

# Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **21st October 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:-**

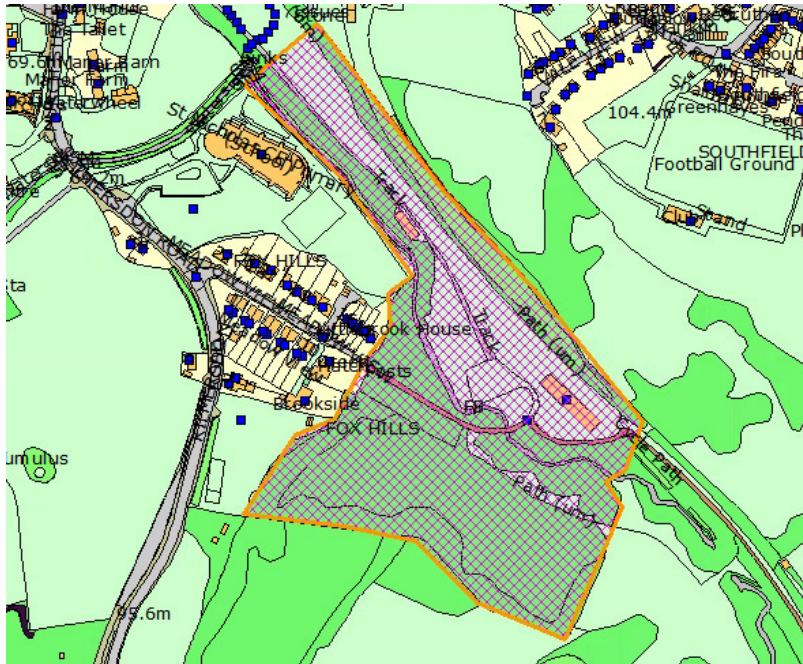
- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the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

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05	15/03772/FUL 20 October 2015	Space Fitness Space Fitness, 7 Hayesfield Park, Lyncombe, Bath, Bath And North East Somerset Installation of 2 no. Velux roof lights to inner slope of roof.	Widcombe	Suzanne D'Arcy	PERMIT

**Item No:** 01  
**Application No:** 15/01965/RES  
**Site Location:** Former Gwr Railway Line Frome Road Radstock



**Ward:** Radstock                      **Parish:** Radstock                      **LB Grade:** N/A  
**Ward Members:** Councillor Christopher J Dando    Councillor Deirdre Horstmann  
**Application Type:** PI Permission (Approval Reserved Matters)  
**Proposal:** Approval of reserved matters with regard to outline application 13/02436/EOUT for access, appearance, layout, scale and landscaping for area 3 (phase 2) of the development.  
**Constraints:** Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Sites with Planning Permission, Land of recreational value, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, Sustainable Transport,  
**Applicant:** Linden Limited  
**Expiry Date:** 24th September 2015  
**Case Officer:** Sarah James

## **REPORT**

### **DESCRIPTION OF THE PROPOSED DEVELOPMENT**

This application seeks to develop Area 3 of the Outline approval. This relates to an area within the site South-east of Snails Brook, including the Brunel Railway Shed, the former Marcroft wagon works and Fox Hills This area extends from the edge of the town core to the southern edge of the Application Site. The area is shaped by the existing former GWR structures and associated ecology, including the former rail line and stream corridor that extends through the middle of the application site and the track bed and grassland

habitats. The area includes a rail turntable and Brunel Railway shed which are both retained. The area would be primarily developed for residential uses with a small group of 4 dwellings located at the entrance to area 3 (adjacent to the area 2 development) and the main body of the residential development located at the most open part of the site to its south. The retained Brunel Shed is located along an undeveloped part of the site alongside the access road to the development. A new vehicular and pedestrian access will extend south-eastwards past the Brunel Railway Shed to serve the housing development at the southern end of the site. A cycle route will run alongside the main access and connect with the permanent Sustrans route thus allowing the current temporary Sustrans route diversion to be removed.

#### SCOPE OF PLANNING APPLICATION:

The reserved matters application seeks detailed approval for layout, scale, appearance, landscaping and access of character Area 3. However at Outline stage parameter plans for the entire site were approved and these set out matters such as accepted land use, access and movement, building heights and landscape and open space. The proposals submitted do comply with the parameter set.

#### CONTENT OF PLANNING APPLICATION:

The application provides detailed drawings of the site and development including its layout, floor plans, elevations and hard and soft landscape details.

Also submitted are the following background documents:

Design and access statement including sustainability checklist.

Ecology compliance statement.

Landscape compliance statement.

Landscape management plan.

Statement of community involvement.

Tree survey, arboricultural assessment and tree protection plan

Lighting strategy report

During the course of the application various amendments have been made and these are taken into account in this report.

#### FORM OF DEVELOPMENT

This application site initially sought to erect 72 open market residential dwelling units, subsequently revised to 71 units, along with associated landscaping and highway works. These would comprise of terrace, semi detached and detached dwellings with 3,4 and 5 bedrooms. The site sits within the wider outline area and measures 2.64 hectares. The site is relatively flat at its north eastern side along the route of the former railway reflecting its former railway use. Brunel shed sits along this flatted part of the site. The Kilmersdon Brook runs through the site from north to south east and the topography of the land changes south west of the Brook as it starts to rise towards Foxhill. Area 2 is under construction abutting the north edge of the site. Land to the north east of the site comprises scrub and self sown trees beyond which lies Radstock residential and

commercial areas. St Nicholas School and Meadow View a residential street of predominantly Limestone Lias terraces, lies to the west and south west of the site. Foxhills which is on land which rises steeply above the site is located to the south. To the south east the land is primarily agricultural fields divided by the Sustrans cycle route to Frome.

Since the initial proposals the materials have been revised to remove brick from the proposals and the scheme would now be constructed primarily with reconstituted stone and some render with recon concrete slate and clay tile roofs and some chimneys have been added. The use of brick has been limited to finishes / detailing and is consistent with the brick approved in Area 2.

## RELEVANT PLANNING HISTORY

This site forms part of a wider development site that has a long and complex planning history. Outline planning permission was first granted on the site in 1995 and a number of subsequent applications for development of the land were made. Some of these were never determined and some of these were granted but not implemented.

In January 2014 outline approval was granted for the demolition and redevelopment of former railway land to provide mixed use development including up to 210 residential units of varying sizes, up to 695 sq m of retail business floor space (use classes A1-A5 and B1); up to 325 sq m of use class B1 floor space or for community uses (use class D1), conversion of the Brunel rail shed for use class B1 or D1; car parking and new bus stops; works to various existing roads within the town and establishment of new roads to service the development including new bridge structures; new public realm works, ground remediation, alterations to ground levels, works to trees and existing habitat areas; upgrading of below ground utilities; establishment of a new Sustrans route and diversion of existing public right of way (planning reference 13/02436/EOUT).

The application site covered by the Outline permission extends south-eastwards from Radstock town centre, and has a total area of 8.87 hectares. The site stretches along the line of the former railway, from the double roundabout junction of the A362 and A367 for a distance of approximately 700 metres along the valley of the Kilmersdon Brook. The application site also includes a substantial area of public highway, including the double roundabout junction and sections of Wells Road, The Street, Fortescue Road, Frome Road and Victoria Square, in order to facilitate highway works and works to the public realm within Radstock town centre.

The Outline scheme divided the site into three character areas:

Area 1: North of Victoria Square and including much of the town centre

Area 2: Central part of site between Victoria Square and Snails Brook

Area 3: South-east of Snails Brook, including the Brunel Railway Shed, the former Marcroft wagon works and Fox Hills

In January 2014 an application was granted full planning application for the Area 2 of the Outline scheme (planning reference 13/03786/EFUL). The purpose of that separate application made concurrently for part of the site covered by the outline permission was to enable early development of part of the site to draw on HCA funding (relating to affordable housing delivery).

Both the Outline scheme and Full application for Area 2 were subject to an Environmental Impact Assessment which covers the following topics:-

- 1) Ecology and Nature Conservation;
- 2) Transport;
- 3) Ground Conditions;
- 4) Hydrology and Drainage;
- 5) Noise;
- 6) Air Quality;
- 7) Conservation Area and Landscape Setting; and
- 8) Socio Economics
- 9) Mitigation Measures
- 10) Cumulative Assessment

The Full application is an independent and free standing application which is currently being implemented. It none the less is relevant that the outline scheme and the full application are compatible within each other. The full application links to the Outline scheme being physically part of that bigger site and the viability of the deliverability of the wider site which was fully assessed through consideration of the Outline scheme is relevant to the development of the Area 2 site in particular with regard to the affordable housing element which will be discussed in the main report.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

**HIGHWAY DEVELOPMENT OFFICER:** No objections subject to conditions

**DRAINAGE OFFICER :** Initial comments sought further information that was provided and acceptable however it has been requested that it be clarified who will maintain the drainage systems.

**NATURAL ENGLAND :** Confirm that the light levels achieved at the bat crossing points and around the Brunel shed are acceptable. However they shared the ecologists concerns with the buffer strip and maintenance of the Brook and needed to understand how stabilisation works to the bank will be carried out, as a viable bat flight path must be maintained. Further comments in relation to the latest drawings as revised advise that "I welcome the submission of the revised Ecological Buffer Measurements drawing 14096 (05) 012 Rev D together with the further Ecology Statement dated 23 September 2015."

I confirm that the revised drawing shows buffer measurements which are now in line with the principles set out in the Ecological Mitigation Compensation and Management Plan and that provided the proposals are implemented in accordance with these measurements, I consider that the function of the Kilmersdon Brook corridor as an ecological corridor will not be compromised.

I also note the intention to use timber post fencing at the ends of gardens where these back on to the ecological buffer and I welcome this change.

ECOLOGICAL OFFICER: There was an initial objection as there were issues relating to the buffer zone and tree retention alongside the Brook however that has been withdrawn in relation to the latest revised plans which now provide an increased buffer zone along the majority of the length of the Kilmersdon Brook, with the required 8m width being met with the exception of agreed "pinch points"

The following comments have also been made

The rear boundary fencing along this buffer zone is now more substantial and I consider it acceptable for ecological requirements.

I consider that the proposal now meets the requirements for bats, as described in previously approved documents including the long term management plan, and bat mitigation scheme, and does this sufficiently to exclude any risk of a significant effect on bats of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC).

Other ecological mitigation requirements, for example trackbed habitat provision, are also incorporated into the scheme and are in accordance with previously approved mitigation proposals.

Future and ongoing establishment and wildlife-friendly maintenance of all retained and replacement planting and habitat provision, including and in particular along the Kilmersdon Brook and within the bat flight corridors, will be critical and this must be secured by condition, requiring long term annual site-wide ecological inspections by a suitably experienced ecologist, and remedial measures where applicable.

The applicant will also be aware that the previously approved Ecological Mitigation Compensation and Management Plan and other ecological documents required various measures to take place at specific times of year or phases of construction or development; I trust that ongoing ecological oversight of the scheme will continue and would request ongoing informal liaison with and reporting to the LPA by the applicant's ecologist regarding progress on all ecological matters and mitigation, as development proceeds.

The revised plans enable me to withdraw my previous objection subject to conditions.

PARKS OFFICER Radstock has a lack of formal green space and the scheme has more potential for providing informal management and public use of Fox Hills than currently achieved.

SCIENTIFIC OFFICER [CONTAMINATED LAND]: With respect to the Area 3 development, it is recommended that the contaminated land model conditions remain in place to ensure 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. The conditions will be for further investigation, submission and approval of a detailed remedial strategy along with its implementation and verification.

ARCHAEOLOGICAL OFFICER: There are no objections however the applicant is reminded of obligations under the discharged conditions of the Outline scheme that require programmes of work to be carried out.

ARBORICULTURAL OFFICER : Following initial objections these have been able to be withdrawn following amendments to the layout and subject to measures to secure tree protection and provide an arboricultural method statement. These requirements are already secured by conditions 42 and 43 of the outline scheme so are not reapplied here.

LANDSCAPE OFFICER : Concerns are expressed with regard to the relationship of housing with the brook. The scheme remains unacceptable due to the dense housing associated fencing and dense planting on each bank of the brook.

URBAN DESIGN : Raised a number of concerns relating to the layout , permeability, legibility, materials and boundary treatments and following consideration of amended plans advise that the application remains unacceptable on the basis of the scheme doesn't provide a footbridge as was the original intentions and retains a footbridge that will not be useable, aspects of the road layout remain more suburban than necessary, the boundary treatments of rear gardens along the brook are a concern. The scheme is broadly acceptable and improved by revisions but some attention to detail would make further improvements.

HERITAGE OFFICER : Objects to the development and comments that this type and form of volume housing development fails to preserve or enhance the character and appearance of the conservation area. A design should be applied which clearly reflects the historic development of Radstock and its architectural significance. Particular concerns relate to the suburban layout lack of use of natural stone and boundary treatments.

HISTORIC ENGLAND : Following further clarifications advise that the proposal should be determined in accordance with local and national guidance.

ENVIRONMENT AGENCY: We have no objection to the proposals relating to flood risk due to the extent of the flood plain and the floor levels marked on the plans submitted.

PUBLIC RIGHT OF WAY OFFICER : There are no legally recorded public rights of way affected by the area shown within the red boundary marking the extent of the Area 3 Site Boundary on Plan 14096 (05) 003B.

COAL AUTHORITY : The application site does not fall with the defined Development High Risk Area but is located instead within the defined Development Low Risk Area. If permission is granted standing advice should be provided on the decision as an informative.

WASTE SERVICES seek adequate turning for refuse and arrangements for edge of pavement collections.

WESSEX WATER have no outstanding concerns



SUSTRANS have raised some minor concerns and sought some clarifications in relation to the cycleway

## OTHER REPRESENTATIONS

MENDIP DISTRICT COUNCIL : No comments

RADSTOCK TOWN COUNCIL: - Objection on the basis the scheme is not in keeping with the local area and will be harmful to Heritage, overlooking of bungalows adjacent to plots 135 and 139, contamination and request that the existing bridge proposed for retention is fully demolished as it represents a health and safety risk. Further objections have been made on the basis that additional survey work (and a hydrography report) is required along the brook and surrounding land including of the retaining brook wall and there may be risks of contamination. The situation regarding the railway and policy T9 is unclear and the boundary lines may be incorrect.

WESTFIELD PARISH COUNCIL - The Parish Council objects to the application on the following grounds (1) It removes the potential for a railway line which would improve the living conditions and alleviate traffic problems in Westfield; (2)It raises ecological issues which will affect Westfield, for example the bat corridor from Radstock to Westfield; (3) it raises potential flooding risks for Westfield; (4) the side effects of building on contaminated land will have an impact on the wildlife in Westfield. There are 100 years of contaminants on this land, at a time when containment was not what it is now; (5) the extra houses will mean increased traffic in Westfield which the infrastructure cannot support; (6) there are intrinsic changes in design from the outline application to the current application and a full consultation and resubmission of the outline planning permission is required.

CAM VALLEY WILDLIFE GROUP Cam Valley Wildlife Group objects to the proposed application on the grounds that it a) does not comply with the conditions and obligations of outline consent regarding bat mitigation measures, b) runs contrary to national policy and B&NES policy on protected species, natural environment, and amenity for all existing and future residents and c) does not comply with the site-specific policy

## LOCAL RESIDENTS

7 Residents have written to object to the scheme on the grounds of :-  
The applicant has applied to develop land that doesn't belong to them  
Contamination and asbestos  
Materials on main elevations should be natural white lias  
Not in keeping with the area  
Affect on springs, children and aquatic wildlife.  
Adverse effect on the SSSI  
Inadequate consultation  
Poor quality materials i.e. brick, recon. Stone and concrete tiles.  
Bridge demolitions  
Overlooking  
No space for railway proposals in the future  
Retention of redundant bridges  
Stability of the structure along the bank.

## **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 DW1 District-wide spatial Strategy
- o SV3 Radstock Town Centre strategic policy
- o SD1 Presumption in favour of Sustainable Development
- o CP2: Sustainable construction
- o CP5 Flood Risk Management
- o CP6 Environmental Quality
- o CP7 Green Infrastructure
- o CP10 Housing Mix
- o 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.

- D2: General Design and Public Realm considerations
- D4: Townscape considerations
- ET5 Employment
- CF2 Provision of community facilities
- CF3: Contributions from new development to community facilities
- SR2: Allocation of land for recreational use
- ES2 Sustainable design
- ES10: Air quality
- ES12: Noise
- ES15: Contaminated land
- HG1: Housing mix
- HG7: Residential density
- HG8: Affordable housing
- NE3: Important hillsides
- NE4: Trees and woodland
- NE9: Locally important wildlife sites
- NE10: Nationally important species and habitats
- NE11: Locally important species and habitats
- NE12: Natural Features
- NE15: River corridors
- BH2: Listed buildings and their settings
- BH6, BH7 and BH8: development within Conservation Areas
- BH12: Archaeology

T3: Pedestrian safety  
T5, T6 and T7: Provision for cyclists  
T9: Sustainable transport routes  
T24: General development control and access policy  
T25: Transport assessments  
T26: On-site parking and servicing

With reference to Policy BH7, it is to be noted that the Radstock Conservation Area Assessment was produced in 1999, and was subject to public consultation before being approved by Members. The Conservation Area Assessment has not, however, been adopted as Supplementary Planning Guidance and therefore appropriate care needs to be given in assessing its material weight when reaching planning decisions.

The Councils' Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPG) are also material considerations.

Other material Local and National Guidance

#### NATIONAL POLICY

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

Ministerial Statement - Measures to reduce bureaucratic barriers to growth and infrastructure (Growth and Infrastructure Bill) April 2013

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.

B&NES Council's Biodiversity Action Plan

#### **OFFICER ASSESSMENT**

Policy Background

The site is part of site allocation within the local plan. It is allocated as Site NR2 Radstock Railway Land under Policy GDS1 of the Local Plan. Following the Local Plan Inquiry, the Inspector made significant comments regarding this allocation, and as a result, Paragraph B7.30 of the Written Statement was revised to state as follows: the development of the Radstock railway land site for mixed use development is integral to the development of Radstock and will contribute at least 50 dwellings during the plan period but substantially more provided a robust mixed use scheme is achieved, ecological interests are taken into account, the character of the town is maintained or enhanced and the transport corridor is retained in accordance with Policy GDS1/ NR2.

The development requirements for Site NR2 under Policy GDS1 are stated to be a mixed use scheme including:

1. Residential development with retail and office uses within or adjacent to the Town Centre, with a community facility and a local nature reserve.
2. About 50 dwellings in the period to 2011 or more if the other site requirements are met.
3. Provision for safe movement of public transport vehicles within the site.

4. Safeguarding the former railway corridor as a sustainable transport corridor under Policy T9 incorporating the National Cycle Network where this is compatible with the safeguarding of the trackbed which is of significant nature conservation value.
5. Identification of areas of significant nature conservation interest to be retained, with a scheme for their management and the mitigation of any effects of development; together with a programme for compensation where the loss of areas of ecological importance cannot be avoided.
6. Relocation or retention of Victoria Square public toilets.
7. Retention [with relocation if necessary] within the site of engine shed and nearby turntable.

In addition to Policy GDS1, parts of the application site are subject to the following designations on the relevant Local Plan Proposals Map:

1. 2.3 hectares of land at Fox Hills, at the southern end of the site is allocated for informal recreation under Policy SR2.
2. The Kilmersdon Brook and Snails Brook corridors, the railway cutting along the eastern boundary and the slope of Fox Hills at the southern end of the site are designated as Sites of Nature Conservation Interest.
3. Part of the western edge of the site, adjacent to the Kilmersdon Brook and Snails Brook, are indicated as a floodplain.
4. The northern part of the site, to the north of Victoria Square, is within the Town Centre Shopping Area and frontages to Fortescue Road, Wells Road and The Street are indicated as Primary Shopping Frontage.
5. The former railway line is identified as a Sustainable Transport Route.

In addition, the entire site is located within the designated Radstock Conservation Area, where the LPA is required to have regard to the extent to which proposals for development preserve or enhance the character or appearance of the designated area.

The other site specific policy is Policy SR.2 which allocates Fox Hills for informal recreation. Policy SR.2 states: 'Land is allocated for formal and informal sport and recreational use on the following sites as defined on the Proposals Map: Slopes above Fox Hills, Radstock: 2.3 ha for informal recreation.'

## Principle of Development and Land Use

This reserved matters scheme follows up an Outline approval granted for development of the entire GDS1 site. The approval granted divided the site into 3 Areas. Area 2 of the approval granted is already under construction. Area 3 of the approval is under consideration here.

Parameter plans for the entire site were approved by the outline consent and these set out matters covering land use, access and movement, building heights and landscape and open space. The proposals submitted do comply with the parameter set. The detailed design of the development is therefore under consideration here and this is discussed in more detail below.

## Highways

The submission is in accordance with the application submitted and approved with the original outline consent. The estate roads have been designed as shared-spaces which is quite appropriate given the low-level of development and low traffic-speeds which will result. Separate approvals will be required for the road construction including the structure carrying the road over the stream. A construction management plan as required by the outline consent will need to apply for this part of the site to ensure the safe use of the cycleway.

Parking for the individual units generally meets with Local Plan standards or in some cases is slightly above however not so as to cause an objection. The highway officer has requested additional cycle parking for the Brunel Shed and this can be conditioned.

## Conservation and Heritage

Across the site overall there have been conservation improvements some of which have already been realised through the improvements within the vicinity of the Victoria Hall and others such as the refurbishment of the Brunel shed will be forthcoming. Taken as a whole the scheme can be considered on balance to preserve the character of the Conservation area. It is therefore acceptable in accordance with the statutory test under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act.

## Design and materials

In the conservation area natural materials are sought usually as a standard and in this case several people have raised an issue with regard to the materials proposed and seek Limestone Lias elevations and slate and these preferences are raised in the consultation responses of the design officers.. Officers agree that these would be the most appropriate materials to use and as was also identified in consideration of the area 2 application the scheme is recognised to have some design issues and materials are significant in that regard. However the scheme has financial constraints that are identified in the justification for these materials and the design and materials are suggested to arise from the difficulties in delivering a financially viable scheme. Viability was assessed by an independent assessor and was not in dispute and therefore that has had to be weighed in the balance and the benefits of delivering the regeneration scheme on the derelict and contaminated site has been part of that balancing exercise.

The scheme has been improved through negotiations to what is considered as the optimum solution for this part of the site and the development reflecting the particular circumstances.

Materials here should not be taken as a precedent for future development in the Conservation Area as it is only the specific circumstances of this case which on balance make them acceptable when seen in the context of the overall regeneration of the site and its deliverability.

## Landscape and trees

The landscape within the site has established in response to local conditions. Vegetation and land cover within the site are dominated by scrub grassland, much of which has established on rail ballast. Existing trees are an important factor within the site.

The soft landscape opportunities are restricted within the development however the plans have been amended to remove small left over spaces and other awkward areas that would be unlikely to be properly maintained and they are now more acceptably integrated in the hard landscaping of the scheme. Existing vegetation has been considered in conjunction with its ecological benefits as well as with regard to its visual benefits and the current proposals allow for some retention and some replanting of trees within the site. However there is sufficient provision of space to achieve this particularly along the brook corridor and proposals are acceptable subject to the conditions of the outline scheme.

## Ecology

The site is sensitive in ecological terms and there were particular concerns with the scheme submitted regarding the relationship of the houses to the Brook which runs through it fairly centrally. The scheme has been designed so as to back onto the brook. Whilst this would not be a usual approach the particular characteristics of the Brook do prevent a design challenge and make it problematic to face development onto it. Following discussions an increased width to create an exclusion zone / buffer zone between the houses and the brook has been provided and this accords with the ecological management plan secured at outline stage and is considered acceptable.

This is also advised acceptable to enable the long term retention or removal and replacement of a significant proportion of trees that provide important ecological habitat. It has been confirmed by natural England and the Councils ecologist that the scheme as presented would not have a significant harmful effect on bats however it will be necessary to ensure during the establishment phase of the new planting that ecology is adequately protected and a condition to achieve this is consequently applied. This is required in addition to the ecological protection and enhancement measures that are already secured within the outline scheme.

## Retention of existing redundant bridge on site

It is to be noted that an existing bridge within the site will be retained but will have no function. It is suggested that this will be set within proposed landscaping so as to make it inaccessible and details of that will be required by condition. Justification has been provided for retention of the bridge to advise its removal would adversely affect ecology although this has not been demonstrated. None the less whilst removal of the bridge would be preferable and was sought, its retention is not considered so harmful so as to warrant refusal of the application.

## Affordable Housing

The overall affordable housing element of the entire outline site is 25% which was agreed following a full assessment of the sites viability. That would usually be spread or 'pepperpotted' across the 3 character areas. However in this case due to viability

constraints and a reliance on HCA funding to enable development of the site agreement was made that the entire affordable housing element for all 3 areas would be located within character Area 2 so the affordable element would have an early completion date. Consequently Area 2 in accordance with the full permission granted will deliver 67% affordable housing and it follows that the current reserved matters application for character area 3 will be entirely open market units.

## Education

The viability assessment submitted at outline stage demonstrated that contributions can not be supported by the development and no education contribution will be secured. As the statutory provider for education the requirements of the development in terms of any educational need would become the responsibility of the Local Authority if the scheme proceeds.

## Contamination

Ground conditions issues were detailed in Chapter 9 of the Environmental Statement supporting the Outline application and within further information submitted during and as part of that application. The scientific officer considered that the information provided was satisfactory and conditions could be applied to any development permitted. In respect of this reserved matters submission it has been recommended that as part of the strategy for addressing contamination the consultant should assess the adequacy of the investigation undertaken to date in the context of the final development design. Consequently conditions as previously applied should remain in place.

## Flood Risk

The site is not within an area of high flood risk and there are no flooding concerns raised.

## Drainage

There are no concerns with the method of drainage within the site. Confirmation of how systems will be maintained has been provided and it is advised that this drainage system will become a designated public surface water sewer as was confirmed at outline stage.

## Archaeology

This application raises no new matters that have not been addressed through conditions on the outline scheme.

## Regeneration

The derelict brown field site is an important regeneration opportunity and the approval of the outline scheme was deemed to realise a number of benefits for the town overall. Of particular relevance to this part of the site is the delivery of a permanent Sustrans route through the site and restoration of the Brunel shed which is located within Area 3. In association with these consideration was given at outline stage as to the feasibility of protecting the railway route which currently runs through the site with a view to its

restoration. However at outline stage this was fully explored and it was concluded that such a proposal was not feasible. The development of this site therefore does not provide for that to take place either now or subsequently and that is accepted taken account of the investigations previously undertaken which discounted that as an option.

### Sustainability

The principle of mixed-use development on previously developed land that runs into the town centre is sustainable. The development would be constructed using SUDS (sustainable urban drainage systems). The site will also assist in achieving social, economic and environmental benefits through the provision of new homes providing new employment opportunities during construction and after in new business space, removal of on site contamination and ecological enhancements.

### Residential amenity

The proposed development would provide a good standard of housing in an attractive location. It will therefore provide good levels of amenity for occupants. With regard to existing occupiers those closest to the development are the residents along Meadow View. Concerns have been raised with regard to overlooking and proximity to these houses some of which are single storey whereas the proposals are for two storey housing. These matters have been carefully considered as has the affect of the differing levels within the site. However given the distance between properties, orientation of properties and boundary features it is considered that the relationship of proposed dwellings to existing is not harmful so as to warrant refusal of the development.

### Other Matters

A section of the Brook within the site is contained by a significant structural retaining wall several metres in height. There is evidence that this is bowing and strengthening and repair works will be required. In relation to the consideration of this application that will require trial pits and other investigative works that may affect trees and ecology. That has been taken into account in the consideration of the impacts of the development. It is said that following repair works the maintenance of the wall would be passed to a maintenance company. This will require an amendment to the S106 to secure this arrangement and the strategy for investigation and repair will need to be conditioned.

It is also advised that there are current surveys being undertaken on site in relation to ground conditions. However the development as proposed is based on expected ground levels and there is no reason to dispute these can be achieved. However if for any reason these ground levels could not be achieved then revisions to any planning approval may need to be sought.

In relation to other comments made there are no proposals to make provision for rail transport (and this was fully considered at outline stage). Furthermore the applicant is confident that the site line boundary is correct and there is no evidence to the contrary.



## Conclusion

This is a complex set of proposals which forms part of a multi-faceted, mixed use development located within a sensitive site on the edge of Radstock. Compromises to design quality in particular materials used have arisen due to viability constraints. Whilst these materials would not usually be accepted in isolation in the conservation area they are considered as part of the wider scheme. There are some strong regeneration benefits and townscape improvements secured and in this case it is necessary to weigh different issues against one another. It is considered that this proposal can reasonably be considered as achieving the best outcome that the viability constraints allow and is overall and on balance supported due to the regeneration benefits that the development would deliver. These benefits do bring forward significant improvement to the townscape overall and the scheme overall is consequently an enhancement to the conservation area.

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

i) The ongoing management of the structural Kilmersdon Brook bank retaining wall to be passed to a management company.

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

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

1 Prior to the commencement of development a strategy for the investigation and repair works to the Brook retaining wall as set out in supporting documentation by Hydrock dated 26th August 2015 shall be submitted to and agreed by the Local Planning Authority. The works shall be carried out in accordance with the agreed details prior to occupation of any dwellings adjacent to the Brook.

Reason In the interests of residential amenity and the protection of wildlife. The information is required pre-commencement as it is necessary to understand how the works will impact on trees and consequently wildlife including bats.

2 Prior to the Brunel shed being brought into use details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with the approved details.

Reason : To promote sustainable forms of transport in the interest of the environment.

3 Detail of measures to be taken to render the existing bridge within the site (which will be retained in situ) safe and inaccessible to the public shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out in accordance with the agreed details prior to the occupation of any part of this permission.

Reason : In the interest of amenity

4 Prior to occupation of the development hereby approved, a programme shall be submitted to and agreed in writing by the Local Planning Authority, for implementation, during the establishment phase of any planting to be provided or re-provided on the site, of annual ecological inspections to be undertaken by a suitably experienced ecologist, with the aim of checking the condition, establishment and ecological functionality of: ecological mitigation features; new planting; retained planting; translocated habitats; and habitat boundaries, and should include inspection of bat flight corridors and of the vegetated buffer zone alongside the Kilmersdon Brook. The programme should include a process of identifying and briefly reporting to the LPA on any ecological issues arising or of concern, and a process of agreeing and implementing appropriate remedial measures and responsibility for this as applicable.

Reason: to ensure appropriate ongoing establishment and maintenance of ecological habitat and features within the site

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

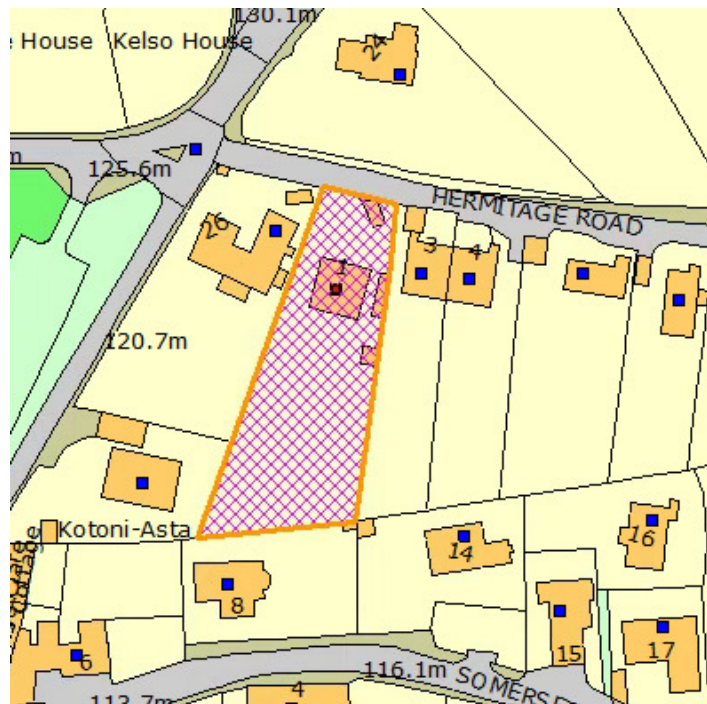
Reason: To define the terms and extent of the permission.

**PLANS LIST:**

1 14096 (05) 003B, 004, 005, 006, 006B, 100A, 101B, 103B, 104B, 106A, 108, 111, 114A, 115, 118, 119, 121A, 122A, 123A, 124A, 125A, 126A, 127A, 128A, 129A, 130, 131A, 132A, 133, 134, 135, 136, 137, 002L, 007G, 009H, 010B, 012D.  
4467 303E, 302E, 301D, 300F, 203E, 202E, 200D

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

**Item No:** 02  
**Application No:** 15/03366/FUL  
**Site Location:** 2 Hermitage Road Lansdown Bath Bath And North East Somerset BA1 5SN



**Ward:** Lansdown                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Patrick Anketell-Jones Councillor Anthony Clarke  
**Application Type:** Full Application  
**Proposal:** Erection of detached dwelling with associated car parking and landscaping following demolition of existing dwelling (Resubmission)  
**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:** Nitor Investments Ltd  
**Expiry Date:** 25th September 2015  
**Case Officer:** Richard Stott

**REPORT**  
**SITE DESCRIPTION AND PROPOSAL**

This application relates to a modest sized bungalow located on Hermitage Road, which is a single track road leading off Sion Road, in the Lansdown area of Bath. The site is set within the City of Bath Conservation Area and the wider World Heritage Site. The application seeks planning permission for the erection of a house following the demolition of the existing bungalow. There is a history of refusals of planning applications for a replacement dwelling on this site, as well as subsequent dismissed appeals.

The application was determined at committee in April 2015. Although the officer recommendation was for approval, Members overturned this decision and refused this application for the following reasons:

1 The proposed development, due to its inappropriate bulk and proximity to the neighbouring dwellings would result in an unacceptable loss of light to the windows of the adjacent neighbouring properties, and as such result in unacceptable harm to the residential amenity currently enjoyed by these neighbouring occupiers. The development is therefore contrary to saved policy D2 of the Bath and North East Somerset Local Plan 2007.

2 The development, due to the unacceptable design, mass and bulk of the development is considered to result in a built form that would have an unacceptable detrimental impact upon the character and appearance of the City of Bath Conservation Area. The development is therefore considered to be contrary to saved policies BH6, D2 and D4 of the Bath and North East Somerset Local Plan 2007 and CP6 of the Core Strategy 2014.

3 The proposed development, due to its proximity to the neighbouring dwellings and its overall massing and bulk, is considered to represent the overdevelopment of the site. The development is therefore contrary to saved policies BH6, D2 and D4 of the Bath and North East Somerset Local Plan 2007. and CP6 of the Core Strategy 2014.

The April 2015 refusal has not been appealed.

The current application has been resubmitted with the roof height of the building reduced by 0.5 metres compared to the refused scheme. No other significant alterations have been made to the proposal in terms of reducing the bulk and mass of the proposed dwelling.

The applicant's agent believes that the current scheme (and the scheme of the April refusal) overcomes the concerns raised by the Inspector dealing with the previous appeal and the previous refusal was unjustified.

The key consideration with the determination of this application is whether or not the proposed amendments to the scheme have addressed and overcome the reasons for refusal issued in April 2015.

## RELEVANT PLANNING HISTORY

### 2 Hermitage Road

10/05344/FUL - Withdrawn - 9 March 2011 - Erection of house following demolition of existing bungalow.

11/04382/FUL - Refused - 11 May 2012 - Erection of house following demolition of existing bungalow (Resubmission) - appeal dismissed

11/04625/CA - Consent - 11 May 2012 - Demolition of existing bungalow and erection of house

12/04551/FUL - Refused - 12 December 2012 - Erection of dwelling following demolition of existing bungalow - appeal dismissed

12/04552/CA - Consent - 12 December 2012 - Demolition of existing bungalow

14/04081/FUL - Refused - 28 May 2015 - Erection of 1no five bedroom dwelling following demolition of existing bungalow.

7 Hermitage Road

14/04805/FUL - PERMIT - 6 January 2015 - Erection of an additional floor to the property and a new porch.

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

Cllr Clarke - This application should be heard at committee as officer previously recommended approval

10 objection comments have been received. These can be summarised as follows:

- Harm to residential amenity of the neighbouring occupiers due to inappropriate bulk and proximity to neighbours. Harm including loss of light, privacy, overbearing impact and increased noise and disturbance
- Application very similar to previously refused application and therefore reasons for refusal have not been overcome
- Lack of information within the day/sun light analysis
- Impact upon character and appearance of the Conservation Area due to inappropriate scale, bulk, siting and design
- Over development of the site
- Loss of openness to the front of the site
- Failure to address concerns previously raised by the Inspector
- increased pressure on services resulting from increased occupiers
- Lack of housing supply not an issue in this case
- Inappropriate design
- Issues surrounding car dock

### **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

- Core Strategy

B1 - Bath Spatial Strategy

B4 - The World Heritage Site and its Setting

CP6 - Environmental Quality

Saved policies from the Bath and North East Somerset Local Plan - 2007

BH6 - Conservation Areas  
BH7 Demolition in Conservation Areas  
BH12 Important archaeological remains  
D2 - General Design and Public Realm Considerations  
D4 - Townscape Considerations  
NE4 Trees and woodland Conservation  
NE5 Forest of Avon  
NE10 Nationally important species and habitats  
NE13A Bath Hot Springs  
HG4 Residential development in the urban areas  
T24 - Highway Development Control Criteria

The National Planning Policy Framework - published in March 2012

National Planning Practice Guidance

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.

#### **OFFICER ASSESSMENT**

##### **REASON FOR REFERRING THIS APPLICATION TO COMMITTEE**

This application has been referred to committee by the Group Manager of Development Management due to the complex and protracted history of this application.

##### **PRINCIPLE OF DEVELOPMENT**

The application site is located within the built up area of Bath where new residential development is considered to be acceptable providing it complies with the relevant Development Plan policies. A replacement dwelling can therefore be supported in principle.

##### **CHARACTER AND APPEARANCE**

There is no objection to the loss of the existing 1920's bungalow and this part of the development has previously been deemed to be acceptable. However, although the existing bungalow is not considered to be of particular architectural merit, its scale respects its plot and due to the topography of the land and the siting of the bungalow, it has a modest impact upon the street scene. Any future development needs to be compatible with the surrounding development to ensure that the character and appearance of this part of the City of Bath Conservation Area is preserved.

Members previously considered that the development, due to the unacceptable design, mass and bulk of the development was considered to result in a built form that would have an unacceptable detrimental impact upon the character and appearance of the City of Bath Conservation Area. Further, the proposed development, due to its proximity to the

neighbouring dwellings and its overall massing and bulk, was considered to represent the overdevelopment of the site.

As stated in the Site Description (above), the proposed development has been reduced in height by 0.5 metres. Whilst it is acknowledged that this aids in setting the dwelling below that of the neighbouring dwelling at 3 Hermitage Road, this is not considered to overcome the previous reasons for refusal attached to the latest planning refusal. Again, as stated above, the overall scale and mass of the proposed development has not been significantly amended and the proposed dwelling remains in the same proximity to the neighbouring dwellings, spanning the same length into the site.

2 Hermitage Road is located near the entrance of the unadopted road, set back from the frontage of the road, behind the general building line of the dwellings of Hermitage Road. The current built form creates a sense of space that contributes positively to the character and appearance of the public realm and the Conservation Area. The increased bulk and massing of built form in this area, as proposed by the application, is considered to have a negative impact upon this attribute and would result in a form of development that would appear overly prominent adjacent to the neighbouring properties, to the detriment of the street scene. The design of the dwelling, particularly the rear elevation which has a three storey appearance, exacerbates this perceived visual bulk. Whilst the plot is of a generous length, it is of a relatively limited width and on a slope, as such the proposed dwelling, due to its excessive mass and bulk is considered to be cramped, resulting in the overdevelopment of the site. This results in a built form that conflicts in a negative manner with the prevailing character of this part of the Conservation Area, and consequently is considered to result in undue harm to this designated asset.

Whilst the reduction in height compared to the refused application by 0.5m is noted, it is concluded that the absence of any other significant reduction in mass, scale and bulk fails to address or overcome the reasons given for refusing a similar application in April 2015.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that overall, due to the harm identified above, the development fails to preserve the character and appearance of this part of the City of Bath Conservation Area. Although there is considered to be harm to the Conservation Area, the development is not considered to result in any undue harm to the setting of the wider World Heritage Site.

The harm to the Conservation Area is considered to be 'less than substantial' and where this is the case, the NPPF explains that the harm should be weighed against the public benefits of the proposal. In this case, the benefit of a providing a new family dwelling is noted, however, this is a replacement dwelling and this does not therefore add to the housing stock in terms of increased numbers. The public benefit of this proposal is therefore limited and is not considered to outweigh the harm identified.

The approved development at 7 Hermitage Road has been considered as part of this assessment. Although the increased scale of this development is noted, the context of the two sites is materially different and therefore can not be considered to be directly comparable. Number 7 is located towards the end of the road set in a less prominent position in the Conservation Area. Further, number 7 at its increased height would be

located between two dwellings of a similar height, and as such would fit more comfortably in this context.

## RESIDENTIAL AMENITY

The increased scale of the built form on this site has the potential to harm to residential amenity of the neighbouring occupiers, particularly in terms of loss of light and the impact upon the outlook of these neighbouring occupiers.

Members previously considered that the development due to its inappropriate bulk and proximity to the neighbouring dwellings would result in an unacceptable loss of light to the windows of the adjacent neighbouring properties. Although the height of the dwelling has been reduced by 0.5 metres, this is not considered to have significantly reduced the bulk of the development. The proximity to the neighbouring dwellings remains the same as the previously refused scheme. It is therefore concluded that this reason for refusal has not been satisfactorily addressed.

The proposed dwelling, when compared to the existing dwelling, is of a significantly greater bulk and situated further forward in the site. The proposed dwelling would be sited in close proximity to the adjacent dwellings. The combination of these factors result in a development that has a materially different relationship with the neighbouring dwellings than the existing bungalow, and this is considered to be unsatisfactory.

The main part of the building would be sited in line with 3 Hermitage Road. The single storey element would be built into the slope so that it is set below the existing screening. This will ensure that the impact upon the veranda and rear garden is minimal. Notwithstanding, 3 Hermitage Road benefits from a hallway window on its side elevation which faces onto the development. Although this window does not serve a habitable room, its function is important serving a large circulation space within the dwelling. The proposed development, due to its siting and overall bulk will significantly alter the level of light reaching this space.

26 Sion Road also benefits from windows facing onto the development, both at ground floor level and within the roof of the development. Whilst those at ground floor level are partially obscured by existing boundary treatment, the light levels in these rooms will be further reduced as a result of this development. The room in the roof which serves a study/bedroom will have an altered outlook as a result of this proposal, and the light reaching this room will be reduced. Whilst it is noted that the development will not completely obscure the view from the upper window, it will be significantly altered and again, the light level reaching this room will be considerably altered.

Members previously considered that the loss of light that would be experienced if the development were to proceed, was at an unacceptable level and would significantly harm the residential amenity currently enjoyed by these neighbouring occupiers. This has not been overcome by the current proposal. The surveys and additional analysis submitted by the agent are noted, but this is not considered to outweigh the harm identified above.

The submission highlights that there is a restrictive covenant affecting 26 Sion Road that is registered as a charge against the land removing any entitlement of the occupiers of that property to 'rights of light and air' to the extent that it might interfere with development



of the neighbouring land. However, this is not a materially planning consideration and can not be given any weight in the assessment of this planning application.

Concern has been raised with regard to the loss of privacy for the neighbouring occupiers. However, the development is not considered to result in any significant overlooking issues. The distance from the proposed dwelling to the properties to the rear of the site is at an acceptable distance which will ensure that any overlooking issues are minimal.

Concern has previously been raised regarding noise associated with the use of the "cardok". However the agent has demonstrated that this produces minimal noise and as such it is not considered that this will cause any undue noise and disturbance to the neighbouring occupiers.

Due to the resultant loss of light to the windows of 3 Hermitage Road and 26 Sion Road, the development is considered to cause undue harm to the residential amenity of these occupiers. The previous concerns raised by Members have not been overcome.

#### HIGHWAY SAFETY

Hermitage Road, is a narrow unadopted cul-de-sac with a 20mph speed limit. The visibility splays will remain as existing and are considered to be acceptable. A five bedroom dwelling will generally require three parking spaces to meet the needs of the development. The application proposes two conventional parking spaces which achieve a 6.0m manoeuvring area to the rear which is essential on this narrow lane. The third parking space is provided below the conventional spaces and is operated by a car lift which will also be acceptable given the constraints of the location. The parking bays will need to be surfaced in a bound material to prevent loose material being trafficked onto Hermitage Road and the further highway network at Sion Road. The details and implementation of this can be secured through of a condition on any planning application.

#### ARBORICULTURAL ISSUES

A mature Atlas Cedar tree is located within the rear garden on the existing property. The submissions include a comprehensive arboriculture report which includes an arboricultural method statement (AMS ) and tree protection plan to protect this tree. This has been assessed by the Council's Arboricultural officer who is satisfied that subject to full compliance with the AMS, the tree will not be harmed. Further clarification may be required, for example if alterations are proposed during the design of soakaways etc. and supervision may be necessary during works. However, this can be secured though the attachment of a condition should permission be granted.

#### ARCHAEOLOGY

The application site lies in close proximity to a Roman burial found in 1808 during construction of houses in Hermitage Road and within the Sion Hill Roman cemetery area. It is therefore recommended that a watching brief condition is attached in the event permission were to be granted.

## ECOLOGY

Satisfactory bat surveys have been completed for this proposal and no roosts have been identified in the building to be demolished. An updated survey is recommended if the building is not demolished prior to the next active bat season.

## CONCLUSION

In consideration of the above report, the proposed development has not overcome the previous reasons for refusal in relation to the previous application, determined in April 2015. The development, due to its unacceptable scale, siting and design is considered to result in undue harm to the character and appearance of the City of Bath Conservation Area and to the residential amenity of the neighbouring occupiers.

The submission refers to the Local Authority's lack of ability to demonstrate a 5 year Land Supply in the Bath area. However, officers are comfortable that the Local Authority are able to do so when looking at the overall district, and therefore second part of paragraph 14 is not engaged.

For the reasons outlined above, the application is recommended for refusal.

## RECOMMENDATION

REFUSE

## REASON(S) FOR REFUSAL

1 The proposed development, due to its inappropriate bulk and proximity to the neighbouring dwellings would result in an unacceptable loss of light to the windows of the adjacent neighbouring properties, and as such result in unacceptable harm to the residential amenity currently enjoyed by these neighbouring occupiers. The development is therefore contrary to saved policy D2 of the Bath and North East Somerset Local Plan 2007.

2 The development, due to the unacceptable design, mass and bulk of the development is considered to result in a built form that would have an unacceptable detrimental impact upon the character and appearance of the City of Bath Conservation Area. The development is therefore considered to be contrary to saved policies BH6, D2 and D4 of the Bath and North East Somerset Local Plan 2007 and CP6 of the Core Strategy 2014.

3 The proposed development, due to its proximity to the neighbouring dwellings and its overall massing and bulk, is considered to represent the overdevelopment of the site. The development is therefore contrary to saved policies BH6, D2 and D4 of the Bath and North East Somerset Local Plan 2007. and CP6 of the Core Strategy 2014.

## PLANS LIST:

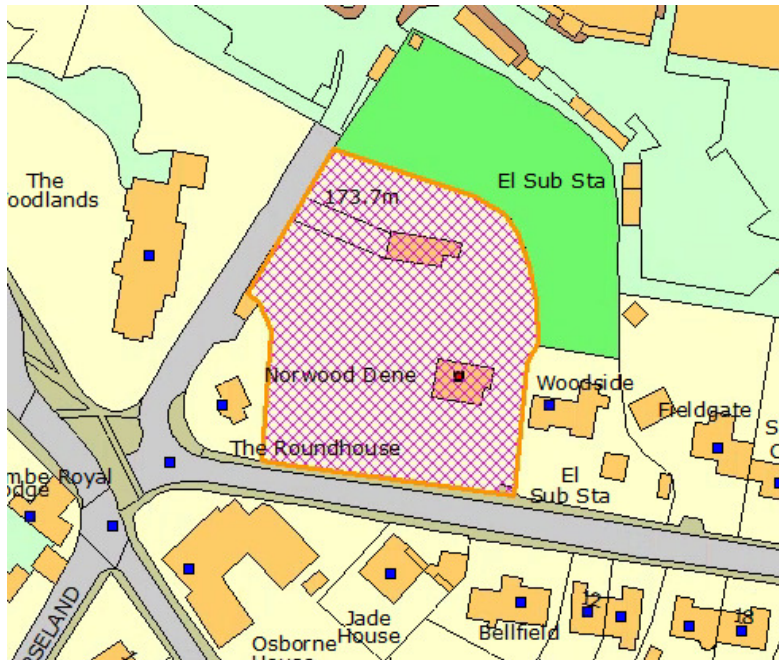
1 Drawing	24 Jul 2015	140919-2HR-TPP-AM	TREE PROTECTION PLAN
Drawing	24 Jul 2015	P 02	EXISTING NORTH AND SOUTH ELEVATIONS
Drawing	24 Jul 2015	P 03	EXISTING SITE SECTION AA
Drawing	24 Jul 2015	P 04	EXISTING SITE SECTION BB

Drawing	24 Jul 2015	P 05B	PROPOSED SITE PLAN
Drawing	24 Jul 2015	P 06A	PROPOSED LOWER GROUND AND GROUND FLOORS
Drawing	24 Jul 2015	P 07A	PROPOSED FIRST AND SECOND FLOOR PLANS
Drawing	24 Jul 2015	P 10C	PROPOSED WEST ELEVATION
Drawing	24 Jul 2015	P 11C	PROPOSED EAST ELEVATION
Drawing	24 Jul 2015	P 12C	PROPOSED SITE SECTION AA
Drawing	24 Jul 2015	P 13B	PROPOSED SITE SECTION BB
Drawing	24 Jul 2015	P 15A	PROPOSED SWEEP PATH ANALYSIS
Drawing	31 Jul 2015	WS51_01	LANDSCAPE LAYOUT PLAN

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.

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

**Item No:** 03  
**Application No:** 15/02616/FUL  
**Site Location:** Norwood Dene The Avenue Claverton Down Bath Bath And North East Somerset



**Ward:** Bathwick                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Matt Cochrane    Councillor Steve Jeffries  
**Application Type:** Full Application  
**Proposal:** Erection of 7 No. apartments and associated works.  
**Constraints:** Agric Land Class 1,2,3a, Article 4, Article 4, Article 4, Forest of Avon, Sites with Planning Permission, Hotspring Protection, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Tree Preservation Order, World Heritage Site,  
**Applicant:** Ashford Homes (SW) Ltd  
**Expiry Date:** 23rd October 2015  
**Case Officer:** Alice Barnes

## REPORT

Reason for reporting application to the committee

The application is being reported at the request of Councillor Matthew Cochrane.

The application has been referred to the chair of the Development Management Committee and she has agreed that the application should be considered by the committee.

Description of site and application

Norwood Dene is located on the northern edge of Bath. It is located just outside the Conservation Area and within the World Heritage Site. The application site lies at the end of the existing street. A single detached dwelling used to occupy the site but this has since been demolished. The site is surrounded by trees with a woodland to the rear. The site is covered by a tree preservation order. The site borders the street with a low stone boundary wall.

This is an application for the erection of 7 No. apartments and associated works. The proposed flats will comprise a two storey building set within the centre of the plot. The existing site access will remain and a secondary access onto Solider Down Lane will also be utilised. Parking in the form of car ports will be provided to the rear of the site and the surrounding streets are within a controlled parking zone. The bin store will be located within the parking area.

#### Relevant History

DC - 14/01891/FUL - RF - 27 February 2015 - Erection of 3no detached 2 storey dwellings with associated garages and hard and soft landscaping works following demolition of existing 1no storey dwelling.

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

Urban Design: Following the submission of revised plans no objection is raised to the principle of the development. Concern is raised over the impact on residential amenity, but it is recognised that the provision of obscure glazing would minimise the impact. This would need to be maintained as part of the development. Samples of materials should be approved.

Arboricultural: No objection subject to conditions.

A comprehensive Arboricultural Report supports the application and I am in full agreement with the contents. It is evident that the proposed design has been informed by the Arboricultural Report and previous arboricultural comments relating to earlier applications. In summary;

1. The proposal recognises the importance of the frontage trees which contribute significantly to the visual appeal of the locality.
2. The building footprint is centrally located within the site, primarily within the garden area and footprint of the original dwelling, now demolished.
3. The grounds are retained as a communal asset with shared ownership allowing for positive management.
4. The proposal reduces the number of trees which would require removal.
5. The internal floor plans ensure that the main living areas of the individual apartments benefit from dual aspect windows which will reduce the potential impact of shading from the existing trees.

The most significant tree losses affect The Round House to the west, the most notable are two Sycamores (T13 and T14 of the tree survey ). There is scope to undertake planting to provide future screening and improve the backdrop to The Round House. I have no objection to the proposed tree losses.

I support the proposal to create a management company for the grounds but request that a woodland management plan is developed by the applicant and submitted to and agreed with the LPA. An approved plan would assist the management company in scheduling future works and help provide continuity in management whilst aiding applications for any works to the protected trees on the site.

The proposed car parking areas to the north of the proposed building take advantage of existing gaps and are achievable provided that precautionary no-dig construction methods, as indicated in the Preliminary Arboricultural Method Statement, are implemented. Full construction details should be incorporated within a Detailed Arboricultural Method Statement (DAMS).

During a site meeting the inclusion of open sided timber car ports were discussed to reduce seasonal nuisance issues such as leaf litter, fruit drop and aphid honey dew. I welcome the inclusion of these in revised drawings.

Ecology: I support the proposed use of car ports which will reduce impacts of light spill, and the proposed provision of a management plan for retained woodland. Provided the proposed car ports are an accepted solution in planning terms, I am happy to require details of lighting and light spill analysis by condition, as I am confident that it should be possible for the proposal to avoid excessive light spill into the woodland, given the screening effect that will be provided by the car ports. I am also confident therefore that there is no risk of any indirect adverse impact on bats of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC), arising from potential disturbance to flight path habitat; there will be sufficient remaining tree cover and provision of dark zones to prevent the proposal creating a barrier to any existing bat flight paths.

Contaminated Land: Due to the sensitive nature of the development (i.e. residential), I advise that as a minimum, a desk study and site walkover survey is undertaken to assess risks of potential contamination.

Highways: No objection.

Two vehicular accesses are proposed. The access from The Avenue is wide enough to allow for two way vehicle movements, and although not shown on the submitted drawings, adequate visibility splays can be provided. It is also acknowledged that traffic speeds and levels will be very low at this location. A secondary vehicular access would be taken from Soldier Down Lane, and this is at a location where an access to the site already exists. It is expected that few vehicles would use this secondary access, and no other traffic would use this lane on a regular basis. There would be a need for vehicles to share the road space with pedestrians (this is a busy route into the University campus), however, it would be a slow speed environment and given that an access already exists, this arrangement would be acceptable.

Pedestrians would access the site via the vehicular accesses, and a shared surface arrangement is considered to be appropriate in this case. Traffic speeds and flows should be low.

The proposal includes two parking spaces per unit and this is considered to be appropriate in this case. Two visitor spaces are also provided.

No details of the site management is included within the submission, and to avoid the need to design the access roads to an adoptable standard, details of how the site is to be managed will need to be provided and agreed with the highway authority. It is normal practice for any development of over five dwellings to be served by an access of adoptable standard, and the highway authority needs to be assured that this area will be privately managed without any prospect of adoption at a future date.

Given the location of the site, I believe that it is appropriate to request that a Construction Management Plan is provided to ensure that there is no detrimental impact on local residents whilst the development is constructed.

Drainage and flood risk: No objection subject to condition

Housing: This application triggers Planning Policy CP.9. (Small site threshold) The application requires a 20% affordable housing contribution to be secured as part of the planning approval.

Based upon a scheme of 7 dwellings the affordable housing contribution amounts to 1.4 or one (1) on-site affordable dwelling.

There is a planning resumption towards the on- site provision of affordable housing. However given the characteristics of this scheme the applicant may struggle to partner with a Registered Housing Provider. Housing Services, in this particular case & without prejudice, suggest the applicant consider the commuted sum approach.

Archaeology: The University of Bath campus and surrounding properties lie within an important archaeological landscape that includes evidence of Bronze Age burial mounds, Bathampton Iron Age camp and field systems, ancient roads and Roman occupation. Relevant conditions should be added to any permission.

Councillor Matt Cochrane: Object.

- 1- The character and appearance of the proposed 7 flat development are out of keeping with the rest of the quite residential cul-de-sac.
- 2- The development will overlook properties on both sides and impact heavily on privacy.
- 3- The proposed positioning of the bins and refuse site is adjacent to the neighbouring bungalow (Woodside) is likely to cause noise and smell issues for the current resident.

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

The proposed building is not well connected to its surrounding being a large block of flats. It is at odds with the current property frontages.

The flats are not characteristic of the surrounding area.

The building is screened from the university by the trees.

The provision of seven flats will change the character of the Avenue.

There will be a further 16 parking spaces within the site and this is a quiet area.

The access road dominates the road and entrance.

The waste and recycling bins will be adjacent to the neighbouring property.

The proposed terraces will result in a loss of privacy to neighbouring occupiers.

The removal of trees will result in a loss of privacy to neighbouring properties.

The development will compromise the setting of the neighbouring Grade II listed property of the Round House.

Soldier Down Lane is a narrow lane and increased use of this lane will be harmful to pedestrians and cyclists.

The development proposes to use Soldier Down Lane as a second access. This is a well used pedestrian and cycle route to the university.

Soldier Down Lane is a narrow road with no footway.

The development will result in the loss of mature trees.

The development could harm the ecology of the surrounding site.

This is an example of planning creep and could set precedent for housing on the woodland.

## **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

CP7 - Green Infrastructure

CP9 - Affordable Housing

B1 - Bath Spatial Strategy

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

Bh.2: Listed buildings and their settings

Bh.6: Development within or affecting Conservation Areas.

T.24: General development control and access policy

T.26: On-site parking and servicing provision

Ne.4: Trees and Woodland Conservation

National Policy

The National Planning Policy Framework adopted March 2012

National Planning Practice Guidance 2014

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



desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

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.

## **OFFICER ASSESSMENT**

This is an application for the erection of 7 No. apartments and associated works.

The existing site is located within a streetscene characterised by a variety of dwelling styles. The south side of the road is characterised by two storey detached and semi-detached properties. The north side of the road where the application site is located, includes single storey and two storey dwellings. The dwellings are set back from the road edge with some parking areas to the front.

The application site itself was until recently occupied by a single storey dwelling within a large plot. The site is surrounded by mature trees. There is a woodland to the rear of the site which makes a positive contribution to the setting of the site. There are trees located along the road boundary which make a positive contribution to the existing streetscene. The site includes a stone boundary wall to the street elevation.

Though the site itself is not located within the Conservation Area the south road in front of the properties is within the Conservation Area boundary.

### Planning History

An application for three dwellings was refused under reference 14/01891/FUL due to the impact of the proposed dwellings on the surrounding trees. This application is currently being considered at appeal.

### Principle

The application site is located within the city of Bath. Policy B1 of the Core Strategy allows for residential development within the built up area of Bath. Therefore the principle of development is considered to be acceptable subject to compliance with all other policies within the local plan.

### Design

The proposed development has been designed as a two storey property which would accommodate seven flats. The building has been set back from the road edge and will occupy a central position within the plot. The parking has been sited to the rear of the plot. The proposed dwelling will utilise the existing entrance to the site maintaining the boundary wall to the site.

The proposed building has been designed so that the frontage of the building would not appear as one continuous block. This would include three central gables to the front elevation with further front walls set back from the front elevation. The theme of gable frontages is continued on the side elevations again with a set back to part of the frontage.

This design allows for the building to appear less as a one large block and responds to the suburban character of the surrounding streetscene.

Setting back the building from the street reduces the dominance of the building within the streetscene. The set back also allows for the retention of the existing boundary wall and some boundary trees. The off street parking will be located to the rear of the site so will not dominate the appearance of the existing streetscene. This also allows for the surrounding land to be used as gardens for the proposed flats. The building will be constructed from natural stone which is considered to be appropriate for the surrounding area. Confirmation of materials can be required by condition.

The parking to the rear of the site will be provided by means of a car port. The car port is a single storey building proposed to be constructed from timber. They would result in a small addition to the site and will complement the appearance of the street.

Whilst the site itself is located outside of the Conservation area the boundary of the site is adjacent to the boundary of the Conservation Area. There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that the proposed development will preserve the character of the surrounding Conservation Area.

The building has been set within the centre of the site so has been set back from the boundary with the Round House which is a Grade II listed building. The set back of the building means that the proposed development is not considered to harm the setting of the nearby Grade II listed building. There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether the development will affect a nearby listed building or its setting. Here it is considered that the proposed extension will not harm the setting of the nearby Grade II listed building.

## Highways

No objection has been raised by the highways officer.

Two vehicular accesses are proposed. The access from The Avenue is wide enough to allow for two way vehicle movements and adequate visibility splays can be provided. It is also acknowledged that traffic speeds and levels will be very low at this location. A secondary vehicular access would be taken from Soldier Down Lane, and this is at a location where an access to the site already exists. It is expected that few vehicles would use this secondary access, and no other traffic would use this lane on a regular basis. There would be a need for vehicles to share the road space with pedestrians (this is a busy route into the University campus), however, it would be a slow speed environment and given that an access already exists, this arrangement would be acceptable.

Pedestrians would access the site via the vehicular accesses, and a shared surface arrangement is considered to be appropriate in this case. Traffic speeds and flows should be low. The proposal includes two parking spaces per unit and this is considered to be appropriate in this case. Two visitor spaces are also provided.

No details of the site management is included within the submission, and to avoid the need to design the access roads to an adoptable standard, details of how the site is to be managed will need to be provided and agreed with the highway authority. A construction management plan should also be required by condition.

### Amenity

The proposed flats will occupy a central position within the plot. They will be set a minimum of 9.5m from the nearby property of the roundhouse and 11.9m from the neighbouring property of Woodside.

The proposed development includes first floor terraces. The design has included obscure glazed screens to the side elevation of the terraces at 1.5m in height. This would provide some screening from users of the balconies looking into gardens of nearby properties. A condition should be attached to ensure that these screens are maintained.

Windows have also been proposed at first floor level on the side elevations. These windows will provide light to habitable rooms such as bedrooms and living rooms. The windows on the west side elevation are set back from the boundary with the Roundhouse so that the windows would not look directly into the garden at the roundhouse. They would also be at least 15m from the boundary with the roundhouse at an oblique angle therefore on balance are not considered to increase overlooking to the roundhouse.

The windows on the east elevation facing Woodside have again been set back into the plot and will be a minimum of 15m from the boundary with Woodside. The bedroom windows to flat 6 would look towards the rear of the garden at Woodside. Given that this would be over a 15m gap the proposed windows are not considered to harm the amenity of the occupiers of Woodside.

It is also noted that the dwellings considered under reference 14/01891/FUL were not considered to be harmful and were in closer proximity to the nearby properties.

### Arboricultural

The surrounding trees within the site are protected under a tree preservation order. The arboricultural officer is satisfied with the information submitted with the application. The proposed development is considered to recognise the importance of the frontage trees which contribute to the appearance of the streetscene. The central location of the building footprint allows for the retention of the grounds as a shared asset.

The most significant tree losses affect The Round House to the west, the most notable are two Sycamores (T13 and T14 of the tree survey ). There is scope to undertake planting to provide future screening and improve the backdrop to The Round House. The arboricultural officer has raised no objection is raised to the proposed tree losses.

A management company for the grounds is proposed and this can be required by condition. The provision of car ports within the parking area would reduce seasonal nuisance issues such as leaf litter, fruit drop and aphid honey dew. The proposed car parking areas to the north of the proposed building take advantage of existing gaps and are achievable provided that precautionary no-dig construction methods, as indicated in

the Preliminary Arboricultural Method Statement, are implemented. Full construction details should be incorporated within a Detailed Arboricultural Method Statement (DAMS).

## Ecology

The proposed use of car ports will reduce the impact of any light spill and the proposed provision of a management plan for retained woodland is welcomed. There is no risk of any indirect adverse impact on bats of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC), arising from potential disturbance to flight path habitat; there will be sufficient remaining tree cover and provision of dark zones to prevent the proposal creating a barrier to any existing bat flight paths.

## Affordable Housing

Following a High Court decision the Government has rescinded paragraphs 12-23 of the National Planning Policy Guidance. This guidance had stated that Council's should not seek affordable housing contributions on schemes of below 10 houses or 1000m<sup>2</sup> (floorspace). This therefore means that the LPA can again give full weight to the small sites section of Policy CP9 (affordable housing) of the Core Strategy. Therefore in this case the proposed development would trigger a 20% affordable housing contribution which will need to be secured with a legal agreement.

## Other Matters

The contaminated land officer has advised that due to the sensitive nature of the development (i.e. residential), a desk study and site walkover survey should be undertaken to assess risks of potential contamination. This should be required by condition.

The archaeology officer has advised that the University of Bath campus and surrounding properties lie within an important archaeological landscape that includes evidence of Bronze Age burial mounds, Bathampton Iron Age camp and field systems, ancient roads and Roman occupation. Therefore condition should be attached to any permission requiring a written scheme of investigation.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

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

(i) Provision of affordable housing

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

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

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

2 Prior to the construction of the external surfaces a schedule of materials and finishes 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 Prior to any installation of external lighting, full details of proposed lighting design and specification shall be submitted to the LPA for approval in writing. The scheme shall:

1. provide a plan showing dark zones to enable the woodland to be completely unlit, and demonstrate, through lux level modelling which shall take account of predicted light spill from both external lighting and from the building itself, that the designated dark zones shall achieve levels of 0 lux and providing a buffer zone adjacent where light levels are between 0 and 1 lux.

2. The lighting scheme will provide details and plans of external lighting design showing numbers, specifications, positions and heights of lamps; details of all necessary measures that shall be incorporated into the scheme to minimise impacts of light spill on bats and other wildlife and achieve the necessary levels of darkness within the dark zones and onto adjacent habitats and boundary vegetation; for example, use of warm white led; directional lighting, use of baffles and screening, times of use and dimming regimes.

Upon approval in writing, the details shall be implemented and thereafter the development shall be operated in accordance with the approved details.

Reason: To provide a sensitive lighting scheme that avoids harm to bat activity and other wildlife

4 No development shall take place until full details of a Woodland Conservation and Ecological Management Plan have been submitted to and approved in writing by the local planning authority. These details shall include a list of long term ecological and habitat Management Objectives, and prescriptions for management operations to achieve the objectives, to include: details of methods, personnel, timing, frequency, duration, funding and long term monitoring and reporting to determine the success of management operations in provision of woodland habitat of ecological value. All works within the scheme shall thereafter be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: The proposed development has the potential to result in harm to the wildlife residing within the surrounding woodland. The management plan is required to compensate for impacts of the proposal on the existing woodland habitat during construction and to provide long term habitat and ecological enhancements once the development is occupied.

5 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. 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, service run locations, archaeological works where excavations may enter the root protection areas of retained trees; details of no dig construction methods and movement of people and machinery.

Reason: The proposed development has the potential to harm the surrounding woodland during its construction therefore to ensure that the protected trees and woodland to be retained are not adversely affected by the development proposals a method statement is required.

6 No development or other operations shall take place except in complete accordance with the approved Detailed Arboricultural Method Statement. A signed certificate of compliance shall be provided by the appointed Arboriculturalist to the local planning authority 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 Prior to the occupation of the development a hard and soft landscape scheme incorporating a scaled drawing shall be 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.

8 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.

9 Prior to the commencement of the development a Desk Study and Site Reconnaissance (walkover) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment of the site. The desk study shall include an assessment of the risks in relation to potential contaminants. The Desk Study shall be submitted to and approved in writing by the Local Planning Authority. Should the Desk Study identify the likely presence of contamination on the site, whether or not it originates on the site, then full characterisation (site investigation) shall be undertaken in accordance with a methodology which shall previously have been agreed in writing by the Local Planning Authority. Where remediation is necessary, it shall be undertaken in accordance

with a remediation scheme which is subject to the approval in writing of the Local Planning Authority.

Reason: Details are required prior to the commencement of the development 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 and to ensure that a remediation strategy is not necessary.

10 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.

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

Reason: Details are required prior to the commencement of the development to ensure the safe operation of the highway and to ensure that the construction of the development does not cause disruption to the highway. To ensure that the development does not occur during anti-social hours in the interests of residential amenity.

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

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains. This information is required prior to the commencement of the development to ensure that any potential damage to archaeological features does not occur during the construction of the development.

13 No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of

archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish record and protect any archaeological remains. This information is required prior to the commencement of the development to ensure that any potential damage to archaeological features does not occur during the construction of the development.

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

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

15 Prior to the occupation of the development, the proposed obscure glazed screens at first floor level shown on plan 303 rev D on the side elevations shall be installed and permanently retained as such.

Reason: In the interests of residential amenity.

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

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

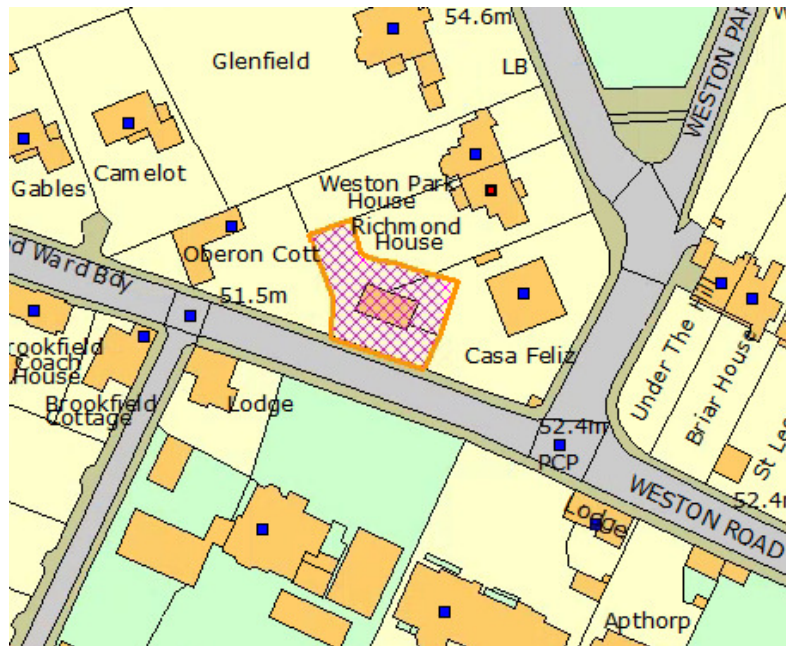
#### **PLANS LIST:**

1 Location plan 101 rev A  
Proposed wider site plan 330 rev D  
Proposed plans 302 rev C  
Proposed elevations 303 rev D  
Proposed bin and bike store 304 rev B  
Car Port 309  
No dig construction details 310  
Materials schedule 307

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



**Item No:** 04  
**Application No:** 15/03636/FUL  
**Site Location:** Richmond House Weston Park Upper Weston Bath Bath And North East Somerset



**Ward:** Weston                      **Parish:** N/A                      **LB Grade:** II  
**Ward Members:** Councillor Colin Barrett      Councillor Matthew Davies  
**Application Type:** Full Application  
**Proposal:** Erection of 1no four bed detached dwelling and creation of new access following demolition of 2no existing garages.  
**Constraints:** Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,  
**Applicant:** Mr Matthew Davies  
**Expiry Date:** 12th October 2015  
**Case Officer:** Alice Barnes

## REPORT

Reason for reporting the application to committee.

The application has been submitted by Councillor Matthew Davies

Description of site and application.

The application site is located on the western side of Bath. Richmond House occupies a corner plot between Weston Lane and Weston Park. The application site comprises the garaging area of Richmond House, accessed from Weston Lane and part of the rear garden of Richmond Lodge. The site is located within the Conservation Area and World Heritage Site.

The applicant is proposing to construct a dwelling with access from Weston Lane. The dwelling would replace the existing garaging and utilise garden space from the rear of Richmond Lodge. The proposed dwelling would be a two storey property constructed from Bath Stone. Off street parking would be provided to the front of the property and further parking would be provided for Richmond House to compensate for the loss of the garages.

#### Relevant History

DC - 14/02164/FUL - RF - 5 August 2014 - Construction of new vehicle access.

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

Highways: The dividing wall should be set back from the highway by 1m, to allow for visibility for drivers exiting the site. This would allow for adequate visibility to allow for vehicles to exit the site safely. Following receipt of further information no objection is raised.

Conservation Officer: With regards to the vehicular access we refused permission for two 4.5 metres entrance 14/02164/FUL because of the harmful impact of removing the stone boundary wall which provides a strong sense of enclosure in the streetscene. A condition should be attached requiring the submission of timber joinery, the porch and railing and material samples.

#### Representations:

Bath Preservation Trust - The loss of the rubble stone wall is regretted. New additions to the wall should be constructed from Bath Stone.

One representation has been received objecting to the application for the following reasons;

The proposed development will impact on the streetscene which remains largely unchanged since Victorian Times.

The property will not sit well against other properties.

The proposal wall and gate piers will be out of keeping with the main dwelling by being placed at the rear of the main dwelling.

Weston Lane and Weston Park can become extremely congested at peak travel times. The proposed development will result in a further hazard. Site traffic will result in a further hazard and congestion to the busy road.

One representation has been received in support of the application for the following reasons:

The proposal is reasonable and is supported.

#### **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 B&NES Core Strategy policies should be considered:

CP6 - Environmental Quality  
B1 - Bath Spatial Strategy  
B4 - The World Heritage Site and its Setting

The following B&NES Local Plan policies remain saved and will be considered:

D.2: General design and public realm considerations  
D.4: Townscape considerations  
Bh.2: Listed buildings and their settings  
Bh.6: Development within or affecting Conservation Areas  
T.24: General development control and access policy

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

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.

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

## **OFFICER ASSESSMENT**

### Principle

The application site is located within the city of Bath where the principle of residential development is accepted under policy B1 of the Core Strategy subject to compliance with all other policies within the local plan.

### Design

The existing streetscene is characterised largely by detached and semi-detached properties set within large plots. The properties are set back from the road edge and include stone boundary walls. There is a variety of built forms within the surrounding area and the majority of properties have been constructed from Bath Stone.

The proposed dwelling has been designed as a detached property constructed from Bath Stone with a slate roof. The dwelling has been designed to sit back from the road edge. The vehicle access would be from the far eastern side of the property with the rest of the frontage covered by a high stone boundary wall.

The dwelling has been set back from the road in line with other properties within the street. Given the variety of dwellings within Weston Lane the proposed dwelling would not appear to be out of keeping with the surrounding streetscene. The use of Bath Stone to

construct the property will complement the character of the surrounding Conservation Area. In this respect the development is considered to respond to the context of the surrounding area.

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

The dwelling will be located to the rear of Richmond Lodge which is a Grade II listed building, the conservation officer has not raised an objection with regards to the setting of Richmond Lodge. The dwelling will be sited on the site of the existing garages and only the proposed garden will be sited directly to the rear of Richmond Lodge. The proposed dwelling will be accessed from Weston Lane it would not be viewed as being part of the curtilage of Richmond Lodge. The proposed dwelling will be of a smaller scale than Richmond Lodge and would not be viewed as being part of the curtilage of Richmond Lodge. It therefore is not considered to result in a harmful impact to the setting of Richmond Lodge. There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether the development will affect a nearby listed building or its setting. Here it is considered that the proposed extension will not harm the setting of the nearby Grade II listed building.

It is noted that a previous permission was refused for the provision of a vehicle access at this site. This application was solely for a new vehicle access so that Richmond House would have two vehicle accesses. This therefore lacked context for its provision. A new access to the dwelling provides a context for the vehicle access. Furthermore the previous application would have resulted in two accesses at two different points along the wall. Within this application the development will result in the existing and proposed access in the same location so that there is only one access within the wall. The access will be bordered by gate piers which will complement the character of the existing streetscene. Therefore the provision of the access is considered to be acceptable.

## Highways

The proposed development will provide on site parking for both the proposed dwelling and Richmond House. The provision of parking at Richmond House will compensate for the loss of the existing garages.

Both parking areas will exit onto Weston lane. The highways officer has commented that the speed limit of Weston Lane in the vicinity of the proposed access is 20mph, although in the eastbound direction the close proximity of the give-way line at the junction with Weston Park means that vehicle speeds will generally be lower as drivers slow as necessary to yield to opposing 'priority' traffic. The applicant has submitted revised drawings to show that the proposed access will provide adequate visibility in both directions. Vehicles will be able to turn on site to allow them to enter and leave the site in forward gear. Therefore the proposed development will not cause harm to highway safety.

## Amenity

The dwelling is considered to be sited a sufficient distance from the surrounding dwellings so as not to appear overbearing to nearby occupiers.

The rear elevation will primarily overlook the rear garden of the proposed property so will not result in increased overlooking of the nearby properties. No glazing has been proposed at first floor level on the side elevations so that the proposed development will not result in increased overlooking of neighbouring dwellings such as Oberon Cottage.

## **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 a schedule of materials and finishes 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 The existing vehicular access shall be closed and its use permanently abandoned concurrently with the provision of the new access hereby approved being first brought into use, and the footway crossing reinstated 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

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) hours of operation, contractor parking, traffic management and any need for cranes for construction.

Reason: To ensure the safe operation of the highway and in the interests of residential amenity. This condition is required precommencement to control works throughout the development and from the outset of it.

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

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

## **PLANS LIST:**

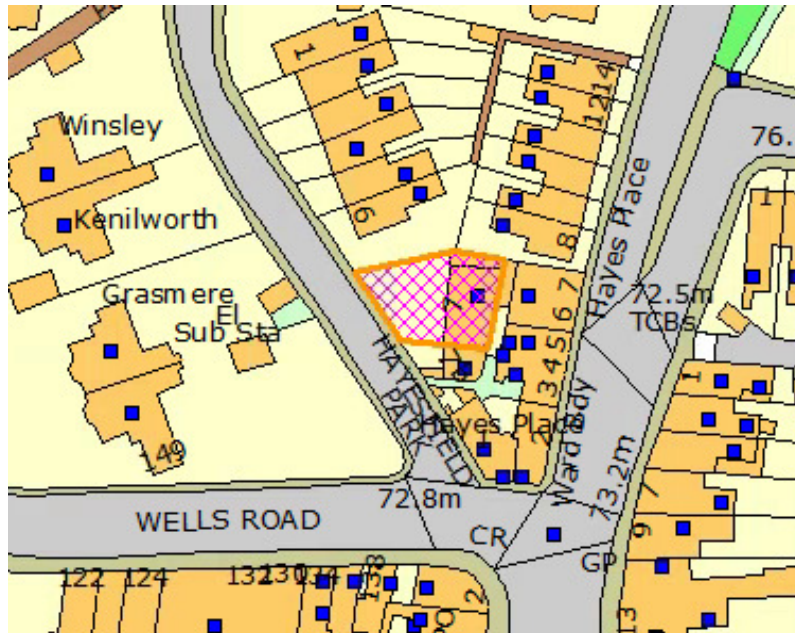
1 Site location plan  
Existing site and block plan RH1a/B  
Proposed elevations LODGE15/A  
Proposed streetscene elevations RLODGE14/c  
Proposed block plan No.rlodge1L  
Proposed floor plans RLODGE8/E

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

### **Informative**

The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a licence under Section 184 of the Highways Act 1980 for the construction of the new vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification. As vehicular access to Richmond Lodge via the existing access will need to be maintained until such time as the new access is constructed and open, the construction of the dividing wall will need to be delayed to allow through access to be maintained.

**Item No:** 05  
**Application No:** 15/03772/FUL  
**Site Location:** Space Fitness 7 Hayesfield Park Lyncombe Bath Bath And North East Somerset



**Ward:** Widcombe                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor I A Gilchrist                      Councillor Jasper Martin Becker  
**Application Type:** Full Application  
**Proposal:** Installation of 2 no. Velux roof lights to inner slope of roof.  
**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:** Space Fitness  
**Expiry Date:** 20th October 2015  
**Case Officer:** Suzanne D'Arcy

**REPORT**

**REASON FOR REPORTING THE APPLICATION TO COMMITTEE**

The applicant's agent is Cllr Bob Goodman

**DESCRIPTION OF THE SITE**

Space Fitness is sited within the Bath Conservation Area and wider World Heritage Site. It is located amongst mixed style buildings.

This is a full application for the installation of 2 velux windows to the inner roof slope.

Relevant history

None

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

None received

## **POLICIES/LEGISLATION**

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

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

DW1 - District wide spatial strategy

B1 - Bath spatial strategy

B4 - The World Heritage Site and its Setting

CP6 - Environmental quality

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

D.2 - General design and public realm considerations

D.4 - Townscape considerations

BH.6 - Development within or affecting conservation areas

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

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.

## **OFFICER ASSESSMENT**

The application seeks to install two velux windows on an inner roof slope of the building. The proposed rooflights will be of an appropriate scale and design, so will not dominate the roofslope. There is limited visibility from the wider public realm. 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 surrounding conservation area. It is considered that full consideration has been given to this duty in reaching the decision to grant consent for the proposed works.

Given the location of the windows and the relationship with adjacent residential neighbours, that there will be no adverse impacts on residential amenity.



## **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 is based on drawings numbered 5642-2015-01, -02, -08, -09, -10 and -11, received by the Council on 20th August 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. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted/revised proposals was taken and consent was granted.