the application, stating:

On-going discussions between the applicant and the Councils Housing Services have acknowledged the Mulberry Park application should be considered an enabling

development, so to facilitate the physical and social regeneration of the adjoining Foxhills housing area, much of which is within the applicant's ownership.

Due to this wider regeneration focus Housing Services acknowledge the Mulberry Park application may in some instances fall outside of the normal B&NES SPD affordable housing design, layout & construction requirements. Such instances, where they occur have been considered after negotiation and have been secured by inclusion into the associated Section 106 document.

The application will deliver the level of affordable housing sought by Policy CP9 of the adopted Core Strategy; as 30% affordable housing contribution; 75% of affordable units will be Social Rented Housing; and 25% will be Intermediate affordable housing. The Affordable Housing will be delivered without the need for public subsidy at not more than 100% HCA target rent.

60% of the affordable housing contribution to meet full Lifetime Homes design standards. The level of wheelchair provision accords with the Section 106 Scheme standard (d) with the level of need being identified & confirmed by the Councils Home Search department.

The clustering accords with the Section 106 Scheme Standard (g) & (h) which requires house type dwellings to be at most a cluster of 8 affordable houses and flat type dwellings to be no more than 20 flats in a block.

Landscape - Not acceptable in its current form stating:

I welcome a green approach to the scheme at the Bradford Road access point. The proposed primarily herbaceous and rather intricate arrangement would not however in my view provide a sufficiently strong or characteristic element in the street scene. The stepped edging to the lawn areas would make maintenance costly and time consuming to maintain effectively. A combination of mown grass with shrub planting beyond in front of blocks A and B and one or two carefully placed sizeable trees to provide 'presence' would be preferred.

I think the part of the roundabout would be better treated by a simple hard landscape solution using appropriate materials.

It appears that the design has left insufficient room for 'avenue' trees.

The relationship between the Backstones open space and the proposed development needs greater attention to detail in order to provide a strong boundary as well as providing an attractive outlook seen from the proposed development.

The proposals appear to be within the building heights parameter submitted with the earlier outline application. No additional information on the potential effect on views has however been submitted.

In conclusion the following should be addressed:

- o reconsideration of the landscape treatment at the Bradford Road approach,
- o review opportunities for providing increased space to allow the planting of more substantive trees,

- o improved landscape provision along the interface with Backstones and
- o submission of evidence to show any effect on longer views.

I understand that the advance planting though submitted with this reserved matters application is not part of this application. My comments are therefore appended separately below.

No further comments have been provided since the amended drawings were submitted.

Parks and Open Spaces - The quantity and type of green space has been agreed as part of the outline application and a S106 agreement negotiated to mitigate the shortfall of provision. This reserved matters submission for Phase 1 of the Masterplan is consistent with the quantity and type of green space agreed as part of 14/04354/OUT. The submitted layout reflects the illustrative plan provided as part of the outline permission.

The proposed layout connects the community with Backstones open space, an essential piece of green infrastructure required to support the demands of future residents. The S106 agreement provides for the potential enhancement of this space and maintenance of those enhancements. The Park's and Green Spaces Team support this application.

Public Rights of Way - no comments on the reserved matters submission, but notes the refusal of the Council to record a public footpath following the boundary of part of the site to the north of Backstones in a northerly direction and then heading east to meet with Popes Walk. The applicant has appealed this decision and the matter now rests with the Secretary of State to determine the appeal.

Urban Design - No objection subject to conditions, in summary:

1. Further articulation of the roofs of the tallest building elements would help reduce the massing. These buildings do appear disproportionately large in their suburban setting in some of the street scenes in particular.
2. There are some rear boundaries that compromise active street frontages and the creation of attractive streets need to ensure the public realm is as high quality as possible.
3. In my view the landscape treatment should be as natural as possible (i.e. not particularly manicured) so that the suburban setting meets the countryside setting appropriately.
4. I am concerned the setting of the roundabout creates a big break in Bradford Road and the building lines are set back from existing buildings. I think that there could be some design improvement here.

No further comments have been provided since the amended drawings were submitted.

Waste Services - Not acceptable in current form, stating:

We are in direct contact with the architects regarding this development and the provisions for storage and collection of waste and recycling. However please could we formally log the issues discussed:

- a) Block D bin storage area is to be moved to the first allocated parking space on the left of the entrance to the car park in order to limit moving bulk bins around parked cars.

- b) Vehicle tracking - we have serious concerns from the tracking data shown that HGVs would need to mount verges and kerbs to get safely around some of the corners of the development. Further detailed tracking information is needed.
- c) The developers must ensure there is dropped kerb access at highway, the bin store and access pathways (min width 1.3m) are at ground level, with no steps or gravel to enable to bins to be easily manoeuvred.
- d) The access paths to the front of the property from the rear of the terraced units must also be without steps to allow residents to move wheeled bins out for collection.

In summary, further vehicle tracking information is required to ensure safe passage of heavy goods vehicles around the whole site.

OTHER REPRESENTATIONS

Bath Preservation Trust - Has objected to elements of the proposal. Summary comments:

The Trust commends the applicant on the consultative approach they have adopted for the proposed redevelopment of the site, particularly the efforts to engage with residents and stakeholders.

Broadly supports the mixed housing concept and mixed nature of building types and forms. Commends also the review of character and building forms which have informed the proposals.

Significant concerns however are raised in respect of a number of matters:

- o Disconnect between the outline Design and Access Statement and the reserved matters proposals.
- o Failure to clearly identify the proposed materials makes it impossible to properly envisage the development proposed. In particular, the lack of clarity on bricks proposed and suggestion to interchange between Bath stone and reconstituted stone. The use of flat terracotta tiles is noted not conform with the palette of materials found in Bath. Bricks are not commonly used in the area, especially given Combe Down area is the original source of Bath stone. Furthermore the hard surfaces plan is difficult to read limiting the understanding of the street scenes to be formed.
- o The Green Square is disappointing, being dissected by the main avenue through the site which is considered to limit peoples' opportunity to enjoy the spaces provided.
- o Lack of clarity on the purpose and nature of the green spaces on the entrance to the site on Bradford Road.
- o The road layout and design is more aggressively car orientated since the indicative Masterplan at the outline stage. The layout fails to demonstrate traffic can negotiate the site safely. Level of shared surfaces seems to have decreased. Development now car dominated and pedestrians and cyclist marginalised.
- o Concern about the visibility of the development from viewpoints in the city. Clarity needed that the proposed advance tree-planting is sufficient in the short, medium and long term to screen views. Tree protection and management measures required.

In response to the amended plans the Bath Preservation Trust confirm that the amendments do not substantially change their position and earlier comments regarding

the garden square, traffic roads and access. However, they welcome the changes to landscaping, tree planting and the articulation of roofs to the apartment blocks fronting Bradford Road. They welcome further clarification on materials but reserve judgement until seeing sample panels.

Widcombe Association - have objected to the proposal in respect of the advance planting proposals submitted by the applicant. Their concerns, which they identified at the outline application stage also, relate to the treatment of the northern boundary of the wider site in ensuring that additional planting positively contributed to the green hillside setting of the city and adequately screened development on the site from the city centre. They have employed an independent tree consultant to review the advanced planting. The outcome of their review is that the extent and nature of the proposed planting (species types and scale) is inadequate.

It is noted that they suggest that development closest to the edge of the escarpment (beyond this first phase of development) be restricted to two storey development to protect the skyline and reduce the extent of screen planting needed. In this regard it is noted that the parameter plans approved at the outline stage identify that development running parallel to the northern boundary should be of no more than 2.5 storeys in height. The outline planning permission is clear (condition 4) that the parameters set are maximum parameters but do not guarantee those maximum parameters are achievable at the reserved matters stage.

In response to the amended plans, the Widcombe Association maintain their objections and concern regarding the proposed advance planting plan. They reiterate the responsibility of the Local Planning Authority to protect the setting of the WHS.

Local Residents:

Letters of representation have been received from 10 households providing a mix of comments, support and objection.

Comments include:

- o Potential parking for residents on Bradford Road should be definite to ensure amenity of existing residents is protected.
- o Wish to request the single yellow line outside the existing Terrace on Bradford Road be removed or converted to resident parking. Also double yellow lines removed elsewhere. These are not now necessary given the closure of the MOD use of the site.
- o Concern regarding poor condition of the existing Fox Hill road as it leads down to Perrymead. The surface sand route should be improved.
- o Disappointed that proposals do not include solar panels on buildings. These would reduce costs for tenants and reduce reliance on fossil fuels.
- o Further clarity on boundary treatments is required to give confidence on what is proposed. Requirement that any approval be conditional upon Curo committing to an easement of the boundary between Homeacres on Fox Hill and proposed Plots 47 and 61.

Objections include:

- o Concern regarding the proposed boundary treatments and the impact of these on amenity, light and outlook to existing properties.

- o Object to the wall and boundary between Backstones and the site
- o Wish to have a 2m high close boarded fence adjacent to boundaries to protect privacy.
- o Wish to ensure new properties cannot access the existing private access to the rear of 1-12 Fox Hill.
- o Need to protect the large beech tree at the rear of 6 Fox Hill which overhangs the site.
- o Object to the height of the apartments on the entry (Bradford Road) to the site. The buildings are too high, overbearing and dominant, detracting from the attractive nature of the area.
- o Object to the level and nature of planting proposed as part of the advance planting.
- o Parking for existing residents and the chip shop on Bradford Road are not sufficient.
- o The path used by residents around the periphery of the site should be dedicated and would gain Curo goodwill.
- o Proposed buildings are out of character and not appropriate for the area. Features of the building such as large windows are not indicative of the area.
- o The houses proposed are too small and inclusion of enclosed 'balconies' reduce space further.
- o The street layout and pattern is too rigid and not reflective of the area.
- o The orientation of dwellings proposed fails to maximise solar gain.
- o Density of the development seems too high and will reduce the quality of life for those living there.
- o The proposed school site is not accessible.

Supporting comments include:

- o Broadly supportive of the proposal.
- o Support the principle of development
- o Support the retention of the old county boundary wall alongside Backstones.

PUBLICITY

All properties adjoining or opposite the application sites were notified of the application, press and site notices were also published. A 14 day period of consultation was also undertaken in respect of the amended plans.

POLICIES/LEGISLATION

POLICIES/LEGISLATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that for purposes of making decisions under the Town and Country Planning Act, decisions must be made in accordance with development plan for the area unless other material considerations indicate otherwise. The development plan comprises the Bath and North East Somerset Adopted Core Strategy (July 2014) and saved policies in the Bath and North East Somerset Local Plan (including minerals and waste policies) (Adopted October 2007).

Taking account of Paragraph 14 of the NPPF in respect of the status of development plan policies, it is assessed that the relevant policies which have been saved from the 2007 Local Plan are in general accord with the NPPF.

Core Strategy Policies of relevance include:

DW1 - District Wide Spatial Strategy
B1 - Bath Spatial Strategy
B4 - World Heritage Site and its Setting
SD1 - Presumption in favour of sustainable development
CP2 - Sustainable Construction
CP5 - Flood Risk Management
CP6 - Environmental Quality
CP8 - Green Belt
CP9 - Affordable Housing
CP10 - Housing Mix
CP13 - Infrastructure Provision

Local Plan (Saved) Policies of relevance include:

- IMP.1 - Planning obligations
- D.2 - General design & public realm considerations
- D.4 - Townscape considerations
- ET.2 - Office development
- CF.2 - Provision of new or replacement community facilities
- CF.3 - Contributions from new development to community facilities
- CF.8 - Allotments
- SR.3 - Provision of recreational facilities to meet the needs of new development
- S.9 - Dispersed local shops
- ES.2 - Energy efficiency
- ES.5 - Foul and surface water drainage
- ES.15 - Contaminated land
- HG.4 - Residential development in the urban areas and R.1 settlements
- HG.7 - Density (Housing)
- GDS.1 - Site allocations and development requirements (Site B2, MoD Foxhill)
- GB.2 - Visual amenities of the Green Belt
- NE.1 - Landscape character
- NE.2 - AONB
- NE.4 - Trees
- NE.5 - Forest of Avon
- NE.10 - Nationally important species and habitats
- NE.12 - Natural features
- NE.13 - Water source protection areas
- NE.14 - Flood risk
- BH.2 - Listed buildings and their settings
- BH.6 - Control of Development in Conservation Areas
- BH.9 - Historic Parks and Gardens
- BH.12 - Important archaeological remains
- T.1 - Balanced and integrated transport system
- T.3 - Promotion of walking and use of public transport
- T.5 - Cycling strategy: improved facilities
- T.6 - Cycle parking

- T.8 - Bus strategy: facilities & traffic management to improve efficiency & reliability of bus operations
- T.14 - Introduction of traffic management schemes in residential areas
- T.24 - General development control and access policy
- T.25 - Transport assessments and travel plans
- T.26 - On-site parking and servicing provision

Supplementary Planning Documents and other guidance of relevance includes:

Bath City Wide Character Appraisal 2005
 The City of Bath World Heritage Site Setting SPD (2013)
 Bath Building Heights Study (2010)

National Planning Policy Framework (NPPF) March 2012
 Planning Practice Guidance (PPG) first published March 2014

'Concept Statements' for three MoD sites in the City, including Foxhill were prepared by the Council in 2012. The statements were subject to public consultation and were subsequently endorsed for development management purposes by Cabinet in September 2012.

The Concept Statement for the Foxhill MOD site clarifies that its purpose was to provide an analysis of the site, describe the Council's vision for its redevelopment and to set out the design principles that would need to be met in order to realise that vision. The desire was to inform potential purchasers of the site of the Council's aspirations and to help guide future development proposals. The vision for the 19ha MOD Foxhill was to ensure provision of a mixed use development well integrated and connected to the existing communities of Foxhill and Combe Down. The Concept Statement is a material consideration in the determination of these reserved matters, as it was in determining the outline planning application.

There is also a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

OFFICER ASSESSMENT

OFFICER ASSESSMENT

This reserved matters application is made pursuant to the outline planning permission (ref: 14/04354/EOUT) granted approval in March 2015. The outline planning permission and associated S106 agreement set a number of key parameters which require consideration and assessment to ensure that the reserved matters fall within those. The outline planning permission is also subject to numerous conditions which will be applicable to the reserved matters proposal. Beyond this, the acceptability or otherwise of the reserved matters need to be subject to careful consideration having regard to the site circumstances, context and implications for the remainder of the site. As such key issues considered in this report include:

- 1) Assessment of scheme having regard to the set outline parameters

- 2) Heritage aspects
- 3) Design and character of the development proposed
- 4) Housing mix and quantum, including affordable housing
- 5) Education
- 6) Transport and access
- 7) Landscaping and Trees
- 8) Open space
- 9) Other planning considerations

These matters are considered in turn with reference to consultee and resident comments, as appropriate.

1. OUTLINE PARAMETERS

Firstly, the phase 1 reserved matters application, in terms of the extent of the application site, falls within the red line of the outline planning permission.

In terms of vehicular access, the primary means of access into the site, by way of a roundabout off Bradford Road, also falls within the first reserved matters phase as does one of the two secondary forms of access onto Fox Hill. The location of these two accesses in terms of layout, accords with the outline approved parameters plan (plan reference MXX-XX-DR_0110 Rev F).

In terms of land use, the predominant land use for the phase 1 reserved matters is residential. The submitted design statement helpfully includes an overlay of the proposed phase 1 layout with the approved land use parameter plan (reference MXX-XX-DR_0110 Rev F). The overlay demonstrates that the land uses are largely consistent with the approved plan. In the north eastern corner of the site, the proposed residential development overlaps with the area identified in part for the primary school. This degree of overlap is not contrary to the approved plan, which allowed for some flexibility. The overlap is estimated to be in the order of 0.36ha. The crucial matter is whether the overlap allows sufficient space for the primary school to be delivered on the remaining land identified for that land use. The S106 requires for a 1 ha site to be retained for the delivery of the primary school. The applicants were requested to demonstrate that the remainder of land left identified in the approved parameter plan for educational use was sufficient to deliver the school and adjacent community uses. The applicant has provided a plan which identifies 0.97 ha of land available for the school and additional land for the delivery of community uses. This area falls marginally short of that required in the S106, however, the area of land identified for community use is considerably larger than that required and the residual could form part of the primary school land, resulting in the necessary 1ha.

The other matter relating to land use is the provision of open space. The main open space provided in this first phase accords with the outline parameter land use plan (reference MXX-XX-DR_0113 Rev E) in terms of location and size. Therefore, the principles of the space are acceptable. The details of this element are considered later in this report.

In terms of scale, the approved parameter plan (reference MXX-XX-DR_0112 Rev F) identified maximum AOD heights for new buildings across the site. The submitted details and site sections clearly demonstrate that all buildings proposed within the first phase fall within the maximum parameters. Indeed, it should be noted that in many areas the development falls considerably below the maximum parameter set. As such, the proposals accord with the agreed outline parameters in this respect. The acceptability or otherwise of the proposed scale and detailed design of buildings is assessed later in the report.

The quantum of development proposed, at 275 dwellings, is in line with the set outline parameters. The density at 50 dwellings per hectare is high but reflects that this phase does not include the larger areas of open space. These areas will form part of the later phases to the north, immediately adjoining, and so accessible to the residents of, this first phase.

In summary, this phase 1 reserved matters application is assessed to be consistent with the parameters set at the outline stage.

2. HERITAGE ASSETS

The potential effect of the proposed development on heritage assets and, in particular, the WHS was one of the most important factors in considering the outline planning application and remains so at the current reserved matters stage.

In considering and assessing the likely effects, guidance in the NPPF in paras 126 - 141 is noted which provides advice on conserving and enhancing the historic environment, in particular, paras 133 and 134 which identify the implications of development that result in substantial or less than substantial harm.

Policy B4 of the Core Strategy confirms the strong presumption against development that would result in harm to the Outstanding Universal Value (OUV) of the WHS, its authenticity or integrity. This policy also notes the need to weigh demonstrable public benefit against any level of harm identified to the OUV of the WHS. The Core Strategy also makes reference to the WHS setting SPD and Building Heights Strategy which are material considerations. At the outline stage it was identified that key factors of relevance in terms of assessing impact having regard to the WHS Management Plan were:

- o The green setting of the City in a hollow in the hills.
- o Georgian town planning.

The context of this proposal having regard to the green setting of the city is important given this first phase is on the highest point of the site and includes development up to 4 storeys in height (the maximum permitted). As stated above, the development proposed

all sits well within the maximum parameters set at the outline stage in terms of maximum building heights. Therefore, the effects in terms of impacts on the setting of the WHS are likely to be less than previously assessed and found to be acceptable in granting outline planning permission.

However, it is necessary to assess the effects of this detailed proposal on the WHS. Whilst at the highest point of the site, development on this first phase would not be visible from Bath city centre due to the topography, angle of view and it being set back from the edge of the escarpment. The development would be visible from the hills on the northern side of the city, but at such distances would be seen in the context of the wider development on the plateaux (remembering also that the site was previously developed).

The 3 storeys development on the frontage to Bradford Road sits below the maximum parameter set at the outline stage. The maximum height of these 3 storeys apartment blocks is 10m which result in an AOD height of approximately 175m. In comparison, the maximum parameter allowed for buildings up to 176m AOD, as such the proposed development sits approximately 1m lower than the maximum that may be permitted. The proposed height of these buildings and their location on the plateau results in them not being visible from the land to the south of the city (i.e. from the AONB). Views of them would be screened by the existing development on the rising land to the south and existing properties on the southern side of Bradford Road. The taller 4 storeys buildings proposed further to the north, given the falling land across the site and distance from Bradford Road(approx 190m), would not be visible from viewpoints to the south of the city.

Proposed building heights as identified above, fall within the parameters set at the outline stage. This has been adequately demonstrated by the submitted sections through the avenue and a long section through the site. The development is in general two storeys in height where it abuts existing residential development. Three storeys are proposed along the avenue rising to 4 storeys around the garden square. The wire line imaging (based on the maximum parameters) submitted with the outline planning application identified the limited potential for visibility of the development above the tree lined skyline edge to the north of the site. This first phase of development, whilst including some 4 storeys development, is set back from the edge of the escarpment by at least 200m. The tallest building in this first phase taking account of the changing topography across the site is apartment block C located on the avenue. The maximum height of this building falls short of the maximum AOD permitted height by approximately 0.6m. Moreover, this building is located in excess of 250m from escarpment edge. Taken together it is concluded that the scale and height of this building is acceptable in this location on the site.

Any limited visibility of the proposed development of this first phase of development needs to be understood in the context of future development further to the north on the remainder of the site. Such development will intervene and also additional planting required through the advanced planting proposals on the northern edge of the site will further screen development from viewpoints to the north. The aim of the advance planting (secured by condition on the outline planning permission) is to enhance the existing planting, to strengthen and increase the screening effects so that the tree lined edge to the escarpment continues to positively contribute to the OUV of the WHS. This planting is required to be agreed with the Local Planning Authority and implemented prior to any development commencing. As a result, whilst not part of this reserved matters

submission, this planting can be taken into consideration when dealing with potential visibility of phase 1.

The visibility of the proposed development based upon the wireline imaging (maximum parameters) was assessed in detail at the outline stage and assessed to be acceptable. The visibility was assessed to be limited to elevated vantage points to the north of the city which look towards the site. Given the circumstances and context, such views would be limited to the roofs or upper floor of the four storeys development only. It is important to recognise that the currently proposed, three no. 4 storeys blocks in effect screen each other from most vantage points to the north, owing to their linear presentation along the avenue. The buildings present a frontage of approximately 30m (at the worst case) in the total width of the reserved matters application site which is nearly 300m wide (first phase only). This 30m would be made up of the north elevations of apartment blocks C and E (block E screening block D), albeit not in one linear form. Block C is 21m in width and is set behind block E which is approximately 14m in width. These two buildings are approximately 40m apart with block D located between them. These elevations at the upper floor are dominated by the mansard roofs. In terms of appearance, these roofs are to be constructed of grey metal with a standing seam. Lift overruns and plant are hidden behind raised parapets. This close massing of the larger buildings results in their effects on the wider landscape being minimised.

The elevated views of the development are at some distance and those with the greatest elevation such as Little Solsbury Hill, Prospect Stile, Penn Hill and Kelston Round Hill are at some considerable distance. The medium distance views across the City to the site, such as Camden Crescent and Camden Road are approximately 2.5-3km from the site, were previously assessed to have the clearest view of development on the site where it may be visible above the existing treeline. It is these medium distance, elevated views where the effects of the development on the tree lined bowl of the City and, therefore, the WHS has the potential to be most affected. In considering the potential for harm resulting from the visibility of the development, it should be noted that whilst the wireline imaging submitted at the outline stage suggests the development will be visible above the existing treeline, it will not significantly protrude above the skyline. The actual level (height) of development proposed at this reserved matters stage falls below the maximum outline parameter. As such, it would result in less visual effect than that assessed to be acceptable at the outline stage. Accordingly, the harm resulting from the visibility of the development on the OUV of the WHS in respect of the green setting of the skyline to the city is assessed to be not significant i.e. will result in less than substantial harm.

Turning to look at the Bath Conservation Area and Listed Buildings on Bradford Road, there is a need to ensure that the development preserves or enhances the character, appearance and surroundings of the Bath Conservation Area, as well as having regard to the setting of the Listed Buildings. There are a number of elements of the reserved matters submission which may potentially influence this area, these include the roundabout, garden areas adjacent to Bradford Road and the proposed apartment blocks fronting Bradford Road.

The roundabout and its location and broad form as a means of access into the site from Bradford Road was agreed in principle at the outline stage and the impacts on the Conservation Area and Listed Buildings was assessed to in principle be acceptable. The roundabout itself was originally proposed to be a soft landscaped feature. It has since

been amended during the consideration of this application to be a hard landscaped. A hard landscaped roundabout is considered to better reflect the character of this part of the conservations area. Immediate boundaries to Bradford Road include a mix of walls and railings and the introduction of a soft landscaped roundabout would introduce an alien feature. Therefore, a hard landscaped roundabout is assessed to be acceptable and minimises the impact of the roundabout visually on Bradford Road which is a strong linear feature in the conservation area. The detailed selection of materials for the roundabout will be controlled through the existing condition on the outline planning permission.

The proposed garden areas which fall between the roundabout and proposed apartment blocks A and B provide a key part of the gateway into the development and assist in providing the transition between the existing and proposed urban areas. The proposal is that these areas are soft landscaped. The proposals have been amended and reconfigured during the course of the application to seek to provide a simpler and stronger form. The amendments have also sought to encourage greater use of the spaces. Introduction of a feature tree on the eastern garden adds vertical structure to the area and will assist in providing balance with the existing protected Copper Beech tree on the opposite, western garden. Seating has been provided to emphasise that public access is permitted and to encourage active use of the spaces. Clearer access points from Bradford Road to the gardens have also been incorporated. Higher planting or hard boundaries on the back edge of the pavements have been avoided to ensure visibility on the roundabout is not compromised. The landscaped areas are also to include signage identifying the development. The details of this signage are not provided at this stage and can be controlled by condition to ensure appropriate treatment in terms of materials and appearance. All things considered, the amended proposals for the garden areas are considered to strike a satisfactory balance between the need to provide a softening of the built form of the development, whilst also seeking to protect the character of the Conservation Area and setting of immediate listed buildings. As such the development is assessed to preserve the character of the Bath Conservation Area having regard to the Planning (Listed Buildings and Conservations Areas) Act.

The 3 storeys apartment buildings that book end the new avenue into the site are strong and prominent buildings in the immediate street scene. The buildings are necessarily set back behind the existing building line formed by the strong terrace to the east. This is required owing to the size and position of the approved roundabout. The design and appearance of the apartment blocks has been amended following discussions with the applicant. The original composition of the buildings was considered to result in a built form that was out of keeping with the area. The blocks were too formal in appearance and the vertical emphasis resulted in a visually dominant form which was too stark a contrast with existing development and which was unacceptable in the conservation area in the view of officers.

A prominent feature of existing buildings on the northern side of Bradford Road is their roofs. The revised design of the apartment blocks now incorporates a mansard roof. This is more reflective of the area, albeit that the local roofscape is more typified by pitched roofs. This revision has not resulted in any significant difference to the overall height of the apartment blocks. However, it has resulted in a marginal raking back of the upper floor. It has also visually reduced the dominance of the buildings on the street. The use of the grey standing seam roof material is reflective of other buildings in Combe Down, albeit the

form is clearly more contemporary. The buildings still retain a vertical emphasis which is concentrated now on the projecting balconies which become stronger features.

The quality of the architectural form, in part, will rely upon the use of appropriate and high quality materials. As stated above, the outline planning permission required samples of materials to be agreed with the Local Planning Authority prior to development commencing. Notwithstanding this, the submitted drawings now clarify a greater proportion and use of Bath Stone for the apartment blocks supplemented with brick work and reconstituted stone.

The effects of the detailed development, as amended, on the character and appearance of the Bath Conservation Area and setting of the listed buildings at Greendown Terrace and the Jewish Cemetery are assessed to be not significant and in line with those anticipated and found to be acceptable at the outline stage. The amended form of development proposed is assessed to be more sympathetic to its sensitive setting, whilst maintaining a contemporary entrance to Mulberry Park as sought by the applicants.

In summary, at the outline stage it was accepted that the proposed development would result in adverse impact to the WHS, owing to some of the development potentially affecting the appreciation of the tree lined bowl within which the city is located. The level of harm resulting from the development was assessed to diminish over time as mitigation planting took effect. This assessment stands firm now. At this juncture the detailed proposals for the first phase fall below the maximum height parameters established, both in terms of maximum heights and the extent of those maximum heights. The overall design of the development is sensitive to its location in the WHS and proximity of heritage assets. The level of harm to the WHS is assessed to fall short of resulting in significant harm. The development will preserve the character and appearance of the Bath Conservation Area and setting of heritage assets on Bradford Road.

3. DESIGN AND CHARACTER

The four character areas identified for the site at the outline stage were:

- o The Avenue and Crescent
- o The Eastern Drive
- o The Neighbourhood
- o The Woodland Walk

This first phase reserved matters must be recognised as only part of the overall composition for the site. It includes development falling within the "Avenue and Crescent" and the "Neighbourhood" areas only. The applicant's submission identifies a further break down of these two character areas to address the context and diversity of character within and adjoining the site. The areas proposed also reflect their function and land use. These areas include:

- o the "Gateway" which is the southern end of the avenue where it joins Bradford Road
- o The "Avenue" itself
- o Two "mews" areas running parallel to and either side of the avenue

- o The "Garden Square" which punctuates the northern end of the avenue and fronts the school and larger apartment blocks.
- o The "Foxhill Quarter", which is located to the west of the avenue and east of the existing Foxhill Estate.
- o The "Backstones Quarter", which is located north of Backstones open space.

Looking at these areas in turn:

The "Gateway" area (covering the two 3 storeys apartment blocks) has been amended during the course of the application as discussed above. The resultant form of development is considered to provide an appropriate design response to the immediate setting taking account of the considerable constraints of the necessary road junction and proximity of heritage assets and neighbouring properties. The design of the apartment blocks whilst prominent are set back from the street frontage. The revised elevation treatment assists in visually integrating the development better into the streetscene and is balanced and softened with the proposed landscaping. The projecting balcony features on the corners of the apartment blocks provide strong vertical emphasis to frame the start of the "avenue", which is in turn complemented by the strong linear pattern of both built form and landscaping that then permeates down the "avenue". The apartment blocks are considered to successfully present a strong frontage to both Bradford Road and also the "avenue". The garden areas, as amended, also provide small but valuable and positive open spaces that should encourage active use by existing and proposed residents. All in all, the design of the "Gateway" area of the site is considered to provide a contemporary, but appropriate, design response. Moreover, it sets the tone for development of the wider site.

The "avenue" has been a consistent feature of the development since pre-application discussions on the outline stage. The "avenue" is a strong linear feature running through the heart of the site that provides the main vehicular access to the development. This first phase of development includes the majority of the "avenue" but not its termination at the main open space to the north. The consistent building line of the apartment blocks, terraces and villas along the "avenue" are complemented by the strong vertical avenue planting. Wide pavement areas are punctuated by on street car parking and shallow private garden areas. The design of the dwellings, including ground and first floor habitable rooms, provides high levels of natural surveillance. This is enhanced by the detailed design which includes picture windows. The shallow front garden areas include strong hedging and railings to provide defensible space to the dwellings and assist in delivering the more formal sense of the "avenue". The length of "avenue" of this first phase terminates at the "Garden Square". The view of officers is that this feature is a positive element of the scheme that delivers on the design parameters established at the outline stage. The "avenue" will provide a high quality environment and a feature that will assist in creating a sense of place and identity for the development.

The "Mews" areas are generally located to the rear of the formal "avenue". They are dominated by the provision of flats over garages, punctuated by more conventional two storey dwellings. The garaging on the ground floor provides parking for both the flats above and properties on the "avenue". The "Mews" areas are by their nature more informal. The eastern mews in part provides the transition and edge to Backstones open space. The outlook from these properties is attractive and provides natural surveillance of the open space. The lower 2 storey and terraced form of development is in scale and

appearance considered to be a good fit with the existing terraced properties on the southern side of Backstones. The northern stretch of the mews area continues the linear form of the street. The mews areas benefit from shared spaces which should provide a more intimate feel. In form, the western mews is similar to the eastern, although the context of this area is very different, being located in the heart of the development. Consequently, it will have a more urban feel to it. It too will benefit from shared surfaces. The mews areas provide valuable off street and hidden car parking for properties, whilst also providing valuable flatted accommodation. This approach helps create a mix and diversity of dwellings both in terms of nature and size. It also avoids greater levels of open surface level car parking across the site. The development also includes a small mews area to the north of the phase 1 development. This lies behind the northern most apartment block.

The "Garden Square" performs a number of roles. It is the only formal open space in the first phase, as such, the quality of the space needs to be high and provide genuinely usable and desirable space in which to dwell. In this regard, the spaces have been amended during the course of the application in order to increase the level of seating and hard surfacing. This, together with the formal planting, will provide a strong and attractive feature close to the centre of the development. The spaces are also now enclosed in part by hedging which will create intimate and defensible spaces which should encourage people to use them. The smaller and more intimate spaces will also, in due course, contrast with the expanse of the main open space to be provided to the north. The "Garden Square" given its location will also form part of the setting to the future primary school and community uses to the east. In this regard, the space should provide a meeting place; the inclusion of seating and cycle parking should also encourage its active use.

The square also provides an open area to complement the 4 storey scale flats to the south and west. This balance of space and built form is important to avoid the 4 storey development feeling unduly oppressive and to enclose the open space. The proportions of the space are considered to work well. The space will be further enclosed in due course to the east by the school and community uses, which will in effect complete the 'square'. Whilst these buildings are likely to be of a lower scale, the composition of the square and opening out of the space from the tighter "avenue" is considered to provide a good sense of place and high degree of legibility.

The "Garden Square" necessarily has the main "avenue" running through it and splitting the space. The applicant has used this to their advantage by seeking to give the spaces created slightly differing roles whilst retaining a high degree of symmetry in terms of visual appearance. The strong tree planting reinforces this and is the common factor in the four individual areas provided.

The "Foxhill Quarter" provides a lower density of residential development from that along the "avenue" and "Mews". It forms the transition between the new proposed development with existing development on Fox Hill. In this sub-area, development is of a more suburban form and is in the main restricted to two storeys. The dwellings provided include 2, 3, 4 and 5 beds and a mix of terraced, semi and detached. The variety of built forms has been provided to reflect the lower density development adjoining on Bradford Road and Foxhill. This area has been amended to the south to seek to move dwellings further away from protected trees. This matter is discussed later in the report. In general

this area of the development will provide attractive new properties on an intimate street pattern with some shared surfaces. Car parking is generally provided on plots and tree planting is proposed along the streets at appropriate intervals, although this is limited due to the constrained opportunities and lack of space. The dwellings proposed fronting Foxhill provide a strong building line in common with the character of the existing development on the street.

The Backstones Quarter" to the east of the site abuts the Rugby Club and Backstones. It includes residential development only and predominantly provides larger houses with a greater proportion of detached dwellings. This reflects the far lower density development to the east of the site. The southern part of this area overlooks Backstones Park separated from it by the existing stone wall. The development includes picture windows to the dwellings providing an attractive outlook onto the open space. The link detached dwellings provide a strong linear form of enclosure to the open space, reinforcing the existing stone wall. Parking in this area is all provided off street. Hedges, railings and planting screens parking areas and breaks up the front garden areas. The layout on the far eastern edge of the site allows for the provision of the footpath down the side of the rugby club should the Order be successful at appeal.

Overall, the general layout of the site taking account of the character areas provides a clear sense of place and seeks to provide good levels of permeability. The hierarchy of the roads is mirrored by the density and scale of development proposed. The lower density development is provided with low rise form along shared vehicle pedestrian spaces. Whereas the higher storey and denser development is concentrated along the "avenue", which is the higher order road through the site. This allows for a greater vertical emphasis of development without unduly impacting on existing surrounding residential neighbourhoods. In this regard, it is opined that the overall composition of this first phase is well considered. The applicant has not sought to push the development to the maximum parameters across the site. Rather the scale, form and layout of development, whilst undeniably dense compared to surrounding areas, is being delivered with sympathy to the context of surrounding areas and the constraints of the site.

The applicant has undertaken detailed design analysis of the city and the immediate area, notably Combe Down. This has allowed them to identify key patterns and themes of development from which they have taken their architectural cues for the proposed development. It is noted that particularly with the denser areas of the development, such as the "avenue", the repetitive design features and scale of development has taken pointers from more distant parts of the city. This is necessary to achieve the quantum of development which the applicant and the Council desire to see delivered on the site. This denser core of the site is however complemented by the lower order development which seeks to provide an appropriate transition with the rather more suburban and village feel of the immediate areas of Foxhill and Combe Down. It was considered that this large MOD site was of sufficient size to seek to establish a character of its own that was respectful and complementary to surrounding neighbourhoods. Overall the proposed design and further breakdown of character areas across the site should provide a good quality development that will provide an inclusive community in a manner consistent with the Council's Concept Statement as well as development plan policies.

4. HOUSING MIX AND QUANTUM

The outline planning permission allows up to 700 dwellings across the whole MOD site. This reserved matters application, following amendment, proposes 275 dwellings on the 5.6ha site. Taking account of the proposed areas of open space this results in a density of development of 50 dwellings per hectare. This proposed density accords with the Council's aspirations set in the Concept Statement and expectations in terms of the Core Strategy.

This reserved matters application proposes 30% affordable housing in this first phase, this equates to 83 dwellings. This is in line obligations set out in the S106 agreement and also in accord with Policy CP9 of the Core Strategy. It is acceptable in terms of quantum. Having regard to the nature of the affordable homes, 62 (75% of the total) would be provided for social rent and the remaining 21 (25%) for intermediate affordable housing. This split again is acceptable and policy compliant.

The affordable housing has been distributed across the site and the grouping/clustering proposed is assessed to be acceptable by officers and, importantly, accords with the requirements of the S106 Agreement. In this regard, it should be noted that the agreed clustering is in groups of no more than 8 affordable houses and no more than 20 apartments in a freestanding block. The affordable housing has been designed to be tenure blind. For example, one of the two identical apartment blocks fronting Bradford Road is to provide social housing whilst the other will provide open market housing.

The affordable housing proposed includes a mix of dwelling types and sizes which is reflective of the overall housing types provided across the site. The mix includes one and two bed apartments, two, three and four bedroom houses. This mix of size and presentation is again acceptable and reflects pre-submission discussions between the applicant and Housing Services.

The size and mix of properties proposed, both open market and affordable, will positively contribute towards providing a mixed, balanced and inclusive community in accord with the Core Strategy aspirations. The mix of housing proposed is assessed to be compliant with Policy CP10 of the Core Strategy and is welcomed.

5. EDUCATION

The outline planning permission and accompanying S106 agreement secured the delivery of a 210 place primary school and early years facility on the site. These elements of the development are not included within this first phase of the development, but will adjoin it in due course. As discussed above, in respect of the outline parameters, this first reserved matters application will ensure sufficient land is retained for delivery of the primary school in due course.

The timing of delivery of the primary school and its design and presentation is controlled through the S106 agreement to ensure it is provided in a timetable and to a specification acceptable to the Local Planning Authority and to meet the needs arising from residents of the development. The comments regarding the projected pupil numbers from the first phase of development are noted. The shape of the site whilst slightly irregular does include frontage to the avenue and a secondary road to provide access to the site. Whether the school is provided as a single or two storey development is permissible under the terms of the S106; its ultimate form will be decided as part of the specification to be

agreed with the Council. The applicant has identified that the land identified for the primary school is large enough and of a shape suitable to deliver the necessary pitch to the rear of the site (and adjoining the rugby pitches at Combe Down Rugby Club).

6. TRANSPORT AND ACCESS

Matters of access to the site were approved in principle at the outline stage. As discussed above the means of access in terms of location and nature are acceptable and consistent with the outline parameter plans (plan reference MXX-XX-DR_0110 Rev F). The quantum of development proposed also falls within the parameters set at the outline stage. Therefore, the development proposed in this first phase will not lead to a higher level of traffic movements than assessed to be acceptable at the outline stage. The development also incorporates bus movements and identifies bus stops in locations which will ensure accessibility to public transport in the first phase. Cycle parking is discussed below, but it should be noted that on street cycle parking is provided in several locations across the site. All these locations are accessible and visible with good levels of natural surveillance.

There have been a number of amendments made to the internal road layout during the course of the planning application. The initial submission was not acceptable owing to numerous locations where the proposed layout was unacceptable for HGV tracking. The revised layout has addressed all but one of these instances. In that case there is a need for the vehicle to use both sides of the road to make a turn and the front overhang of the vehicle crosses the identified pavement area. This is in reality a movement that would be made infrequently by either refuse vehicles or occasional delivery vehicles. In the context of the overall development this matter is not assessed to warrant refusal of the proposal. Notwithstanding this, the applicant has advised they are reviewing this matter. Should there be any update it will be reported as a late item to the committee.

Elsewhere on the site the "avenue" has been increased in width to ensure it is 6.5m in width for its entire length. This width facilitates the passing of two large vehicles. This is important given it is the principle access to the site and will be used as part of the bus route through the site in due course. Logically, it also would be the route any delivery vehicles servicing future commercial premises in later phases would take.

Car parking is provided across the site and is commensurate with the level of development proposed. Parking is in the main provided in parking courts for the apartment blocks and in garages or drives for dwellings. The parking levels are considered to be acceptable and are on average 1.4 spaces per dwelling. In general, this is one space per apartment and two spaces per house.

The layout of the development also includes some on street parking, this in some cases is allocated for dwellings, others are allocated for visitors and also for the car club (2 no.). The on street parking bays have been amended to ensure they do not hamper HGV movements or visibility at road junctions. Related to this, trees in visibility splays are all to have raised canopies to a minimum of 2m to ensure maximum visibility for all vehicles.

Cycle parking is provided in freestanding covered buildings for the apartment blocks. At officers request, the details of these has been amended to ensure the location and size of these facilities is acceptable. Cycle parking is provided in a vertical form in the buildings. This is a more efficient layout, minimising the size of the buildings but would mean lifting

bikes into position. On balance this is an acceptable level and form of cycle parking. For houses, cycle parking can be provided within the garages or in sheds.

The road layout and connections to Bradford Road, Foxhill and Backstones open space provide a high degree of permeability in this first phase. The proposed dwellings do not have access to the existing private rights of way to the rear of properties on Foxhill or Bradford Road. This addresses security concerns raised by existing residents of the neighbouring streets and the police liaison officer.

In summary, on balance the overall highway layout across the site is considered to be acceptable. The layout will facilitate future public transport movements through the site. Levels of car parking and cycle parking are acceptable. Areas of shared surfaces are employed across the site where appropriate and pedestrian linkages to the neighbouring residential areas strike a good balance between permeability and protecting the privacy and security of existing residents.

7. LANDSCAPING AND TREES

Landscaping is discussed in part in other areas of this report in relation to the "Garden Square", "Gateway" and treatment of open spaces and having regard to the heritage setting of the site. The soft and hard landscaping of the development both in terms of the streetscene and designated spaces is crucial to the success and quality of the scheme.

As discussed, elements of the proposal have been amended during the course of the application to improve the quality and form of the proposed landscaping and/or to ensure the continued positive contribution of existing landscape features.

In particular, the landscaping at the "Gateway" has been strengthened to provide a better balance of hard and soft landscaping and also to include a feature tree to provide more structure and balance to the area. The structural avenue planting is a key landscape feature of the site. Concerns have been raised as to the space given to these trees given their location close to the avenue dwellings. However, the trees are generally located between dwellings, rather than directly adjacent to windows. This gives them as great a space as possible and should limit future conflict with the occupation of the dwellings. The amendments to the layout also provide a further 0.5m of space between the trunks and elevations. The applicant has advised that they cannot move the avenue dwellings any further back, owing to the need to provide soakaways in the rear garden areas. The avenue planting has specifically identified the use of *Tilia cordata* 'green spire' trees. This is a tree which has a narrow, compact and fastigiated canopy which is considered a suitable tree species for avenue planting, particularly where space is limited, as in the current case.

On wider landscaping issues, the use of a mix of fencing, railings and hedges to define boundaries and spaces across the site creates a good mix of treatments and have been selectively used to screen parking areas and protect the amenity of future residents. The materials across the site for both landscaped areas and for the buildings are controlled by condition. The indicative mix proposed suggest a mix which reflects the formality and hierarchy of buildings and surfaces across the site. In this regard, the use of shared surfaces in many areas is welcomed.

Comments have been provided by interest parties on the advance planting proposals submitted by the applicant. The advance planting proposals do not form part of this reserved matters submission, rather a separate submission under a condition. As such, the acceptability or otherwise of this advanced planting is not critical to the determination of this application. The advance planting proposals are subject to a condition on the outline planning permission which requires a scheme to be agreed with the Local Planning Authority prior to development commencing. This reflects the overall importance of this element to the overall development of the site. Its purpose seeks to enhance the tree lined setting of the city and to contribute to the screening of the proposed development from vantage points to the north.

The advance planting details submitted for information with these reserved matters are not considered to be acceptable. Neither the quantity nor nature of planting is assessed to provide the necessary quality and depth of screening desired to ensure the long term setting of the city in terms of the WHS. The applicant is aware of this and has been requested to review this aspect of the wider development.

In summary, the overall landscape approach for this first phase reserved matters is considered acceptable and to provide a sound basis for the development of the wider landscaping proposals on the remainder of the site.

Dealing specifically with trees, the reserved matters submission clarifies the extent of retention and removal of existing trees. The applicant stresses that the justification for the loss of trees across the wider site was accepted at the outline stage. It is unfortunate that the majority of trees removed the site fall within this first phase of development. Few trees other than those that are prominent from Bradford Road (and within the Conservation Area) are retained. This reserved matters application includes provision of some 236 new trees overall. It is also noteworthy that additional planting will and must be provided in the later phases, where there are in general larger areas and more opportunities to provide mitigation planting. Future phases include the main open space and linear park along the escarpment as well as two further open spaces. The proposed tree planting in this first phase includes larger scale tree planting along the "avenue" and in the "Garden Square" as well as planting along the western side of Backstones. Whilst many of these trees would be subject to regular management they will nether-the-less make a positive contribution to the area and help create a sense of place and define the character of the area. Trees along Backstones in particular have the potential to make a longer term contribution to the "greening" of the area. Other planting within the site includes generally smaller scale planting, some of ornamental nature, along the secondary streets and in front and rear gardens. There also are some larger species proposed where space allows.

Concerns have been raised about the proximity of proposed dwellings to the retained trees that are grouped to the south of the site adjacent to existing properties on Bradford Road. There also is a more limited concern about the impact on existing large trees in the rear garden of properties on Foxhill. The concerns relate not just to proximity but also to the context. The trees are generally located directly to the south of the proposed dwellings and given their scale and height have the potential to overshadow properties for a considerable proportion of the day, as well as resulting in leaf litter etc. The concern is that there may be pressure from future residents to fell or undertake works to the trees to reduce potential impacts. The applicant has sought to address these concerns and has

amended the layout of this area to move dwellings further away from the retained trees. The house types have also been amended so that it is generally larger gardens that fall close to the trees. This has the benefit of there being greater areas of unaffected gardens and greater potential for direct sunlight to the rear of the properties and their garden areas. The amended plans now confirm that none of the proposed dwellings are within the root protection zones or under the canopies of the protected and retained trees. Whilst recognising the concerns expressed, it is considered that the amended design has made some improvements to ensure the long term contribution of the existing trees that are proposed to be retained. In addition, it is proposed that permitted development rights be removed from a number of plots where existing trees are in close proximity. This can be done by condition and will avoid any future development occurring without an assessment of the potential impacts. Accordingly, on this basis, the proposal is assessed to be acceptable having regard to the treatment of existing trees.

8. OPEN SPACE

This reserved matters application includes one formal area of open space, which straddles the main avenue in a location which would be close to the location of the future primary school. As discussed above, the location and overall size of the space accords with the approved outline parameter plan.

The applicant describes this open space as a "Garden Square". The "Garden Square" is formed in effect by four smaller spaces located to both the east and west of the main avenue. The spaces have been designed to provide a setting and sense of space complementary to the adjacent 4 storey apartment blocks. The space will also provide a focal point on the avenue which is emphasised by the structural trees proposed. The presentation of the "Garden Square" has been amended following discussions with the applicant. The spaces provide a balance and mix of structural tree planting designed to complement the avenue planting leading up from Bradford Road and lower planting and hedging to provide some sense of enclosure. The spaces provide cycle parking, seating, grassed and hard surfacing areas designed to provide space for people to meet and dwell. The proposed trees will provide shelter and shade to these areas. This space, given its location close to apartment blocks and also the primary school, is likely to be heavily used, particularly in the short to medium term, until such time as the main open space on site is provided in later phases. The amended proposal is assessed to provide a good quality and attractive space that should encourage active use whilst also being of a form that should be robust.

Whilst not technically open space, the garden areas in front of the apartment blocks fronting Bradford Road provide some limited amenity benefit. Visually they soften the entrance to the site and, following revision, they also provide clearer pedestrian access and seating to encourage active use by residents. The revisions ensure that this space will now positively form the transition between existing and proposed development and encourage use by all.

This first phase of development abuts the existing open space at Backstones (beyond the application site). The relationship between this space and the development is important. The proposed development fronts Backstones to the west and north. In both cases dwellings are proposed facing onto the open space to provide natural surveillance of the space and also an attractive outlook for properties. The existing stone wall is retained on

the northern boundary. The proposal includes provision of an estate style rail as a boundary on the western edge of the open space. This boundary was originally proposed to be a knee rail but has been amended following discussions with the applicant. The new estate rail is proposed to be punctuated by three pedestrian accesses. This is considered to provide a satisfactory boundary to the open space and provide easy access to it. It will provide a good sense of enclosure to Backstones, whilst retaining a strong visual connection between the space and development beyond. This should encourage active use of this space by future residents. Cycle parking and seating is also provided on the western boundary of Backstones.

The proposed tree planting around Backstones was addressed in consideration of the proposed landscaping above. In summary, officers' view is that it should positively contribute to the sense of place and provide a long term green boundary to the site.

10. OTHER CONSIDERATIONS

Residential Amenity - Local residents have raised concerns about the potential effects of the development on their amenity. Concerns include overshadowing, and loss of light. Officers also had some concerns regarding the potential for overlooking of existing properties on Bradford Road. The amendments to the proposal including redesign of plot 127 and revisions to the elevations of apartment block A have reduced these concerns. The development as now proposed is considered to satisfactorily address the issues raised by officers.

Concerns were expressed in particular from the resident adjoining plots 47 and 61 regarding the treatment of the boundary with their property. This boundary is currently formed by the existing MOD wire fence and a laurel hedge which is approximately 8-10 feet high. The neighbour was concerned that the introduction of a close boarded fence on the boundary would reduce the natural light into their property. Officers have visited the property and viewed internally and externally. The rear of the property is a large open plan space lit by windows on the rear and side elevations and also by rooflights. The existing hedge to the side already restricts light entering the side window, the occupier has advised that this hedge has been allowed to grow to screen the demolition/construction works on site. The reserved matters do not propose any change to the existing boundary at this point in time. But even should a 2m high close boarded fence be erected on the boundary this is not considered to have a fundamentally unacceptable impact on the amenity enjoyed by the existing property. The houses proposed on the adjacent plots have been sited and designed to minimise the potential and effects of overlooking or loss of privacy. The proposed dwelling to the rear is at an oblique angle to the existing house and is approximately 15m away. The dwelling has also been designed with the single storey garage adjacent to the existing dwelling (as has the directly adjacent proposed dwelling). This respects the amenity of the resident and minimises the height of development closest to them. Therefore, the relationship of the proposed development to the existing dwelling is assessed to be acceptable. The existing resident has asked that any permission granted be conditional upon them seeking an agreement with the applicant regarding an easement adjacent to their property. This is not something that can be appropriately controlled through the planning system.

The amendments made to the plans during the course of the application have included a number of changes to seek to provide better relationships between proposed properties.

The revisions have included re-orientation of plots to increase privacy and avoid overlooking and reduce the perception of being overlooked. Windows have been relocated to ensure good natural surveillance and avoid window to window overlooking. The revisions have positively sought to address issues raised and are now assessed to ensure a satisfactory living environment for all future occupiers.

In all areas across the site where the development adjoins existing residential properties, there is assessed to be an acceptable relationship. There is no unacceptable impact on the amenity of existing residents.

Archaeology - the site lies within a significant historic landscape. The outline planning permission required on site archaeological investigation. This work has been completed in agreement with the Councils archaeologist, nothing of further interest identified and the condition discharged. Accordingly, there is no requirement for any further archaeological work to be undertaken.

Public Rights of Way - The Public Rights of Way Team has recently confirmed refusal of a DMMO application seeking the designation of a path along part of the southern boundary of the site with Trinity Road and Stonehouse Lane as a public right of way. This application is now subject of an appeal. This outstanding appeal does not prejudice determination of this application. Should the DMMO appeal be successful then the right of way would need to be provided. This could be achieved through shortening the proposed gardens on part of the site by approximately 1m. This would have no material impact on the size or quality of the private garden areas to these particular plots.

Refuse - all apartment blocks have designated refuse and recycling buildings which are accessible. All dwellings have hard standing on which to locate refuse bins to the rear of the properties. These areas can all be accessed without the need to take bins through the house. Concerns are still expressed regarding the tracking for refuse and HGV vehicles on one particular bend in the development. As discussed above, the applicant is reviewing this to see if any further amendments can be made to address this minor point. Any update will be reported as a late item.

Flood Risk/Drainage - It is noted that the Environment Agency and Wessex Water have no objection subject to compliance with the conditions imposed upon the outline planning permission.

Contamination

The Council's Contaminated Land Officer seeks compliance with the previously imposed conditions on the outline planning permission.

OFFICER ASSESSMENT CONCLUSIONS

In conclusion, conditional outline planning permission was recently approved on this site. That outline planning permission set out maximum parameters for the future development of the site and a number of obligations in a S106 agreement. Reserved matters approval is sought at this stage for the appearance, landscaping, layout and scale of the phase 1 development. The reserved matters submission is in accord with the maximum parameters defined at the outline stage. The mix of land uses, locations of open spaces,

scale and heights of development, all fall within the maximum parameters previously agreed. The development as proposed, like the outline planning permission which set the principles of development on the site, is assessed to result in no substantial harm to the WHS nor any other designated heritage assets. However, this harm to the WHS must be weighed against the benefits of the proposal and any other material consideration.

In considering the benefits of the reserved matters submission, the proposal delivers proportionately on a number of the benefits which were anticipated from the outline planning permission. The development importantly will deliver 275 dwellings of which 30% will be affordable. This is in line with the terms of the S106 agreement and Development Plan Policies. The quantum of open space provided is in line with the principles previously agreed and the details confirm that a good quality space can be delivered. The proposal also delivers development on previously developed in line with the Governments aspirations to deliver sustainable development.

The approval of the reserved matters submitted will not prejudice the delivery of the remaining elements of the outline planning permission, notably the primary school, areas of open space or community facilities. All of which were benefits identified at the outline stage.

The detailed design, scale and layout of development should protect the amenity enjoyed by existing residents around the site. It should also deliver an attractive and desirable living environment for future occupiers of the development. The design of buildings across the site includes a good mix which takes cues from the immediate area and wider City. The indicative mix of materials is varied and should assist in creating a sense of place and allow a positive distinction between the areas. This first phase of development is also considered to provide a good basis to ensure the creation of a socially inclusive development well integrated with the adjoining residential areas of Foxhill and Combe Down.

The application has been subject to negotiations with the applicant and amendments have now been made which have addressed the concerns raised by Officers to a position where the overall development is now assessed to be satisfactory. A number of conditions are proposed to control the detail of some aspects.

The development will contribute to the delivery of sustainable development and should facilitate the delivery of later phases which should deliver the wider benefits previously recognised. Overall, the benefits delivered by the proposal are on balance assessed to outweigh the less than substantial level of harm identified to the WHS. Accordingly, this reserved matters application is assessed to be consistent with the outline planning permission and be in accordance with the provisions of the development plan and as such is acceptable.

RECOMMENDATION

APPROVE

CONDITIONS

1 The bin and cycle storage buildings shown on the approved drawings (ref: CUR-FHC-HTA-0250 Rev N, CUR-FHC-HTA-0251 Rev N, CUR-FHC-HTA-0252 Rev N, CUR-FHC-

HTA-0253 Rev N) relating to Apartment Blocks A-E hereby approved shall be provided before the apartment blocks are first occupied, and thereafter retained for that purpose.

Reason: In the interest of the amenity of the area and to ensure the agreed storage is provided to serve the development.

2 Notwithstanding the details submitted, prior to the commencement of development a revised tracking plan shall be submitted to and approved in writing by the Local Planning Authority. This tracking shall show a reduced overrun of the footway when HGV's turn the corner adjacent to Plots 119 and 128 (as shown on approved drawing ref: CUR-FHC-HTA-101 Rev N). The development shall proceed thereafter in accordance with the approved details.

Reason: In the interests of highway safety.

3 Notwithstanding the detail shown on the approved plans, details of appropriate features at the ends of shared surface carriageways shall be submitted to and agreed with the Local Planning Authority prior to development commencing to enforce the concept. The features shall be implemented as approved and thereafter maintained.

Reason: In the interests of highway safety.

4 Prior to the construction of each of the elements set out below, detailed plans at a scale of no less than 1:10) shall be submitted to and approved by the Local Planning Authority:

- o Balconies
- o Railings
- o Rainwater goods
- o Parapets

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

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

5 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 1 of Schedule 2, classes A, B, C, D, E, F of that Order, shall be erected or undertaken on plots 119-127, 143-150 and 159 which adjoin existing properties on Bradford Road and Foxhill. These plots are clearly identified on approved drawing CUR-FHC-HTA-101 Rev N.

Reason: Any further extensions, alterations, outbuildings or development within the specified plots requires detailed consideration by the Local Planning Authority to safeguard existing trees and the amenities of the surrounding area.

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

Reason: To define the terms and extent of the permission. 0 Authorise the Group Manager Development Management to approve subject to the following conditions;

PLANS LIST:

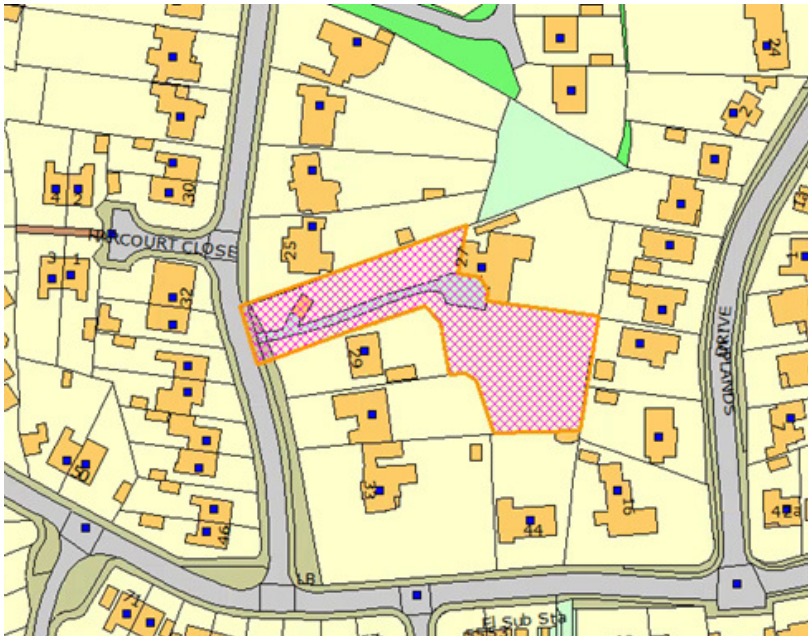
1 PLANS LIST:

CUR-FHC-HTA-0001 , CUR-FHC-HTA-0100 Rev N, CUR-FHC-HTA-0101 Rev N, CUR-FHC-HTA-0102 Rev N, CUR-FHC-HTA-0110 Rev N , CUR-FHC-HTA-0111 Rev N , CUR-FHC-HTA-0112 Rev N , CUR-FHC-HTA-0113 Rev N , CUR-FHC-HTA-0114 Rev N , CUR-FHC-HTA-0115 Rev N, CUR-FHC-HTA-0118 Rev N, CUR-FHC-HTA-0200 Rev K, CUR-FHC-HTA-0201 Rev K, CUR-FHC-HTA-0202 Rev K, CUR-FHC-HTA-0204 Rev K, CUR-FHC-HTA-0205 Rev K, CUR-FHC-HTA-0206 Rev K, CUR-FHC-HTA-0207 Rev K, CUR-FHC-HTA-0208 Rev K, CUR-FHC-HTA-0210 Rev K, CUR-FHC-HTA-0211 Rev K, CUR-FHC-HTA-0212 Rev K, CUR-FHC-HTA-0214 Rev K, CUR-FHC-HTA-0215 Rev K, CUR-FHC-HTA-0216 Rev K, CUR-FHC-HTA-0217 Rev K
CUR-FHC-HTA-0218 Rev K, CUR-FHC-HTA-0220 Rev M, CUR-FHC-HTA-0221 Rev M, CUR-FHC-HTA-0223 Rev M, CUR-FHC-HTA-0225 Rev M, CUR-FHC-HTA-0226 Rev M, CUR-FHC-HTA-0227 Rev M, CUR-FHC-HTA-0228 Rev M, CUR-FHC-HTA-0229 Rev M, CUR-FHC-HTA-0230 Rev M, CUR-FHC-HTA-0231 Rev M, CUR-FHC-HTA-0232 Rev M, CUR-FHC-HTA-0233 Rev M, CUR-FHC-HTA-0235 Rev M, CUR-FHC-HTA-0236 Rev M, CUR-FHC-HTA-0237 Rev M, CUR-FHC-HTA-0238 Rev M, CUR-FHC-HTA-0239 Rev M, CUR-FHC-HTA-0240 Rev M, CUR-FHC-HTA-0241 Rev M, CUR-FHC-HTA-0242 Rev M, CUR-FHC-HTA-0243 Rev M, CUR-FHC-HTA-0245 Rev M, CUR-FHC-HTA-0246 Rev M, CUR-FHC-HTA-0247 Rev M
CUR-FHC-HTA-0248 Rev M, CUR-FHC-HTA-0249 Rev M, CUR-FHC-HTA-0250 Rev N, CUR-FHC-HTA-0251 Rev N, CUR-FHC-HTA-0252 Rev N, CUR-FHC-HTA-0253 Rev N, CUR-FHC-HTA-0300, CUR-FHC-HTA-0350, CUR-FHC-HTA-0351 ,CUR-FHC-HTA-0352, CUR-FHC-HTA-0400 Rev N, CUR-FHC-HTA-0404 Rev N, CUR-FHC-HTA-0410 Rev N, CUR-FHC-HTA-0415 Rev N, CUR-FHC-HTA-0416 Rev N, CUR-FHC-HTA-0417 Rev N, CUR-FHC-HTA-0420 Rev N, CUR-FHC-HTA-0421 Rev N, CUR-FHC-HTA-0425 Rev N, CUR-FHC-HTA-0426 Rev N, CUR-FHC-HTA-0435 Rev N, CUR-FHC-HTA-0436 Rev N, CUR-FHC-HTA-0445 Rev N, CUR-FHC-HTA-0446 Rev N, CUR-FHC-HTA-0455 Rev N, CUR-FHC-HTA-0456 Rev N, CUR-FHC-HTA-0457 Rev N, CUR-FHC-HTA-0465 Rev N, CUR-FHC-HTA-0466 Rev N, CUR-FHC-HTA-0468 Rev N, CUR-FHC-HTA-0470 Rev N, CUR-FHC-HTA-0471 Rev N, CUR-FHC-HTA-0472 Rev M, CUR-FHC-HTA-0473 Rev N, CUR-FHC-HTA-0475 Rev N, CUR-FHC-HTA-0476 Rev N, CUR-FHC-HTA-0485 Rev N
CUR-FHC-HTA-0486 Rev N, CUR-FHC-HTA-0490 Rev N, CUR-FHC-HTA-0491 Rev N, CUR-FHC-HTA-0495 Rev N, CUR-FHC-HTA-0496 Rev N
CUR-FHC-HTA-0500 Rev N, CUR-FHC-HTA-0510 Rev N, CUR-FHC-HTA-0520 Rev N, CUR-FHC- HTA-L-9000 Rev L, CUR-FHC- HTA-L-9001 Rev F
CUR-FHC- HTA-L-9003 Rev C, CUR-FHC- HTA-L-9004 Rev C, CUR-FHC- HTA-L-9005 Rev D, CUR-FHC- HTA-L-9006 Rev E, CUR-FHC- HTA-L-9008 Rev B, CUR-FHC- HTA-SK-0111 Rev A, SKC020 Rev D , SKC050 Rev G

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 Framework. For the reasons outlined in the above case officer's report, a positive view of the proposals has been taken and approval of the reserved matters has been given.

3 For the avoidance of doubt, notwithstanding the details on the plans hereby approved, the materials to be used in the development need to be submitted to and approved in writing by the Local Planning Authority in accordance with Conditions 6 and 7 on the outline planning permission ref: 14/04354/EOUT.

Item No: 03
Application No: 15/02904/FUL
Site Location: Echo Gate 27 Rodney Road Saltford BS31 3HR



Ward: Saltford **Parish:** Saltford **LB Grade:** N/A
Ward Members: Councillor F Haerberling Councillor Emma Dixon
Application Type: Full Application
Proposal: Erection of 3no. detached dwellings and garages.
Constraints: Agric Land Class 1,2,3a, Forest of Avon, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant: Mr Nicholas Johnson
Expiry Date: 31st August 2015
Case Officer: Chris Griggs-Trevarthen

REPORT

REASON FOR REPORTING TO COMMITTEE

Claverton Parish Council has objected to the proposal for the following reasons:

Overdevelopment;
Not in keeping with Rodney Road;
Loss of privacy to immediate neighbours due to proximity of new properties to boundary;
Loss of natural habitat from the site;
Will not leave a positive legacy for Saltford;
Concern about access and egress to the site particularly in view of on-street parking and proximity to junction with Harcourt Close;
No upper limit on the number of cars on the site.

In accordance with the Scheme of Delegation, the application has been referred to the chairman of Development Control Committee who has decided that the application should be determined by committee.

DESCRIPTION

The application site comprises part of the garden of Echo Gate, a bungalow property situated on a backland site. The site is accessed via an existing driveway off Rodney Road. There are a number of mature trees occupying the site and its boundaries. The surrounding area is predominately residential in character and the site is surrounded on all sides by the gardens of other residential properties on Rodney Road, Uplands Road and Uplands Drive.

The site falls within the Salford Housing Development Boundary.

The proposal is to erect 3 detached dwellings with the garden of Echo Gate, to extend Echo Gate with a double garage and erect a single garage to serve proposed plot 1.

The application site has no relevant history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

WALES AND WEST UTILITIES

No objection

HIGHWAYS OFFICER

No objection, subject to conditions

ARBORICULTURE

No objection, subject to conditions

SALTFORD PARISH COUNCIL

Objection:

Overdevelopment

Not in keeping with Rodney Road

Loss of privacy to immediate neighbours due to proximity of new properties to boundary

Loss of natural habitat from the site

Will not leave a positive legacy for Salford

Concern about access and egress to the site particularly in view of on-street parking and proximity to junction with Harcourt Close

No upper limit on the number of cars on the site

THIRD PARTIES/NEIGHBOURS

11 letters of objection have been received. The main points raised were:

Overdevelopment of the site

The main road is over used for parking

Inappropriate location for dwellings

Impact upon natural wild life

Not in keeping with the current properties on the road

Disruption from building work

Extra traffic would be hazardous

Poor visibility on Rodney Road

Adverse effect on neighbour's outlook

Transport statement is a year out of date

Extra noise pollution

Loss of green land

The appeal of Saltford is being eroded
Impact upon light and privacy of adjoining properties
The access is obstructed by parked cars
Overlooking of bungalows in Uplands Drive
Loss of trees
Proposed gardens are too narrow
Is the development necessary?
Properties will be in close proximity to neighbouring boundaries
Concern about the uses of the proposed garages
Noise/disruption from cars accessing/using site

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).

CORE STRATEGY

RA1 Development in the villages meeting the listed criteria
CP2 Sustainable Construction
CP6 Environmental Quality

LOCAL PLAN

D.2 General Design and public realm considerations
D.4 Townscape considerations
NE.4 Trees and woodland
NE.10 Nationally important species and habitats
NE.11 Locally important species and habitats
T.24 General development control and access policy
T.26 On-site parking

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: Delivery a wide choice of high quality homes
Section 7: Requiring good design

OFFICER ASSESSMENT

The main issues to consider are therefore:

- Principle of development
- Character and appearance
- Residential amenity
- Highways and parking
- Ecology
- Trees and woodland

PRINCIPLE OF DEVELOPMENT: The site lies within the Saltford Housing Development boundary which is defined as a RA1 village. The principle of new residential development

is therefore acceptable in accordance with policy RA1 of the Core Strategy. New dwellings in this location are therefore acceptable in principle.

CHARACTER AND APPEARANCE: The proposal is to erect 3 dormer style bungalows, one situated in the position of the existing garage to be demolished at the front of the site (Plot 01) and two positioned within the garden of Echo Gate (Plot 02 and 03). There is a history of housing developments being permitted within the rear gardens of existing properties along Rodney Road. Just to the north of the application site permission was granted in 2009 for the erection of 4no detached dwellings and garages following demolition of an existing garage on a backland site (ref: 09/03932/FUL).

It is therefore considered that the principle of backland development in this location is acceptable. The site is sufficiently large to accommodate the 3 proposed dwellings which are all reasonably modest in scale due to the dormer bungalow style adopted.

Plot 1 is positioned in line with the neighbouring property to the north, 25 Rodney Road, but forward of the building line of 29 Rodney Road to the south. The building line along the east side of Rodney Road is not entirely uniform along its length and there are a variety of different building styles. Primarily the scale of development along this side of Rodney road is single storey or single storey with roof accommodation. Plot 1 sits comfortably within this street scene and respects the character and appearance of the surrounding area.

Plot 2 and 3 are positioned in a backland position adjacent to the existing building, Echo Gate. Both plots are afforded adequate garden and amenity space and have a good degree of spacing around them. Plot 2 does lie within 2m of the boundary of the site, but only near one corner of the proposed dwelling and it is not considered that the proposed dwellings appear cramped or overdeveloped.

The scale and design of the proposed dwellings reflects the style, form and appearance of the existing dwelling, Echo Gate. The ridge height of proposed plots 1 and 2 is 7m which is considered to be reasonably high, but not excessive in the context of the dormer bungalow style of dwelling proposed.

Plots 1 and 2 are therefore considered to be in keeping with the character and appearance of the surrounding area and will not be unduly prominent within the street scene.

Overall, it is considered that the proposals respect the character and appearance of the surrounding area and comply with the relevant sections of policies D.2 and D.4 of the Local Plan and policy CP6 of the Core Strategy.

RESIDENTIAL AMENITY: Plot 1 is positioned adjacent to the boundary with 25 Rodney Road. This property has a single door and window on its side elevation facing the application site, but is set back a few metres from the site boundary. The dormer bungalow style of the proposed dwelling means that most of the bulk of the roof form is sloping away from the boundary. It is therefore considered not to appear oppressive or overbearing towards no. 25 Rodney Road and will not unduly restrict the light or outlook from this neighbours window.

25 Rodney Road has a conservatory on the rear elevation adjacent to the application site boundary. However, the rear building line of plot 1 does not extend as far as the existing conservatory and it is therefore considered have any detrimental impact in terms of loss of light or outlook from this conservatory.

There are no windows on the side elevation of plot 1 which would overlook 25 Rodney Road.

The access road to Echo Gate and plots 1 and 2 runs alongside the boundary with 29 Rodney Road to the south. This boundary is heavily planted and contains an existing boundary fence. The access road itself is set back from the boundary of the site. It is considered that the intensification of the use of this access run arising from the two additional dwellings on the backland part of the site will not cause unduly excessive noise or disturbance to the occupiers of 29 Rodney Road. The existing boundary treatment and the set back from the boundary will help to mitigate any impacts. Furthermore, the narrow size of the road will encourage cars to drive at lower speeds whilst using the access there by reducing the potential noise impacts. The impacts of headlights will be screened by the existing boundary treatment and vegetation.

Plot 2 is positioned adjacent to the boundaries of 29 and 31 Rodney Road and 44 Uplands Road. The proposed dwelling is approximately 20m from the rear of the nearest dwelling, 29 Rodney Road. There is a close boarded fence and proposed planting along this boundary which will provide a decent level of screening for the proposal. The dormer bungalow style of the proposed dwelling will ensure that the bulk of the building's roof is sloping away from the boundary and will not appear oppressive or overbearing. The proposals are not considered to result in any significant loss of light or outlook from these adjoining properties. Plot 2 contains a single ground floor window which faces towards 29 Rodney Road, but views from it will be screened by the existing boundary treatment. There are no windows or rooflights within the roof slope on this elevation and it is proposed that any future rooflights/windows be restricted by condition. There are two dormer windows in the southern roofslope facing towards 44 Uplands Road. However, both of these windows are over 25m from the rear of 44 Uplands Road which is considered sufficient separation in this context to prevent any harmful overlooking. Furthermore, the proposed planting along the southern boundary will help to screen any views obtained.

Plot 3 would lie adjacent to the rear boundaries of 12 and 14 Uplands Drive to the east. Plot 3 is set back from the east boundary of the site between 2 - 4m. The rear gardens of properties in Uplands Drive are relatively short. However, the dormer bungalow style of the proposed dwelling will ensure that the bulk of the building's roof is sloping away from the boundary and will not appear oppressive or overbearing from the rear of these neighbouring dwellings. The east elevation of the proposed dwelling contains two east facing ground floor windows and two east facing rooflights. Views from the ground floor windows will be screened by the existing boundary fence which will be retained. The two east facing rooflights serve the bathroom and en-suite of the proposed dwelling. Given the uses of these rooms it is considered appropriate to require these two rooflights to be obscurely glazed and fixed shut. This can be secured by condition.

Plot 3 also contains two south facing dormers, but, similar to plot 2, these are a significant distance from the southern neighbour, 44 Uplands Road. Any views towards other

properties on Uplands Drive will be at an indirect and obscure angle and are not considered to result in any significant loss of privacy or harm.

The proposed dwellings are also arranged so as to provide the potential future occupiers with a decent standard of amenity and good quality residential environment.

Overall, it is considered that the proposed dwellings would not significantly harm the amenities of any of the adjoining occupiers.

HIGHWAYS SAFETY AND PARKING: The information submitted demonstrates that the vehicular access arrangement would be acceptable, although some minor highway works would be required to ensure that the visibility splays accord with the standards dictated by the traffic speeds recorded on Rodney Road. The highway authority has reviewed the advice provided in the Manual for Streets document, and indicated that there is no conflict with this guidance.

The vehicular access width is proposed to be 4.1m near the junction with Rodney Road, and this will allow two cars to pass each other. This is considered to be appropriate in this case, and although the access narrows, there would be places for vehicles to pass. Some larger vehicles may need to service the site from Rodney Road, although a turning area has been incorporated within the design, and this will accommodate delivery vans.

It is not considered that traffic generated by a development of this scale would have a noticeable impact on the operation of the local highway network. The number of parking spaces proposed to serve the development is considered to be acceptable.

Pedestrian access will be via the shared surface vehicular access, and this is considered suitable to serve a development of this type. The site is well located to the services available in Saltford and existing public transport connections. The refuse collection strategy for the site is considered to be acceptable.

It would be unacceptable for construction vehicles to park on Rodney Road for long periods of time, and accordingly, it is recommended that a Construction Management Plan is a condition of any permission granted.

The Highways Officer has no objection to the proposal subject to the applicant entering into an agreement to secure the necessary highways works. This can be secured via a Grampian condition requiring the highways works to be completed prior to the occupation of the proposed dwellings.

It is therefore considered that, subject to the conditions suggested by the Highways officer, the proposal will not prejudice highways safety and will provide sufficient on-site parking.

ECOLOGY: A number of comments have been raised by neighbours about the potential wildlife occupying the site. The site is currently maintained as garden land and has a number of trees within it. It is considered appropriate to require a Wildlife Protection and Enhancement Scheme to be prepared as a condition of any consent. Subject to this condition, it is considered that the proposal will not adversely affect any locally or nationally important wildlife.

TREES AND WOODLAND: The application includes an arboricultural report and the Arboricultural Officer is in general agreement with the assessment of the trees on the site. The proposals include the removal of a significant number of trees on the site. However, opportunities exist to replant trees within the site. The Arboricultural Officer has no objection to the application, but has raised a number of concerns and comments about the landscaping scheme. It is considered that these matters can be addressed through a revised landscaping scheme which can be secured by condition. Subject to a detailed arboricultural method statement, tree protection plan and revised landscaping scheme, there is no objection to the proposal on arboricultural grounds.

CONCLUSION: The proposals accord with policies D.2, D.4, NE.4, NE.10, NE.11, T.24 and T.26 of the Bath and North East Somerset Local Plan and policy CP6 and RA1 of the Bath and North East Somerset Core Strategy and, in accordance with paragraph 17 of the National Planning Policy Framework, 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 Prior to the construction of the external surfaces of the dwellings hereby approved, 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. The development shall thereafter be carried out only in accordance with the details so approved.

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

3 No development shall take place until 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 records. 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. This condition is required prior to commencement to prevent possible harm to retained trees as a result of any initial and subsequent site works.

4 No development or other operations shall take place except in complete accordance with the approved Detailed 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 and prior to the first occupation of the dwelling.

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

5 Prior to the occupation of the dwellings hereby approved a soft landscape scheme incorporating a scaled drawing shall be 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 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.

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

7 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.

8 Prior to the occupation of the dwellings hereby approved, the access, parking and turning areas shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenities of adjoining occupiers.

9 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, hours of working and wheel washing facilities.

Reason: To ensure the safe operation of the highway and in the interests of the amenities of adjoining occupiers.

10 No development shall take place until full details of a Wildlife Protection and Enhancement Scheme to be produced by a suitably experienced ecologist have been submitted to and approved in writing by the local planning authority. These details shall include all necessary measures to avoid harm to wildlife and protected species including

reptiles and nesting birds; and for provision of wildlife habitat, bird and bat boxes, and wildlife friendly planting. 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 approved works shall be carried out prior to the occupation of any part of the development.

Reason: In the interests of protecting important wildlife and ecology.

11 The highway works (as shown in Drawing TP5353-SK02 C), including the proposed build out, shall be completed in accordance with the approved details prior to the occupation of the dwellings hereby approved.

Reason: In the interests of highways safety.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no additional windows or rooflights (other than those expressly approved by this permission) shall be inserted within any part of any roof of the dwellings hereby approved unless a further planning permission has been granted by the Local Planning Authority.

Reason: In the interests of protecting the residential amenities of adjoining occupiers.

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

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

PLANS LIST:

1 3641/201	Location Plan
3641/203	Existing Site Survey
3641/205 B	Proposed Site Plan
3641/206 B	Proposed Landscaping Plan
3641/210	Plot 01 - Proposed Floor Plans
3641/211	Plot 02 - Proposed Floor Plans
3641/212	Plot 03 - Proposed Floor Plans
3641/213	Plot 01 - Proposed Garage Floor Plan
3641/214	Existing House - Proposed Garage Floor and Roof Plan
3641/220	Plot 01 - Proposed Elevations
3641/221	Plot 02 - Proposed Elevations
3641/222	Plot 03 - Proposed Elevations
3641/223	Plot 01 - Proposed Garage Elevations
TP5353-SK02 C	Visibility Review
150529-RRS-TPP-REV C-LI&AM	Tree Protection Plan

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

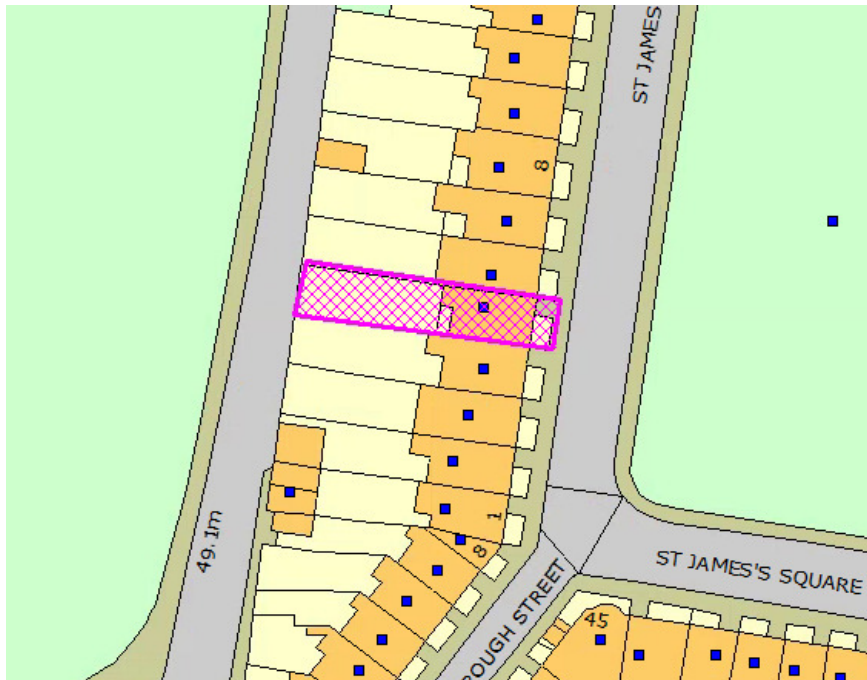
given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

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, Lewis House, Manvers Street, 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 You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Item No: 04
Application No: 15/03171/FUL
Site Location: 5 St James's Square Lansdown Bath Bath And North East Somerset BA1 2TR



Ward: Kingsmead **Parish:** N/A **LB Grade:** I
Ward Members: Councillor Chris Pearce Councillor Andrew Furse
Application Type: Full Application
Proposal: Change of use from use class C3 (last used as a House in Multiple Occupation) to House in Multiple Occupation (large HMO) (use class Sui Generis) and reconstruction of front lightwell staircase.
Constraints: Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,
Applicant: Mr Willats' Charity
Expiry Date: 8th September 2015
Case Officer: Victoria Griffin

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: The application is being referred to committee following discussion with the Chairman of the Committee.

PROPOSAL: The application seeks permission for the Change of use from use class C3 (last used as a House in Multiple Occupation) to House in Multiple Occupation (large HMO) (use class Sui Generis) and reconstruction of front lightwell staircase.

DESCRIPTION OF SITE AND APPLICATION: The property is a Grade I Listed Building situated within St James Square which was built between 1790 and 1794 and was designed by John Palmer. No.5 forms part of a group of Listed Buildings and is considered to be of significant architectural importance.

The property has been owned by The Willat's Charity since 1858 but has stood vacant for some time. The last use known use was as a House in Multiple Occupation (HMO) with a number of self-contained units and with shared bathroom and kitchen facilities

The proposal now seeks to reinstate the use as an 8 bedroom HMO with some internal room configuration and improvements to a lower ground level staircase.

RELEVANT PLANNING HISTORY:

DC - 15/01233/LBA - CONSENT - 12 May 2015 - Internal and external alterations to include minor works and rationalisation of services

DC - 01/02578/LBA - CONSENT - 22 January 2002 - Fire proofing existing doors and provision of central heating

DC - 02/01392/LBA - CONSENT- 1 August 2002 - Conversion from multi occupation to single dwelling, internal alterations to include new bathroom, heating, formation of door, removal of pipework

9269-1 - Conversion of 5 and 6 into 8 no. self contained flats - Approved 01/06/71

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: The highway authority raises no objection to this planning application. However, the applicant should be made aware of the following advisory note. The applicant should note that the site is located within a Controlled Parking Zone where existing permits exceed the supply of parking spaces. As such, in accordance with Single Executive Member Decision E1176, dated 14th August 2006, residents of this proposed development will not be entitled

to apply for additional Residents Parking Permits. This, however, is considered to be at the developers risk given the sustainable location of this development proposal.

Waste Services: No comments received

Listed Building Team: We have discussed and resolved the issue of the drawing.

Regarding the proposed development, this important building forms part of an urban 'set-piece' of architecture in the City. It is in an exceptionally original state with little alteration since built. Constructed in 1790 it is grade I listed and was designed by John Palmer. The internal original plan form, joinery and architectural detail have survived remarkably intact and it is essential that this is preserved for the future.

To avoid internal alterations that would cause harm, a suitable and sympathetic use must be found. Subsequently the most acceptable uses are for the listed building to return to one residential unit (as built), or to continue in its previous use for multiple occupation. Office use could also be appropriate but may not meet other planning considerations. Other uses such as self-contained flats would require widespread sub-division of internal spaces, loss of historic fabric and detrimental impact on character and appearance, causing substantial harm.

From the historic building perspective I therefore support the present proposal which would involve only minor alteration to this important interior and provide essential refurbishment and improvement of the historic fabric.

Environment Protection: Currently awaiting comments. Any comments will form part of an update report to Committee.

Councillor Furse and Councillor Pearce: Request the item is referred to Committee if minded to permit

53 comments of objection from local residents raising the following issues (summarised key points):

- Inappropriate use of Grade I Listed Building
- Best suited as a single family residence
- over-development of the property
- increased noise and nuisance issues
- disturbance from occupiers
- aimed at students
- highways safety concerns and negative impact on parking
- fails to integrate with the existing square
- too much student accommodation in the city
- increase rubbish
- buildings require sensitive care
- sets a precedent for other sensitive buildings
- would change the nature of local community
- anti-social behaviour issues
- excessive amount of cycle parking spaces would be required
- there is a better solution for a building of this type

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
- B4 - The 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
- ES.12 - Noise and vibration

- HG.12: Residential development involving dwelling subdivision, conversion of non-residential buildings, re-use of buildings for multiple occupation and re-use of empty dwellings.
- T.24: Access
- T.26: Parking
- BH.2: Listed buildings and their settings
- BH.6: Development within or affecting Conservation Areas

Houses in Multiple Occupation in Bath SPD

National Policy

- The National Planning Policy Framework adopted March 2012
- National Planning Practice Guidance, 2014

OFFICER ASSESSMENT

Principle of Development:

The B&NES Adopted Supplementary Planning Document sets out the Council's approach to the distribution and dispersal of Housing in Multiple Occupation. Applications for the change of use from C3 dwellings to C4 or sui generis (Houses in Multiple Occupancy) or the development of new houses as C4 dwellings or sui generis (HMOs) will not be permitted where;

Stage 1 Test: The application property is within or less than 50 metres from a Census Output Area in which HMO properties represent more than 25% of households; and

Stage 2 Test: HMO properties represent more than 25% of households within a 100 metre radius of the application property.

If Stage 1 Test is passed, there is no requirement to proceed to Stage 2 Test.

With regards to Stage 1 Test, the proposal site falls outside the areas with over 25% HMOs. This means that the proposal is acceptable in principle, unless there are other material considerations.

Residential amenity:

The proposal is for a large house in multiple occupation which would involve 6 or more unrelated occupiers, in this case 8 bedrooms are proposed. The building has historically been used as an 8 bedroom property in use as a boarding house. This proposal would not significantly change the nature and characteristics of the proposed use as an 8 bed HMO. Furthermore the occupation by 8 unrelated residents would not necessarily be aimed at the student population and can also include young professionals. Whilst 8 no. individual occupiers may have different patterns of behaviour to a single family unit there is no evidence to suggest that the proposed HMO would be used materially differently to that of a large dwellinghouse which would result in an increase in harm so significant as to warrant a refusal of this application. Noise complaints for individual properties can be dealt with via Environmental Health if necessary.

Highways: The site is located in close proximity to the city centre with all the facilities the City Centre has to offer. Therefore residents would have more sustainable choices in available modes of travel. No objection has been raised by the Highway Officer. An informative is attached to this recommendation as permit parking operates in the area.

Listed Building:

The property is a grade I listed building. No changes are proposed to the internal arrangement of the building, only minor works are proposed to the internal room configuration and an upgrade to the stairwell steps to the front of the building. Other minor enhancements are proposed to the exterior of the building. The parallel Listed Building application has been consented under ref. 15/01233/LBA where by it was considered that the works would be minimal and would therefore be sympathetic to its character, appearance and integrity. The works would enable re-occupation, safeguarding the future of the property. It is therefore not considered to raise an objection on Listed Building grounds.

The proposal is therefore recommended for permission subject to standard conditions.

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

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

PLANS LIST:

1 This decision relates to the following plans/documents:

Drawing numbers 470.1 - 470.8 inclusive

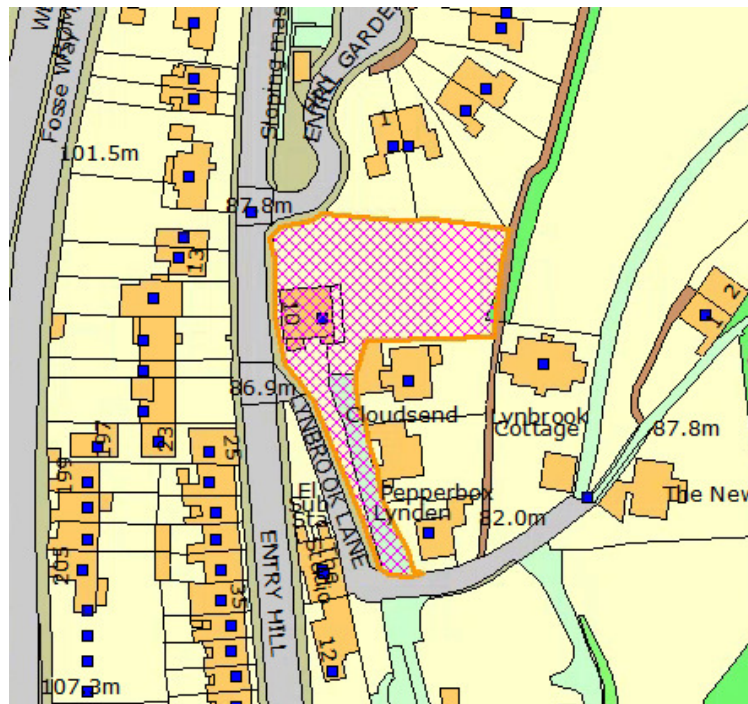
DECISION TAKING STATEMENT:

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 and expanded upon in the related case officer's report a positive view of the proposals was taken and consent was granted.

Informative: The applicant should note that the site is located within a Controlled Parking Zone where existing permits exceed the supply of parking spaces. As such, in accordance with Single Executive Member Decision E1176, dated 14th August 2006, residents of this proposed development will not be entitled to apply for additional Residents Parking Permits. This, however, is considered to be at the developers risk given the sustainable location of this development proposal.

Item No:	05
Application No:	15/00453/FUL

Site Location: 10 Entry Hill Combe Down Bath Bath And North East Somerset BA2 5LZ



Ward: Lyncombe

Parish: N/A

LB Grade: N/A

Ward Members: Councillor Michael Norton Councillor Mark Shelford

Application Type: Full Application

Proposal: Erection of 1 no two bed dwelling.

Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, World Heritage Site,

Applicant: Mr Brian Harwood

Expiry Date: 6th April 2015

Case Officer: Chris Griggs-Trevarthen

REPORT

REASON FOR REPORTING TO COMMITTEE

Cllr. Mark Shelford and Cllr. Michael Norton have requested that the application go before committee and made the following comments:

1. It will change the whole nature of the environment and destroy a centuries old outlook. The neighbours will lose light which is constrained anyway as they are in a re-entrant.
2. As the owner developer will not live on site and intends to convert it into a series of houses and flats the number of people and cars will increase beyond the capacity of the current lane. The residents of Entry hill find it hard enough to park and they are up in arms about any more cars being foisted upon them.

3. The current building plans will have a significant effect on the building integrity of the houses along the lane. Quite literally they are concerned that heavy building vehicles will cause subsidence and cracks to their houses.
4. There is a legitimate concern that this development will have a negative impact on the area in terms of historic character.
5. There will be a loss of natural light with the proposed new buildings causing a blocking out of sun light.
6. The increase in residents and vehicles will put a strain on the existing roads and availability of parking, which is already a problem with the existing levels of vehicles.
7. There is a risk of structural damage due to heavy vehicles and, vibration from site works during construction. Has this risk been fully investigated?
8. The proposed scheme will clearly benefit the land owner but the local residents are at risk of being seriously impacted upon during construction as well as post construction.

In line with the Scheme of Delegation, the application has been referred to the Chairman of the Development Control Committee who has decided that the application should be determined by committee.

DESCRIPTION

The application site comprises 10 Entry Hill, a three storey detached Georgian building which has been split into flats, its associated woodland and garden to the rear and an access track off Lynbrook Lane.

The site falls within the Bath World Heritage Site and Conservation Area. The site also lies directly adjacent to the Lyncombe Vale SNCI, the Cotswolds AONB and the Bristol and Bath Green Belt which runs directly alongside the eastern boundary of the site. The site falls near to a number of listed buildings, Lynbrook Cottages (Grade II) to the south east, 1 and 2 Entry Hill Cottages (Grade II) to the east and no. 25 to 45 Entry Hill (Grade II) further to the south west.

The proposal is for the erection of a two bed dwelling within the land to the rear of 10 Entry Hill.

10 Entry Hill was granted planning permission to convert into 3 flats in 1959 (ref: 5867) and further permission was granted in 1964 for a two storey extension with a store beneath (ref: 5867-1).

This current application follows two previously withdrawn applications for the erection of 2 semi-detached dwellings on the same site in 2014 (ref: 13/05479/FUL and 14/02146/FUL).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

The application site comprises 10 Entry Hill, a three storey detached Georgian building which has been split into flats, its associated woodland and garden to the rear and an access track off Lynbrook Lane.

The site falls within the Bath World Heritage Site and Conservation Area. The site also lies directly adjacent to the Lyncombe Vale SNCI, the Cotswolds AONB and the Bristol and Bath Green Belt which runs directly alongside the eastern boundary of the site. The site falls near to a number of listed buildings, Lynbrook Cottages (Grade II) to the east and no. 25 to 45 Entry Hill further to the south.

The proposal is for the erection of a two bed dwelling within the land to the rear of 10 Entry Hill.

10 Entry Hill was granted planning permission to convert into 3 flats in 1959 (ref: 5867) and further permission was granted in 1964 for a two storey extension with a store beneath (ref: 5867-1).

This current application follows two previously withdrawn applications for the erection of 2 semi-detached dwellings on the same site in 2014 (ref: 13/05479/FUL and 14/02146/FUL).

POLICIES/LEGISLATION

Summaries of the consultation responses received are provided below. The full responses can be found on the Council's website.

WALES AND WEST UTILITIES: No objection

HIGHWAYS OFFICER: No objection, subject to conditions.

FLOOD RISK AND DRAINAGE: No objection, subject to condition

ECOLOGY: No objection, subject to conditions

LANDSCAPE OFFICER: No objection, subject to conditions

ARBORICULTURAL OFFICER: No objection, subject to conditions

THIRD PARTIES/NEIGHBOURS

12 Letters of objection have been received. The main points raised were:

Overdevelopment of the site

Lack of parking and highways safety impacts

Concern about repeat applications

Car 'free' development is not feasible

Noise and disturbance

Overlooking, loss of privacy and overshadowing

Adverse impact upon nearby listed buildings

Loss of trees, shrubs and garden land

Harm to the character of the Conservation area

Harm to the World Heritage Site

Harm to biodiversity

Harm to the setting of surrounding listed buildings

Access/Egress to Lynbrook Lane is dangerous

Increased parking on Entry Hill

Deliveries will use the dangerous access and junction

Concerns about access during construction
Designs are out of keeping with the locality
Poor, unmade access drive
Concerns about due process and consultation

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development
- Character and appearance
- Residential amenity
- Highways and parking
- Ecology
- Other matters

PRINCIPLE OF DEVELOPMENT: The site lies 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 (2014). The principle of residential development in this location is therefore acceptable, subject to the detailed consideration under other relevant policies.

CHARACTER AND APPEARANCE: The steeply sloping site contains a large number of mature trees and is visible from views within the Conservation Area, the Green Belt and the AONB. Views of the Grade II listed Lynbrook Cottage are also obtained over the site from Entry Hill and form part of its setting.

Although it could be argued that the site represents backland development, the proposals follows the line and pattern of development established by the three dwellings immediately to the south (Cloudsend, Pepperbox and Lynden). It is therefore considered that the proposals are not out of keeping with the pattern and grain of development in the surrounding area.

Previous applications to erect two dwellings on this site were withdrawn after concerns were raised by officer about the impacts upon the green character of the site, views across the valley to the east and the impact upon the setting of the Grade II listed Lynbrook Cottage.

Following the withdrawal of those applications and through negotiation with officers, the proposal has been reduced to the erection of a single dwelling. The proposed scheme significantly reduces the footprint of the proposed development allowing it to be located centrally on the plot, but slightly further down the slope. This reduced footprint lessens the pressure to remove important trees on the site and allows greater space around the development for suitable replanting.

In terms of the green character of the site, it is accepted that the proposals result in the loss of some existing trees and its initial appearance will be quite raw. However, many of the trees to be removed are identified as being in poor arboricultural condition and the arboricultural officer has no objection subject to suitable replanting which can be secured by condition. Once the replacement planting has been established and begins to mature then this will help to reinforce the green character of the site which the proposed dwelling will sit comfortably within.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, 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. There is also a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. These are considered below.

This section of Entry Hill is punctuated by views across the green valley to the east which make a positive contribution towards the character of this part of the Conservation Area. Views of the Grade II listed Lynbrook Cottage and 1 and 2 Entry Hill Cottages are also available over the site and it is considered that these views contribute positively towards the Conservation Area and allow an appreciation of the listed building within its open, green setting.

Concern was raised about the previous applications for two dwellings that the proposals would interfere with these views and detract harmfully from the setting of Lynbrook Cottage and fail to preserve the character and appearance of the Conservation Area. The current application for a single dwelling has been moved lower down the slope of the site and comprises lowered roof height. As a result of this, the proposed dwelling is significantly lower than the adjoining property, Cloudsend, and does not interfere with the views from Entry Hill over the valley and towards Lynbrook Cottage and 1 and 2 Entry Hill Cottages.

From the West, the impact of the proposals will be less, due to the screening of the large walnut and ash trees along the eastern boundary of the site. The proposals will also be seen against the backdrop of other development including 10 Entry Hill itself.

The landscape officer concurs with this assessment and considers that the proposed building would be very low lying and would not have an adverse impact upon the wider views through or over the area. Whilst there may be views from other immediately adjacent properties, given the local topography, this is currently a feature of almost every property in this area where buildings are in close proximity to each other and almost every view is looking up to or over another dwelling.

In terms of design, there is a variety of different building styles and ages in the surrounding area. This includes a number of older Georgian and Victorian properties along Entry Hill and across the valley to the west. However, this also includes some post-war and later housing development to the north and south of the application site. The split level design of the proposed dwelling ensures that it properly utilises the sloping site and that the scale of development is comparable to the adjoining dwellings. The contemporary approach to the design is acceptable and utilises a varied, but coherent, palette of materials. The use of a sedum roof and timber shingles gives the proposed roof form a more 'natural' appearance which is appropriate within this green, hillside context.

In light of the above, and subject to suitable conditions controlling materials, landscaping and tree protection, it is considered that the proposal will preserve the setting of the nearby listed buildings and the character and appearance of the Conservation Area and

the wider World Heritage Site. Furthermore, the proposals will not harm the adjacent areas of Green Belt or the natural beauty of the AONB.

RESIDENTIAL AMENITY: The nearest adjoining property, Cloudsend, lies to the south. The proposed dwelling is positioned approximately 8m from the side of Cloudsend and has a lower overall height. This separation, orientation and reduced scale of the proposal mean that it will not appear overbearing or result in any significant loss of light or outlook from Cloudsend.

To the north lie two properties in Entry Hill Gardens. There is a significant amount of planting and vegetation along the north boundary of the site which provides a good screen for the proposed development. The proposed dwelling is not considered to appear overbearing or result in any loss of light or outlook from these adjoining properties.

The proposed balcony at ground floor level is surrounded by a timber privacy screen to prevent any harmful overlooking towards either of the adjoining neighbours.

The first floor window in the south elevation of the proposed dwelling does not overlook any windows serving habitable rooms within Cloudsend. Similarly, the windows in the north elevation of the proposed dwelling are a sufficient distance from properties in Entry Hill Gardens to prevent any harmful overlooking from occurring.

10 Entry Hill comprises 3 flats which all have bay windows looking out towards the front of the proposed dwelling. The proposed dwelling is approximately 11m from the rear of 10 Entry Hill and is set at a significantly lower level. The majority of views from these bay windows will overlook the roof and towards the valley beyond. It is accepted that some views will be obtainable over the front of the property, but these will not allow views into any private areas or habitable rooms within the property. The design of the fenestration on the west side of the dwelling is limited to prevent any views being obtained from the proposed dwelling towards the flats in 10 Entry Hill. It is considered that, given the distance between the two buildings and the indirect nature of any overlooking from 10 Entry Hill towards the application site, the proposal does not result in any harm to residential amenity of surrounding occupiers or potential future occupiers of the proposed development.

Some concerns have been raised about the loss of the garden for 10 Entry Hill. However, 10 Entry Hill comprises 3 flats where access to a private garden is less essential or expected than for single dwellinghouses. Furthermore, the proposals retain a sufficient amenity area for use by the existing flats within 10 Entry Hill.

HIGHWAYS SAFETY AND PARKING: An unadopted unsurfaced access track exists at the rear of the site serving Cloudsend, Pepperbox and Lynden and is accessed from Lynbrook Lane, which has a steep gradient, restricted width and poor alignment and junction with Entry Hill. Neither Lynbrook Lane nor the access track is therefore suitable for intensification of use by vehicles generated from any additional development.

The development is therefore promoted with no car-parking and has been supported by a Parking Note by IMA Transport Planning, which reviews a traffic and parking survey on Entry Hill, Devonshire Villas and some of Greenway Lane to demonstrate the availability of on-street parking that could support a car-free development. The parking surveys do

show some parking availability at peak parking times, and whilst this may be limited, it does demonstrate that there is spare capacity to serve the proposed dwelling.

The Highways Officer considers this approach to be acceptable and it will ensure that the development can be accessed without significant increase in the use of the substandard access and junctions. To ensure that the hardstanding area to the front of the proposed dwelling is not utilised for parking it has been agreed that a barrier will be erected at the entrance to the site to prevent vehicular access to the new dwelling. This will be secured by condition.

Some concerns have been raised that deliveries and service vehicles (refuse trucks, etc) will still need to access the site and therefore use the unsuitable access and junctions. It is considered that service and emergency vehicles already access the other properties via this lane and junction and that one additional dwelling will not increase the frequency with which such vehicles will need to use these. Deliveries to the proposed dwelling could occur via this lane, but are likely to be infrequent compared to the vehicle movements associated with the day-to-day use of a dwelling by its occupants. This comparatively small level of use would not intensify the use of the lane or junction to such a degree that there would be a severe impact upon highways safety.

In light of the above, it is considered that the proposals will not prejudice highways safety.

ECOLOGY: The Council's Ecologist has advised that the site is a garden largely comprising typical garden shrubs and vegetation, with no significant ecological value. However the position of the garden and proximity to adjacent habitats of high ecological value, including the adjacent trees and the Lyncombe Vale Site of Nature Conservation Interest (SNCI) which lies immediately adjacent, add to the overall ecological value and potential for impacts on ecology here.

The site is visited by badgers for foraging, with levels of activity indicating likely presence of a sett nearby. The site is also within an area of known high bat activity and within 700m of the nearest component site of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC). The proposal is not considered capable of significantly impacting directly on the SAC or bats of the SAC. However it must be assumed that bats of the SAC are likely to fly in the area and therefore consideration to avoiding impacts on bat flight activity is required, in particular avoidance of increased light spill levels onto adjacent habitats and boundary trees, and retention of boundary vegetation and trees.

A number of ecological mitigation measures will therefore be required for any development at this site, to avoid and minimise impacts on wildlife, with particular attention to badger and bats, and retention and protection of adjacent habitats and trees. These can be secured by a condition requiring a wildlife protection and enhancement scheme. Subject to this condition, it is considered that the proposal will not harm ecology.

OTHER MATTERS: Concern has been raised about the potential damage to property and use of the access during the construction of the proposed dwelling. It is accepted that the site will be difficult to access for construction vehicles and it is therefore considered reasonable and necessary to require a construction management plan as a condition of any permission. This will minimise impacts upon local residents and ensure that the construction is undertaken without prejudicing highways safety.

It is also accepted that the construction of the proposal would inevitably result in some disruption and disturbance to adjoining neighbours and residents. However, these impacts will be limited to the duration of the construction and are similar to those associated with any construction project so do not form sufficient justification to refuse an application.

Further concern has been raised about land stability of the site and adjoining properties. No evidence has been presented to suggest that the site suffers from poor land stability. Notwithstanding this lack of evidence, the proposals would be required to meet building regulations legislation and any civil matters between the developer and neighbours are not relevant matters to be considered in this planning application.

Concern has also been raised about the potential future conversion of the proposed dwelling into flats thereby increasing the parking requirements. There is no reliable way to judge the intentions of the applicant and the current application falls to be considered on its own merits. However, should there be future proposals for conversion to flats, these will need to apply for planning permission. Any such application will be considered on its own merits, but that should not influence the determination of the current application which is for a single dwelling.

CONCLUSION: The proposals preserve the character and appearance of the Conservation Area, the World Heritage Site and the setting of the nearby listed buildings. Furthermore, the proposals do not harm the amenities of adjoining occupiers, the visual amenity of the adjacent areas of Green Belt, the natural beauty of the AONB or important wildlife and ecology.

The proposals accord with policies D.2, D.4, BH.2, BH.6, NE.1, NE.2, NE.9, NE.10, NE.11, GB.2, T.1, T.24 and T.26 of the Bath and North East Somerset Local Plan and policy DW1, B1, B4 and CP6 of the Bath and North East Somerset Core Strategy and, in accordance with paragraph 17 of the National Planning Policy Framework, 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 Prior to the construction of the external surfaces of the dwelling hereby approved, a sample panel of a sample panel of all external walling and roofing materials to be used has shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall thereafter be undertaken in accordance with the approved sample panel.

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

3 Prior to the occupation of development, the boundary treatment to prevent vehicular access and parking on the site shall have been constructed in accordance with details first submitted to and approved, in writing, by the Local Planning Authority. The approved measures shall be retained thereafter to prevent vehicular access at all times.

Reason: In the interests of highways safety.

4 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, hours of working, wheel washing facilities and any need for cranes for construction.

Reason: In the interests of highways safety.

5 No development or ground preparation 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. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, above and below ground service run locations and movement of people and machinery.

Reason: To ensure that the protected trees to be retained are not adversely affected by the development proposals. This condition needs to be prior to the commencement of development to ensure that retain trees are not harmed by any initial site works.

6 No development or other operations shall take place except in complete accordance with the approved Detailed 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 and prior to the first occupation of the dwelling.

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

7 The dwelling hereby approved shall not be occupied 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.

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

- o method statement for pre-construction and construction phases to provide full details of all necessary measures for the protection of reptiles, nesting birds and other wildlife, including pre-commencement checks of the site as necessary in particular for badger activity, and proposed reporting of findings to the LPA prior to commencement of works;
- o detailed proposals for implementation of the wildlife mitigation measures and recommendations of the approved ecological report, including wildlife-friendly planting / landscape details; provision of bat and bird boxes, with proposed specifications and proposed numbers and positions to be shown on plans as applicable; specifications for fencing to include provision of gaps in boundary fences to allow continued movement of wildlife;
- o details of sensitive lighting design to ensure avoidance of light spill onto boundary vegetation and trees.

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. All post construction ecological measures shall be in place prior to the occupation of any part of the development.

Reason: To avoid harm to wildlife and protected species including badger and bats. This condition needs to be prior to the commencement of development to ensure that wildlife is not harmed by any initial site works.

10 Prior to the construction of the development infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) shall be undertaken to verify that soakaways will be suitable for the development. The soakaways shall be installed prior to the occupation of the development unless the infiltration test results demonstrate that soakaways are not appropriate in accordance with Building regulations Part H, section 3 (3.30). If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, should be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with policy CP5 of the Bath and North East Somerset Core Strategy.

11 The balcony privacy screen on the ground floor of the dwelling hereby approved shall be completed prior to the occupation of the dwelling.

Reason: To prevent overlooking into adjoining properties and in the interest of residential amenities.

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

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

PLANS LIST:

1 873/PA/01A Tree Constraints Plan
873/PA/02C Tree Constraints and Landscape Proposals
A100C Site and Location Plan
A101C Site Plan and Tree Survey
A102C Lower Ground Floor
A103C Ground Floor
A104C First Floor
A105C Roof Block Plan
A106C Elevations
A108C South Elevation and Section
A111A Existing Site Survey
A112A Existing Elevations
A100B Site Location and Block Plan

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.

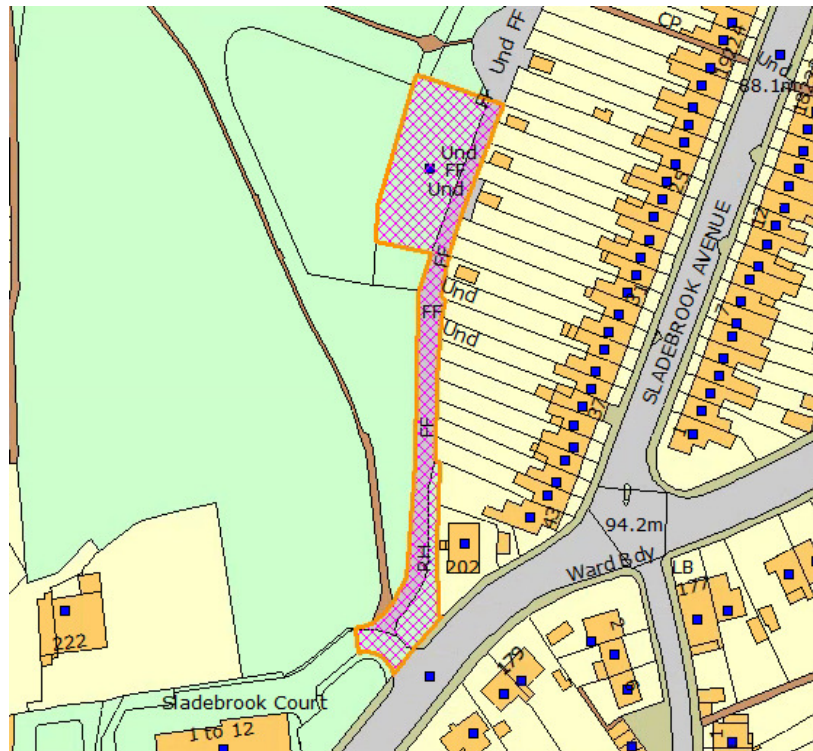
2 ADVICE NOTE:

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, Lewis House, Manvers Street, 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 INFORMATIVE

If the roof area of the proposed building is larger than 100m²...Building regulations Part H, section 3 (3.30) specifies that soakaways serving an area of this size or greater should be built in accordance with BS EN 752-4 (paragraph 3.36) or BRE Digest 365 soakaway design.

Item No: 06
Application No: 15/03124/FUL
Site Location: Land At Rear Of 25-32 Sladebrook Avenue 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 new single storey dwelling with associated parking and access at land rear of 25-32 Sladebrook Avenue, Bath (resubmission)
Constraints: Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Public Right of Way, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: John Riti Developments
Expiry Date: 28th September 2015
Case Officer: Laura Batham

REPORT

Reason for referring application to Committee:

Cllr Crossley has requested that the application be determined by Committee as it is a back land application that has many interesting features. The current application is for one dwelling and it uses a plot of land that has lain derelict and unused for many years. The Chair of Committee has agreed to this request as she considers that the application has a number of issues which should be considered at Committee.

Site Description:

The application site is located to the west of Sladebrook Avenue, situated between the rear access lane for the properties on this road and an open park and small play park to the west. Entrance to the site is via the service lane at the rear of Sladebrook Avenue which is accessed from Englishcombe Lane. To the east of the lane are multiple garages serving neighbouring dwellings. To the west is a play park and to the north and south further informal parking spaces and garages

Proposal:

The application seeks consent for the erection of new single storey dwelling with associated parking.

History:

DC - 05/03923/FUL - Refused - 1 February 2006 - Erection of two dormer bungalows at land rear of 25-32 Sladebrook Avenue

DC - 07/00278/FUL - Refused - 19 April 2007 - Erection of two dormer bungalows on land rear of 25-32 Sladebrook Avenue (Resubmission)

DC - 15/01241/FUL - Withdrawn - 10 July 2015 - Erection of new single storey dwelling with associated parking and access at land rear of 25-32 Sladebrook Avenue, Bath

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Cllr Crossley:

This application has come in a variety of guises over the last year. It was refused by the planning inspector on appeal by the applicant when it had two dwellings on it.

The current application is for one dwelling and it uses a plot of land that has lain derelict and unused for many years.

I note that there are 5 objection comments currently.

Regardless of whether you wish to refuse or permit this application this email represents a formal request that it is considered by development control committee as it is a back land application that has many interesting features

Cllr McGall:

The Planning Inspector rejected the previous application stating that:

"...the loss of this open land would materially harm both the context of the local landscape and the setting of the World Heritage Site thus unacceptably affecting the character and appearance of the surrounding area".

From what I read of the new application of the Councils Planning website I cannot see anything which would change my view that this new application should also be refused on these grounds.

Ecology:

Further to my previous comments, to confirm I have spoken to the applicant's ecologist who has confirmed that the site was surveyed for badger activity and none were found. I am satisfied that no further survey is required for this proposal. Conditions requested.

Conservation Officer:

I have reviewed the planning history and studied the Inspectors decision for 07/00278/FUL which is material.

The appeal seems to have been dismissed on a clear matter of principal. The Inspector concluded that the loss of the open land would materially harm both the context of the local landscape and the setting of the WHS thus unacceptably affecting the character and appearance of the surrounding area. The Design and Access Statement does not really engage with this issue, focussing instead on the quality of design which for the Inspector was a secondary consideration.

You will of course need to look at the planning balance and take into account the NPPF. However I would be inclined to the view that protecting the character of the surrounding area should still carry considerable weight in the decision.

Harm to the setting of the WHS is a high threshold and I recommend you discuss the precise wording of any reason for refusal with the Landscape Officer.

Drainage:

The Applicant has indicated that surface water arising from the development will drain to a soakaway. Disposal of surface water to soakaway is at the top of the drainage hierarchy and is therefore strongly encouraged. The British Geological Survey maps for this location indicate that the subsurface is probably suitable for infiltration SuDs (soakaway) although the design may be influenced by the ground conditions and that infiltration rates should be quantified via infiltration/soakaway tests. Request a condition

Highways:

The highway authority raises no objection to this application subject to conditions being attached to any consent granted.

Public Rights of Way: The line and width of the public footpath must not be affected during or after the development.

Landscape officer:

I responded to the previous application (15/01241/FUL) on 08.04.2015. I have no reason to change my initial position and would simply repeat the following comments -

In paragraph 7 of the Appeal Decision (PINS ref APP/FO114/A/07/2053394), the inspector notes '...Its loss to development would, in my opinion, risk compromising the future of that area which provides a valuable green lung to this part of Bath, makes an important contribution to the character of the local landscape and is significant to the setting of the WHS'.

In paragraph 9 'I therefore conclude that the effect of the proposed development would not be acceptable in terms of its impact on the character or appearance of the surrounding area.'

Furthermore, his conclusion in 12, states ' the loss of this open land would materially harm both the context of the local landscape and the setting of the WHS thus unacceptably affecting the character and appearance of the surrounding area'.

In my opinion, the current scheme would result in the same degree of harmful impact as the previous schemes and I would continue to object in principal.

Third Parties/Neighbours:

Five letters of objection received raising the following points:

- There seems to be little discernible difference between this application and the previous one that was withdrawn.
- Our principal objection is best expressed by Planning Inspector Mr Roger Pritchard in his dismissal of the appeal against the decision of the Council's Planning Committee dated 21st January 2008. In his conclusions, Mr Pritchard states "that the loss of this open land would materially harm both the context of the local landscape and the setting of the World Heritage Site thus unacceptably affecting the character and appearance of the surrounding area". It would seem to us that any development of this site should be deemed unacceptable.
- The development is too close to the established play area and overlook the site.
- Concern with how waste will be disposed of
- Concerns with foul drainage.
- Concerns that this will set a precedent for further development up and down the lane.
- The new surfacing of the lane could curtail the natural soakaway of rain water.
- Works for the building could prevent access to the existing garages.
- This development will be immediately opposite the rear of my property and would appear to grant uninterrupted views into my back garden and back bedrooms.

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:

B1- Bath Spatial Strategy

B4 - The World Heritage Site

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

BH.6: Development within or affecting Conservation Areas.

T.24: General development control and access policy

T.26: On-site parking and servicing provision

ES.5: Foul and surface water drainage

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

OFFICER ASSESSMENT

The application has been resubmitted following the withdrawal of a previous application (15/01241/FUL); however, no alterations have been made to the proposal. A previous proposal for two dwellings (07/00278/FUL) was refused in 2007 by the Planning Committee for the following three reasons:

1. The proposal by reason of its siting would result in the loss of this important green open space and would result in an incongruous form of development which would be visually harmful to the open character of this part of the World Heritage Site contrary to Policies BH1, D2, D4 and NE1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified 2006 and C1, C2 and L20 Of the Bath Local Plan adopted June 1997.
2. The proposals, which would necessitate the use of a rear access lane, would not provide an adequate principal means of access to the proposed development having regard to environmental conditions which would be contrary to Policy T24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified 2006 and policies T25 and H14 of the Bath Local Plan 1997.
3. The proposal is of a poor design and would be harmful to the appearance of the area and due to its prominent location would be harmful to the appearance of this part of the World Heritage Site. This would be contrary to Policies D2, D4, HG4 and BH1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) as proposed to be modified 2006, C1, C2 and H13 of the Bath Local Plan adopted 1997.

This refusal was upheld by the Planning Inspectorate and permission refused for two houses. This decision, concluded: 'Although I consider that the proposed development would not materially harm the safety of other highway users, this does not outweigh my conclusions that the loss of this open land would materially harm both the context of the local landscape and the setting of the World Heritage Site thus unacceptable affecting the character and appearance of the surrounding area'.

This decision is considered to have great weight in the determination of subsequent applications for this parcel of land.

Impact upon the Landscape and World Heritage Site

The impact of a new dwelling upon the landscape character of the area and the World heritage Site is considered a significant aspect of the application. As outlined above, the Planning Inspector refused the previous application for two houses and concluded that the loss of the open land would harm the local landscape and setting of the World Heritage Site. This consideration is key to the assessment of the revised application for a single dwelling. The introduction of a built form will result in the loss of this open space. The applicant in the submitted Planning Statement advises that the application site is a wasted urban resource and the proposal would improve the appearance of the area. Whilst the site is currently unused, it is a green area of brambles and landscaping which softens the

edge of development at Sladebrook Avenue through transition to the open space to the west. It is not considered that this area of land is in need of development.

In paragraph 7 of the Appeal Decision the inspector notes the loss of this land '...to development would, in my opinion, risk compromising the future of that area which provides a valuable green lung to this part of Bath, makes an important contribution to the character of the local landscape and is significant to the setting of the WHS'.

The importance of this area within the World Heritage Site has not diminished since the appeal decision in 2007 and there is no evidence to demonstrate that the approach to preserving this greenspace should be reversed.

The applicants have advised that the alteration to the design of the dwelling and reduction to a single unit has fully addressed the Inspector's reason for refusing planning permission. However, the alteration in design, whilst an improvement to that previously refused, has not overcome the significant issue of the loss of green open space and its impact upon the character of the area.

Paragraph 132 of the NPPF advises that where the development will lead to substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. It is not considered that any benefits of the scheme would outweigh the harm of the development upon the setting of the World Heritage Site. The current scheme is considered to have a harmful impact and the principle of a dwelling is not supported.

Design:

The application proposes a single storey, four bedroom dwelling. The building is proposed to be finished in Bath stone, ashlar faced blocks with oak windows. The roof is proposed to be a green, sedum roof with the aim of setting the building into the green landscape to the west of the site. In order to ensure longevity of this roof, details of the planting specification and a future management plan would be required by condition. This will ensure that the sedum roof is maintained in the long term. The dwelling has been designed with an aim to limit the impact of a building through the height and use of materials. Whilst the overall impact upon the area is not supported as outlined above, the use of materials is considered acceptable. The land levels are proposed to be altered and the dwelling would be set into the hill, creating a change in levels between the parking to the south and the garden surrounding the dwelling. The plans provided have indicated a number of trees and a living hedge along the boundary with the park to allow a softer appearance rather than a close board fence. Should the application have been supported, detail soft landscaping would be needed to ensure that the appropriate level of landscaping is provided.

Amenity:

Concerns have been raised with overlooking as a result of the development. The dwelling has been designed to factor in limiting overlooking concerns with the accommodation orientated away from the rear gardens of Sladebrook Avenue. The accommodation will face onto the private gardens of the proposed dwelling with only the entrance porch facing east towards the nearest dwellings. Concern has also been raised with overlooking of the adjacent play area to the west of the site. The applicants have proposed a green boundary along the boundary with the park which would measure 2.1m high. This will allow a

division between the two areas and privacy for future occupants. It is not considered that the proposal would have a significant impact upon amenity of neighbouring dwellings or the park.

Highways and Drainage:

The highways department have confirmed that the proposal would not have a detrimental impact upon the highway; however, conditions are required to ensure the appropriate parking, turning and cycle parking. The applicant has also offered to re-surface the access route to the application site in order to provide the appropriate access. These improvements are required to ensure access for future occupants and a condition is requested to ensure completion of these works prior to occupation should the application be supported.

Concerns have been raised regarding drainage of the site and access lane. The drainage and flood risk team have advised that the drainage method of soakways acceptable subject to further details being submitted by condition should the development be supported.

Ecology:

An ecology survey of the site has been undertaken which is considered acceptable. The ecologist has requested conditions to ensure the site is developed with protected species in mind.

Conclusion:

The applicant considers that the key concern of the previous application related to the number of units and the design of the dwellings rather than the principle of development. However, it is officer opinion that the development of this site, immediately adjacent to the open space and set part way down the hill will continue to affect the openness of this area and it is the principle of any development in this location which is considered to be unacceptable. It is not considered that the design or size of the dwelling has overcome the in principle concerns of the site and the application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

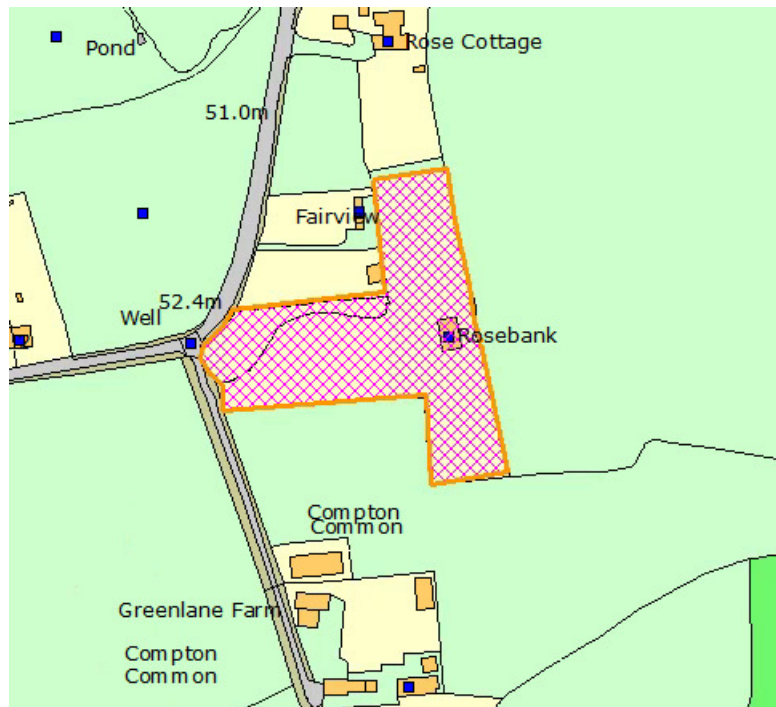
1 The proposal by reason of its location would result in the loss of this important open space bordering the open land and would result in an incongruous form of development which would be visually harmful to the open character of this part of the World Heritage Site contrary to Policies B4 of the Adopted Core Strategy adopted 2014, saved Policy D.4 of the Bath and North East Local Plan, including minerals and waste policies adopted October 2007 and Paragraph 132 of the National Planning Policy Framework.

PLANS LIST:

1 This decision relates to drawings 1976/001, 1976/003, 1976/004, 1976/005. 1976/006 and site location plan received on 10th July 2015.

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

Item No: 07
Application No: 15/02801/FUL
Site Location: Rosebank Common Lane Compton Dando Bristol Bath And North East Somerset



Ward: Farmborough **Parish:** Compton Dando **LB Grade:** N/A
Ward Members: Councillor S Davis
Application Type: Full Application
Proposal: Erection of two storey side extension following the removal of existing conservatory
Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones,
Applicant: Mr And Mrs John Boyce
Expiry Date: 23rd September 2015
Case Officer: Nikki Honan

REPORT

Rosebank is a large detached dwelling within a generous site in Compton Dando. The site is located in the Green Belt.

Planning History

11/00220/FUL - Erection of a garden room extension - permitted 04/03/2011

00/02086/FUL - Two storey rear extension, permission 20/11/2000

15404 - Extension to dwelling following demolition of extension to north and east, permission 30/01/1991

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Councillor Sally Davis has requested that the application be considered for committee if the Officer is minded to refuse as the Parish Council supported it for the following reasons: The extension would not have a detrimental impact on the Greenbelt. The appearance would improve the 'look' of the house, making it more balanced, materials & style being more in keeping than present conservatory. The large plot could take the extension.

COMPTON DANDO PARISH COUNCIL SUPPORT

The Parish Council agreed to SUPPORT the application for the following reasons:

1. The grounds surrounding the house are spacious and the proposal will sit acceptably within the green belt (Policy GB2)
2. The design and materials are acceptable. The visual effect of the extension will be more in keeping with the original building than what it is replacing. The parking is more than adequate (Policy D2)

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 (2014)
- Saved Policies in the B&NES Local Plan (2007)
- West of England Joint Waste Core Strategy (2011) which supersedes all 2007 Local Plan policies on Waste apart from Policies WM.4 and WM.9

The following policies of the Core Strategy (2014) are relevant to the determination of this application:

- CP6: Environmental Quality
- CP8: Green Belt

The following saved policies of the Bath and North East Local Plan (2007) are also relevant to the determination of this application:

- D.2: General design and public realm considerations
- D.4: Townscape considerations
- HG.15: Visual amenities in the Green Belt
- GB.2: Dwelling extensions in the Green Belt

The Existing Dwellings in the Green Belt Supplementary Planning Document (2008) has been considered in the determination of this planning application.

The National Planning Policy Framework (NPPF) was published in March 2012 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

OFFICER ASSESSMENT

Site Context:

Rosebank is a large detached house in the Green Belt. It occupies a large site and includes various extensions and outbuildings.

Proposed Development:

The proposed extension seeks to remove the side conservatory and erect a two storey side extension.

Scale of proposed development:

The existing conservatory measures 4.9m in width and 4.5m in length. It reaches a total height of 3.2m to the ridge of the pitched roof. The volume is circa 57sqm.

The proposed two storey side extension measures 5m in width and 8m in length. It reaches a height of 3.9m to the eaves and 6.3m to the ridge of the pitched roof. The volume is circa 206sqm.

The volume is proposed to increase by circa 149sqm.

Proposed Materials:

The proposed materials include natural stone walls, clay roof tiles and painted timber windows, all of which will match the host dwelling.

Planning History and Green Belt Policy Implications:

Core Strategy Policy CP8 and the Existing Dwellings in the Green Belt SPD both seek to protect the openness of the Green Belt. The SPD states

"...a well designed extension resulting in a volume increase of about a third of the original dwelling would be more likely to be acceptable."

The planning history for the site shows the house has been previously extended. The 'original' volume of the house was circa 381sqm. The existing additions and proposed two storey extension represent a 186% increase on the 'original' volume.

Such an increase is by definition harmful to the openness of the Green Belt, and therefore contrary to the Existing Dwellings in the Green Belt SPD and Core Strategy policy CP8 - Green Belt.

The Chairman Delegated Report suggested a volume increase of circa 77%. Planning history searches have since confirmed that the 'original' house was smaller than previously thought, revealing a more accurate volume increase of circa 186%.

Very special circumstances:

Whilst proposals that are considered to be inappropriate development within the Green Belt can be outweighed in very special circumstances, none have been submitted in this instance. The proposal is therefore considered to be inappropriate development, and harmful by definition.

Amenity Issues:

The proposal will not result in significant harm being caused to the occupiers of other nearby properties, and there are therefore no concerns in this regard.

Conclusion:

Due to the proposed circa 186% volume increase, the application is by definition considered harmful to the openness of the Green Belt, and therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development, due to the size, scale and siting of the extension would result in a disproportionate addition over and above the size of the original dwelling, which represents inappropriate development within the Green Belt, which is, by definition, harmful. No very special circumstances have been submitted which would be sufficient to outweigh the presumption against inappropriate development in the Green Belt. The proposal is contrary to Policy CP8 of the Bath and North East Somerset Core Strategy (adopted 2014) and saved policy HG.15 of the Bath and North East Somerset Local Plan including minerals and waste policies (adopted 2007).

PLANS LIST:

1 The application relates to the following plans/documents, all of which were received on 19 June 2015:

LOCATION PLAN

EXISTING AND PROPOSED SITE PLANS - 14.244/10

EXISTING ELEVATIONS - 14.224/14

EXISTING GROUND FLOOR PLAN - 14.224/11

EXISTING FIRST FLOOR PLAN - 14.224/12

EXISTING ROOF PLAN - 14.224/13

PROPOSED ELEVATIONS - 14.224/18

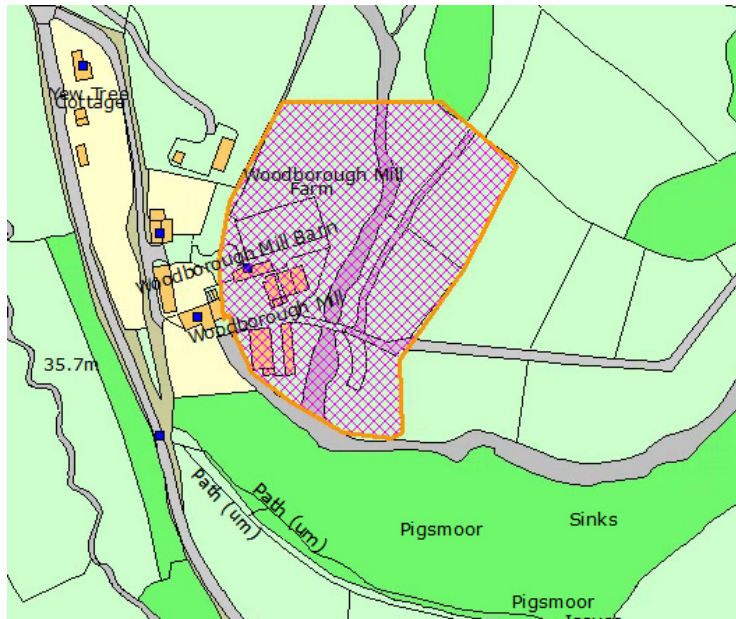
PROPOSED GROUND FLOOR PLAN - 14.224/15

PROPOSED FIRST FLOOR PLAN - 14.224/16

PROPOSED ROOF PLAN - 14.224/17

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. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. A pre application suggested such an application was unlikely to receive officer support. Nevertheless, a planning application was submitted by the applicant. 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: 08
Application No: 15/00987/FUL
Site Location: Woodborough Mill Farm Woodborough Mill Lane Woollard Bristol BS39 4JT



Ward: Farmborough **Parish:** Compton Dando **LB Grade:** N/A

Ward Members: Councillor S Davis

Application Type: Full Application

Proposal: Conversion and extension of existing barns to staff accommodation unit ancillary to equestrian use, american barn stabling and all weather riding arena.

Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Greenbelt, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones,

Applicant: Ms M Evans

Expiry Date: 28th August 2015

Case Officer: Rachel Tadman

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The applicant is a relative of a Councillor for Bath & North East Somerset Council.

DESCRIPTION OF SITE AND APPLICATION:

The overall site comprises a 28 acre holding that is within an equestrian use, currently run as a competition livery yard. The site contains a number of stable buildings, barns, horsewalker and other ancillary buildings along with an outdoor all weather arena and an existing dwelling house.

The site is within the Green Belt, Flood Zone 2 and 3 and a Site of Nature Conservation Importance. The River Chew runs through the site.

The proposed development is for the conversion and extension of two existing stable buildings to a staff accommodation unit which will be ancillary to equestrian use, the construction of American barn stabling and an all-weather riding arena.

The application is therefore considered in three parts, firstly the proposed staff accommodation unit, secondly the American barn and thirdly the outdoor all weather arena.

The proposed staff accommodation unit would be provided through the conversion of two existing single storey stable buildings to a two bedroom unit along with a staff office.

The proposed American barn stabling building would be approx. 30m long, 50m wide and 5.4m high at the ridge. It would be located just to the east of the River Chew. The external elevations would be constructed with a brickwork plinth with timber boarding above. The roof would be profiled fibre cement sheet. Internally the building would consist of 12 stables as well as ancillary facilities such as tack and feed rooms.

The proposed outdoor all weather arena would be approx. 60m long and 20m wide with a 1.2m high timber fence and gate surrounding. No lighting is proposed.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways Development Officer: Object

It is recommended that the application should be refused on the grounds that the proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Policy T.1 of the Bath & North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007, which seeks to facilitate the use of sustainable modes of transport.

Landscape Officer: No objections.

Environment Agency: No objections subject to conditions.

The site is located within an area which is known to be at risk from flooding. Following receipt of additional information and a review of the recently completed 2015 River Chew model the Environment Agency has considered whether the proposed development would be exposed to an unacceptable flood risk or would increase the risk or extent of flooding to other properties/users. It has been concluded that there would be no material exacerbation of flood risk as a consequence of this development. We therefore do not wish to oppose this development on flood defence grounds.

Whilst the American barn and outdoor arena parts of the development site are currently within Flood Zone 3 based on our current flood map for planning, our recently completed 2015 Chew Model update indicates that the site abuts or is marginally within Flood Zone 3.

In view of the above, the Agency wishes to withdraw its objection to the proposed development subject to conditions and informatives being included in any planning permission granted.

Flood risk and drainage: No objections subject to conditions.

Environmental Health: No comments.

Arboricultural Officer: No objection is raised subject to precautionary measures to prevent accidental damage to the immediate green infrastructure during construction activities.

Ecology Officer: Object.

There are no objections to the proposed conversion of the existing stable building into staff accommodation due to the submission of sufficient and acceptable ecology reports.

There are also no objections to the proposed all weather riding arena as it is unlikely to impact on features or habitats of ecological significance.

However, no ecological or protected species surveys have been submitted in relation to the proposed American barn. Furthermore there are no details or clarification regarding proposed external lighting in this area.

There is therefore an unacceptable risk of harm to ecology including protected species and the adjacent watercourse which is a designated Site of Nature Conservation Interest (SNCI) and therefore the development is considered contrary to Policies NE9, NE10 and NE15 of the Local Plan.

Contaminated Land: No objections subject to conditions.

Compton Dando Parish Council: Support.

This is a rural family business increasing employment by 2 full time equivalent employees and we feel it is appropriate for a manager to live onsite. The design and materials of all buildings are in keeping with the surroundings. We request that the new accommodation be ancillary to the existing farm and business and not subdivided. We recommend that no events should be held on the site.

Local Representations: No comments have been received.

POLICIES/LEGISLATION

RELEVANT PLANNING HISTORY:

01/02717/FUL - PERMIT - 11 April 2002 - All-weather riding arena

97/03107/FUL - PERMIT - 21 April 1998 - Retention of nine stables & provision of three additional stables, for livery & personal use, & use of agricultural land for grazing of horses, as amended by letters received 18 January, 18 February & letter & plan rec'd 17 March 1998.

98/02586/AGRN - REFUSE - 20 July 1998 - General barns

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 SD1 - Sustainable Development
- o Policy CP5 - Flood Risk Management
- 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 Policy SC.1: Settlement classification
- o Policy D.2: General design and public realm considerations
- o Policy D.4: Townscape considerations
- o Policy T1: Sustainable transport
- o Policy T.24: General development control and access policy
- o Policy NE.1: Landscape character
- o Policy NE.4: Flood Risk
- o Policy NE.9: Local Important sites of Natural Conservation Importance
- o Policy NE.10: Impact on protected species
- o Policy NE.11: Locally important species
- o Policy NE.12: Impact on natural features, Trees and Woodlands
- o Policy NE.15: Wildlife value of watercourses and their corridors
- o Policy HG.10: Agricultural and other essential dwellings
- o Policy ET.9: Re-use of rural buildings

National Planning Policy Framework

OFFICER ASSESSMENT

PRINCIPLE OF THE PROPOSED DEVELOPMENT:

The site is located within the Green Belt and the proposed development as a whole needs to be carefully considered against Paras 87-90 of the NPPF and in addition to this, with specific regard to the self contained accommodation unit, Para 55 of the NPPF along with Policy HG.10 and ET.9 of the Local Plan are also relevant.

Considering the new staff accommodation first, Para 90 of the NPPF states that the re-use of buildings, provided they are of permanent and substantial construction, is not inappropriate development as long as the openness of the Green Belt is preserved and it does not conflict with the purposes of including land within it.

In this case, as it is a conversion, within an existing yard of stable buildings, the proposal is considered to preserve the openness of the Green Belt and does not conflict with the purposes of including land within it. In light of this, in terms of the Green Belt, this element of the scheme is considered to be not inappropriate development in the Green Belt and is therefore acceptable.

Notwithstanding the above, Para 55 of the NPPF states that isolated new homes in the countryside are to be avoided unless there are special circumstances. However in this case the development is a conversion of existing buildings and Para 55 states that an exception to this policy is where the proposal relates to the re-use of redundant or disused buildings and would lead to an enhancement to the immediate setting. This issue is addressed again later on in this report. Furthermore, policy HG.10 of the Local Plan clearly sets out the circumstances under which a new dwelling for an agricultural worker would be acceptable, however as this dwelling is for an equine worker this policy also does not apply.

Finally Policy ET.9 of the Local Plan seeks to permit the conversion of existing buildings provided they meet a number of provisions within the policy in relation to design, appearance, location and that they can be converted without substantial or complete reconstruction. In the case of the Green Belt the conversion should not have a material greater impact on the Green Belts' openness or the purposes of including land within the Green Belt. Although point 5 of the policy is not considered to NPPF compliant, it is considered that the proposed development complies with the remaining elements of Policy ET.9 of the Local Plan.

In light of the above it is considered that the conversion of the existing barns, with a small element of extension, acceptable.

With regard to the American Barn, under Para 89 of the NPPF, the construction of new buildings are inappropriate development unless they are for the provision of appropriate facilities for outdoor sport or outdoor recreation, as long as the openness of the Green Belt is preserved and it does not conflict with the purposes of including land within it. In this case the proposed American barn is considered to be an appropriate facility for outdoor sport and in this sense is considered not to be inappropriate development.

Finally turning to the all-weather outdoor arena, this is considered to represent an engineering operation which, under Para 90 of the NPPF, is not inappropriate development as long as the openness of the Green Belt is preserved and it does not conflict with the purposes of including land within it.

IMPACT ON THE OPENNESS OF THE GREEN BELT AND POTENTIAL CONFLICT WITH THE PURPOSES OF INCLUDING LAND WITHIN IT:

In terms of the impact of the development on the openness of the Green Belt, it is considered that the conversion of the existing stable buildings to provide staff

accommodation, due to the location of the development within an existing building, would not have a harmful impact on the openness of the Green Belt or conflict with the purposes of including land within it. The same conclusion is reached with regard to the all-weather outdoor arena due to its low level visual impact.

With regard to the American barn, whilst it is a building of significant size, and it is considered that there will be some small degree of visual harm, its location close to existing buildings, and adjacent to existing trees, means that it would be viewed as part of the group of existing buildings on both sides of the river. Furthermore, the existing character of the area is very much dominated by horses and their associated facilities, so it would not be viewed as an alien feature. In light of this it is considered that this element of the scheme would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.

DESIGN AND LAYOUT OF THE PROPOSED DEVELOPMENT AND IMPACT ON THE SURROUNDING AREA AND LANDSCAPE:

The proposed design of the conversion of the existing stable buildings is considered to be acceptable and would enhance the appearance of these buildings and their setting.

The American barn is of a standard design and would resemble an agricultural building in appearance similar to those found in rural areas such as this. Therefore the design is considered to be acceptable. The location of the American barn across the river from the existing stable yard does have the effect of expanding the stable buildings further outwards. However, in the absence of any closer location, and it being adjacent to the existing horsewalker, its location is not considered to be unacceptable.

Again the all-weather outdoor arena is of a functional design and, apart from the fencing surrounding, will not have a visual prominence. Furthermore similar to the American barn, its location across the river from the existing stable yard also adds to the expansion of the stable buildings/paraphernalia further outwards into the open countryside. However, again, in the absence of any closer location, and it being adjacent to the existing horsewalker, the expansion of facilities in this location is not considered to be unacceptable.

In terms of landscape impact, and the surrounding area, the proposals build on the existing and well established use and it is considered that they would not have an adverse impact on the wider landscape, from which it is generally well hidden, particularly as there are no Public Rights of Way on or immediately adjacent to the site.

ECOLOGY AND TREES:

With regard to the proposed conversion of the stable buildings to staff accommodation, a bat and barn owl survey has been submitted which has found no bat roosts or other ecological constraints and its findings are accepted. Furthermore the report includes appropriate proposals for provision of new bat roosting opportunities at the site and recommendations for sensitive lighting. This element of the scheme, subject to conditions, is considered to be acceptable.

However the proposed American Barn has raised objections by the Ecologist. This overall development lies within the designated area of SNCI associated with the River Chew and this is of particular importance with regard to this part of the development.

At the time of writing this report there has been a lack of information about any existing ecological value, or the potential for use of this part of the site and existing buildings by protected species, in particular bats and birds. Furthermore the Ecologist has also been unable to assess the resulting impact of the development on ecology or any protected species.

In addition, there has been a lack of information submitted with regard to the proposed external lighting. As increased light levels can impact significantly on ecology, including bat activity and bird and invertebrate life, sufficient details are needed to demonstrate the provision of a sensitive lighting design that prevents light spill onto adjacent land, boundary vegetation and trees, and the SNCI, resulting in 0 lux increase in light levels to these areas.

However in light of the outstanding objection by the Ecologist, further information has now been submitted, which is being considered and Members will be updated at the Committee Meeting.

Finally, the proposed all weather riding arena is considered to be acceptable as it is unlikely to impact on features or habitats of ecological significance.

The proposed development is not considered to have a harmful impact on any existing trees.

IMPACT ON RESIDENTIAL AMENITY:

The site is in close proximity to both the existing dwelling within the holding but also a number of other dwellings along Woodborough Mill Lane. However due to the location of the proposed developments it is considered that the proposals would not have a detrimental impact on the residential amenity of any neighbouring occupiers.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

The site is located outside the Housing Development Boundary and the expansion of the facilities, but particularly the provision of an additional dwelling, has been considered to be unsustainable as it is located at some distance from schools, shops and local facilities. It has therefore been considered that it is likely that all journeys to and from the site would be reliant on the private motor car, particularly in this location where there are no street lights or pedestrian facilities on Woodborough Mill Lane which, in the view of the Highways Development Officer, is unacceptable.

However, given the site's inaccessible and unsustainable location, in remote countryside with limited public transport, the NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

Therefore although the occupiers of the dwelling would be reliant on the private vehicle for access to shops and services, this is not considered unusual in rural areas and the

provision of one additional dwelling in this location, given its occupation will be associated with the existing use of the overall site, is not considered to justify refusal of the scheme on these grounds.

It is also the case that the expansion of the facilities and increase in horses on site will, in all likelihood, result in an increase of the number of movements by individual owners visiting the site on a daily basis, with perhaps a corresponding increase in ancillary movements. However this is to be expected with a rural use such as equestrian as, by their very nature, they are located in rural areas remote from public transport.

It is therefore considered that, whilst the site is unsustainable, for the reasons outlined above, the proposal is not contrary to Policy T1 of the Local Plan which seeks to encourage the development of balanced communities by seeking to reduce the adverse impact of all forms of travel on the natural and built environment.

Turning to more detailed matters, the site is located on Woodborough Mill Lane, a narrow country lane which ends as a cul de sac to the south and has a junction with Hunstrete Lane to the north that provides acceptable visibility in both directions.

Furthermore, the site has been in an established equestrian use since 1998 and it is therefore unlikely that, despite the expansion of facilities and capacity, there will be a significant increase in the number of additional vehicle movements or cause any impact on the highway network.

However the use of the site as a showground for events or competitions which would be likely to cause a severe traffic impact, should be controlled by condition.

IMPACT ON FLOODING AND DRAINAGE:

The River Chew, a designated Main River, flows in a predominantly southerly direction through the Site with an off-take, a Mill Stream serving the former Woodborough Mill, flowing in a generally south westerly direction along the western boundary of the Site.

The information submission and our records show that the site is within Flood Zone 2 and 3, with the existing barn proposed for conversion is located within Flood Zone 2 and the American barn is located within Flood Zone 3a. However the Environment Agency has confirmed that their records, based on their recently completed 2015 Chew Model update, indicate that the American barn and outdoor arena areas of the site abuts or is marginally within Flood Zone 3.

In light of this 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 subject to conditions.

Furthermore the Flooding and Drainage Team are of the view that the proposed drainage system for the disposal of surface water is also acceptable subject to conditions.

CONCLUSION:

The site is located within the Green Belt and with regard to the proposed staff accommodation it is considered to be not inappropriate development as it involves the re-use of an existing building that is of permanent and substantial construction. Furthermore, as it is a conversion, within an existing yard of stable buildings, it is also considered to preserve the openness of the Green Belt and does not conflict with the purposes of including land within it.

As explained above neither Para 55 of the NPPF or Policy HG.10 of the Local Plan applies and the scheme is considered to be in compliance with Policy ET.9 (with the exception of point 5 which is not NPPF compliant) of the Local Plan.

In light of the above it is considered that the conversion of the existing barns, with a small element of extension to link the two, is acceptable

With regard to the American Barn, it is considered that, as the building is an appropriate facility for outdoor sport, it is considered to be not inappropriate development in the Green Belt.

Furthermore, turning to the all-weather outdoor arena, this is considered to represent an engineering operation which, under Para 90 of the NPPF, is not inappropriate development in the Green Belt.

Finally in terms of the impact of the development on the openness of the Green Belt, and the purposes of including land within it, it is considered that the American barn and all weather outdoor arena elements of the development would preserve openness and would not conflict with the purposes of including land within it.

With regard to the impact on Ecology, whilst the staff accommodation and all weather outdoor arena are considered to be acceptable, due to insufficient information, the application has so far failed to satisfactorily demonstrate that the proposed American barn would not adversely affect the ecological value of the SNCI or protected species which is contrary to Policies NE9, NE10 and NE15 of the Local Plan. However further information has been provided and Members will be updated on its acceptability prior to the Committee meeting.

The proposed development is not considered to have a detrimental impact on the residential amenity of any neighbouring occupiers.

With regard to the impact of the development on highway safety, whilst the Highways Development Officer is of the view that the development represents unsustainable development, being located remote from services and therefore resulting in a reliance on the private car, it is considered that this is not considered unusual in rural areas and the provision of one additional dwelling in this location, given its likely occupation in conjunction with the existing use of the overall site, is not considered to justify refusal of

the scheme on these grounds. Overall, it is considered that the development is not contrary to Policy T1 of the Local Plan. Furthermore it is also considered that any increase in movements that would result from the development, albeit relatively small, would not have a harmful impact on highway safety.

The site is located within Flood Zone 2 and 3a and is therefore at risk of flooding. However sufficient information has been submitted to show that the scheme passes the necessary Sequential Test and, furthermore, has been found to be acceptable by both the Environment Agency and Flooding and Drainage Team subject to conditions.

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 occupation of the dwelling shall be used ancillary to the use of Woodborough Mill Farm as an equine establishment by a person who is solely or mainly working, or last working, at Woodborough Mill Farm, or a widow or widower of such a person, and to any resident dependants.

Reason: The development has been considered acceptable in relation to sustainability and flooding as an ancillary dwelling to the equine establishment at Woodborough Mill Farm.

3 No development shall take place until an annotated tree protection plan identifying measures to protect the adjacent vegetation and trees to be retained has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The plan should also take into account the control of potentially harmful operations such as the position of service runs including surface water drainage, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

Reason: Further information is required pre-commencement of development to ensure that no excavation, tipping, burning, storing of materials or any other activity takes place during the construction phase which would adversely affect the surrounding vegetation and trees to be retained.

4 Condition - Reporting of Unexpected Contamination

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.

5 The proposed all weather arena shall be used solely for the purposes applied for and shall not include any events such as competitions, eventing or gymkhanas.

Reason: In the interests of highway safety.

6 The development permitted by this permission shall be carried out in full accordance with the following mitigation measures as detailed within the Flood Risk Assessment (FRA) by SLR Global Environmental Services ref 408.05494.00001 dated July 2015.

1) The finished ground floor levels of the barn conversion should be set no lower than 25.00mAOD.

2) The finished ground floor levels of the American Barn should be set no lower than 24.15mAOD.

3) The proposed Outdoor Arena will be elevated at, or close, to existing ground levels.

4) Incorporate flood-resilience measures into the proposed development as per section 6.6 of the Flood Risk Assessment.

5) The applicant, site management, and regular site users are to sign up to the Environment Agency Flood Warnings Direct Service.

The mitigation measures shall be fully implemented prior to occupation and maintained for the lifetime of development.

Reason: To minimise flood risk to the development and future users.

7 There should be no raising of ground levels above existing levels within 8m of the River Chew main river without the approval in writing of the Local Planning Authority.

Reason: To prevent flooding by ensuring the River Chew flood conveyance route is maintained

8 No occupation of the self contained accommodation unit shall commence until a Flood Warning and Evacuation Plan for future occupants has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: The site lies within a Flood Warning area and it is in the interests of the resident's safety that an adequate plan is in place.

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

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

PLANS LIST:

1 Plans List:

The decision relates to the following plans: 2533 001 Rev A, 2533 002, 2533 003 Rev A, 2533/100, 2533/101, 2533/102, 2533/103, 2533/200, 2533/201, 2533/202.

2 Advice Notes:

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Chew, designated a 'Main River'. To discuss the scope of our controls and to obtain an application form please contact Bridgwater.FDCs@environment-agency.gov.uk.

The facilities must comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

Contaminated Land Desk Study and Walkover

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

It is advised that a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. A Phase I investigation should provide a preliminary qualitative assessment of risk by interpreting information on a site's history considering the likelihood of pollutant linkages being present. The Phase I investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties. It is also advised that Building Control is consulted regarding the conversion. This is 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.

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 proposals was taken and consent was granted.