

Bath & North East Somerset Council

MEETING:	Development Management Committee	AGENDA ITEM NUMBER	
MEETING DATE:	16th December 2015		
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.

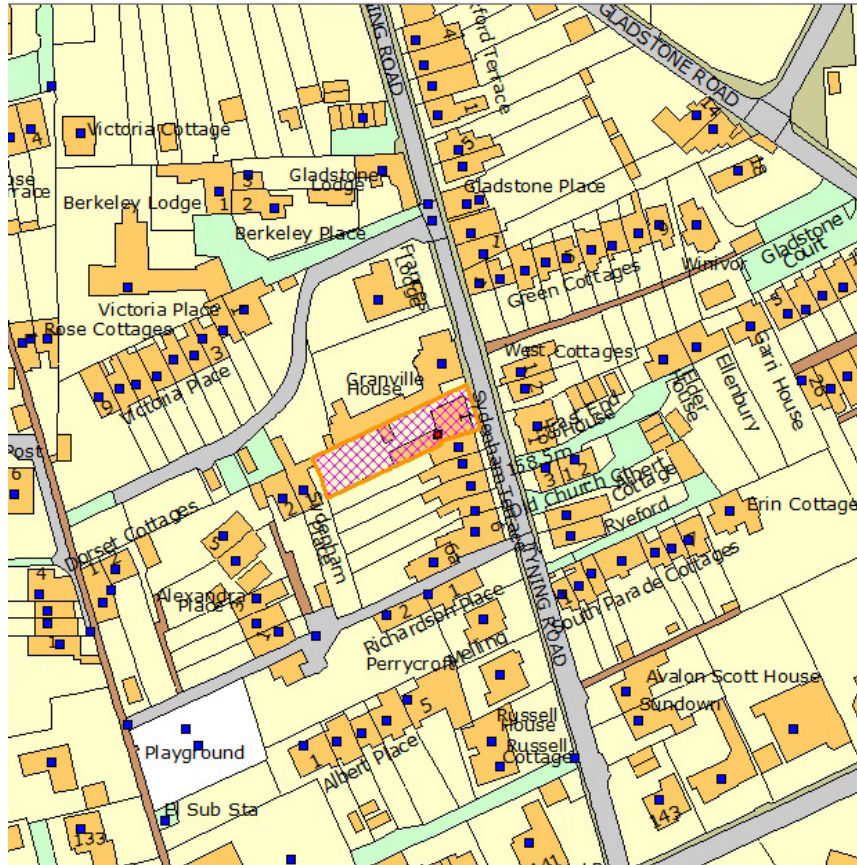
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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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002	15/02859/OUT 18 December 2015	Mr Iftakhar Ahmed Garage Blocks Between 60 And 100, Greenvale Drive, Timsbury, Bath, Bath And North East Somerset Erection of 2no. three bedroom semi- detached houses with parking spaces following demolition of 8no. single garages (2 blocks of 4). (Outline application with access and layout to be determined and all other matters reserved)	Timsbury	Alice Barnes	PERMIT
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004	15/03574/FUL 5 October 2015	Mr And Mrs B.T. Murray The Old Parsonage, Main Street, Farrington Gurney, Bristol, Bath And North East Somerset Erection of single storey lean-to extension (resubmission)	High Littleton	Victoria Griffin	REFUSE

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

Item No: 001
Application No: 15/03402/FUL
Site Location: 1 Sydenham Terrace Tying Road Combe Down Bath Bath And North East Somerset



Ward: Combe Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Cherry Beath Councillor Bob Goodman
Application Type: Full Application
Proposal: Erection of 1 no three bed dwelling and single storey rear extension to existing house following demolition of single storey side extension and some outbuildings.
Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,
Applicant: Ms Olga Fladmark
Expiry Date: 23rd September 2015
Case Officer: Chris Griggs-Trevarthen

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

The Group Manager of Development Management considers that the application should be determined by Committee as it is raising highways issues. The item was deferred from the October committee to allow members to undertake a site visit on the 7th December 2015.

DESCRIPTION

The application site comprises a two storey end of terrace dwelling with a single storey side extension located within Combe Down. Sydenham terrace is a row of Victorian terrace houses situated about half way along Tynning Road, which is a very narrow residential street off North Road.

The site falls within the Bath World Heritage Site and Conservation Area.

The application proposes the erection of a new three bed dwelling and a single storey rear extension to the existing house following demolition of single storey side extension and some outbuildings.

The site has no relevant planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS OFFICER: It has been noted that the garage proposed to the front of the proposed development has been omitted thus resulting in a shortfall of 2 no. parking spaces.

Highways acknowledge that the proposed development is located in a sustainable location near the centre of Combe. There is also a bus service located nearby along North Road. While the close proximity of such services will likely encourage future residents to walk rather than drive, the concern regarding parking still remains. Any increase in demand for parking will only intensify the existing demand for on-street parking along Tynning Road.

1. The proposed development would be likely to encourage the parking of vehicles on the public highway which would interrupt the free flow of traffic and prejudice the safety of road users at this point.
2. The traffic generated from this proposal would use a road which, by virtue of its function in the highway network and its inadequate width, is considered unsuitable to accommodate the increase in traffic from this development and that for which it would set a precedent.

ECOLOGIST: No objection

COUNCILLOR BOB GOODMAN: Objection

Lack of parking will result in even more congestion

Additional on-street parking will cause fundamental difficulties with trying to get along the road

Parents cut through Tynning Road to go to Monkton Combe and Combe Down School

This road was never designed for traffic and parking

Many have to park in Church Road or even North Road
There should be two spaces per dwelling and the result will be an increase of three cars
The site should be visited at school drop off/pick up times to see the danger to pedestrians

COUNCILLOR CHERRY BEATH: Comments only

Concerns about the tightness of the proposed ground floor plan abutting Granville House

Possibly compromising the off-street parking at Granville House

Tynning Road is a narrow residential street and off-street parking should not be compromised or lost.

Concern about the bulk of development proposed, spreading across the back in relation to the existing building.

THIRD PARTIES/NEIGHBOURS: 5 letters of objection have been received. The main points raised were:

The development is too big for the site

The development is not in keeping with the area

The development would inevitably generate more traffic

Tynning Road is already overloaded with parked vehicles, many parked on the pavement

Traffic regularly damages parked cars and endangers pedestrians

Construction traffic will be dangerous

Older properties will be rendered unstable by building work at such close proximity

Lack of access to boundary wall for maintenance or air circulation

Concern about stability of boundary wall

Loss of light to Granville House kitchen, particularly in the morning

Loss of light reaching garden of Granville House

Development would limit ability to park at Granville House

Concern about demolition of outbuildings and effect on Conservation area

All parking provision would fall on-street

Proposed development would be cramped

East End House and West Cottages would be utterly overwhelmed by the size of the development

POLICIES/LEGISLATION

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

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

CORE STRATEGY

B1 Bath Spatial Strategy

B4 Bath World Heritage Site

CP6 Environmental Quality

LOCAL PLAN

D.2 General design and public realm considerations

D.4 Townscape considerations

BH.6 Conservation areas

- NE.10 Nationally important habitats and species
- NE.11 Locally important habitats and species
- T.1 Overarching access policy
- T.24 General development control and access policy
- T.26 On-site Parking and servicing

NATIONAL POLICY

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

- Section 4 Promoting sustainable transport
- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring good design
- Section 12 Conserving and enhancing the historic environment

LEGISLATION

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

OFFICER ASSESSMENT

The main issues to consider are therefore:

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

PRINCIPLE OF DEVELOPMENT: The site falls within the built up area of Bath where the principle of new housing is acceptable in accordance with policy B1 of the Core Strategy. The principle of development in this location is therefore considered acceptable.

CHARACTER AND APPEARANCE: The lean-to at the side of the existing building contains a redundant shop front which looks out of place within this primarily residential street. The removal of this lean-to is therefore considered acceptable.

The proposed development would extend the existing terrace with an additional dwelling of similar scale, form and appearance. The proposed development is therefore considered to respect the appearance of the existing terrace. The fenestration on the front elevation of the proposed dwelling has been designed to reflect the pattern and rhythm of fenestration along the rest of the terrace. The use of natural bath stone ashlar, double roman roof tiles and timber framed sash windows will ensure that the materials match the rest of the terrace and respect the character and appearance of the surrounding area.

The original scheme included a large garage door on the front elevation. This appeared out of place within the street scene and dominated the front elevation of the proposed dwelling. Following negotiations, this was removed from the scheme and replaced with a ground floor window more in keeping with the pattern and style of fenestration along the rest of the terrace.

The width of the existing plot to the rear of 1 Sydenham Terrace is approximately double that of the other gardens in the terrace. The proposals to the rear of the site include the removal of a number of existing outbuildings. The outbuilding along the southern boundary is a corrugated structure of limited merit and its removal is accepted. The outbuilding along the north boundary of the site is a small stone built structure and has been described as a 'cottage' by third parties. It is similar in size to a large domestic shed and, although more permanent in its nature and appearance, it holds limited merit and its removal is acceptable.

The proposals include a combination of two storey and single storey rear extensions. The first floor elements to the rear of the proposed new dwelling reflect the scale, appearance and design of the existing two storey projection to the rear of 1 Sydenham Terrace.

The proposed single storey extensions cover the entire width of both the existing dwelling and the proposed dwelling and project rearward into the garden. Although the proposed single storey extensions cover a substantial footprint, the removal of the existing outbuildings means that the overall site coverage is not significantly increased. Furthermore, the line of the proposed extensions is set back approximately 3.8m from the line of the existing structures to be removed.

The original scheme proposed extensions which projected up to 8m from the rear of the two storey element of the building. Following negotiations, this has been reduced to 6m and the revised scheme is now considered to be a more acceptable scale and amount of development. Furthermore, the rear of the site is not visible from public vantage points and therefore has a limited impact upon the character and appearance of the area.

The proposed development also includes dormer windows to the rear of both the existing and proposed dwellings. Originally proposed as large 'box' dormers which joined along the party line of the existing and proposed dwelling, these have been revised to smaller pitched roof dormers located centrally within each roof slope. There are other examples of similar dormers on the rear of this terrace including a similar scale dormer on the adjoining property 2 Sydenham Terrace.

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.

In light of the above, it is considered that the proposed development will preserve the character and appearance of the Conservation Area.

RESIDENTIAL AMENITY: The proposed dwelling is located approximately 2.9m from the side of the adjoining property to the north, Granville House. There is a single small window within the side elevation of Granville House which faces the application site and which serves a kitchen. The proposed dwelling will result in a greater mass of building close to this window. The existing outlook and light from this window is already partially affected by the existing lean-to. Given the size of this window and the gap retained between it and the proposed dwelling, it is considered that the proposals will not have any significantly greater impact upon the amenity of this window.

There is a large 3.5m high stone wall which runs along the boundary with Granville House. The proposed single storey extensions to the rear of the site will be screened by this retained wall and will not result in any overbearing or overlooking impacts. The proposed first floor element to the rear of the proposed new dwelling contains a single window which would face towards the rear garden of Granville House. This window has the potential to overlook the neighbouring garden in a harmful manner. This window only serves the landing of the proposed dwelling and it is therefore considered appropriate to require this window to be obscurely glazed and fixed shut to prevent any overlooking from occurring. This can be secured by condition.

To the south, the adjoining property, 2 Sydenham Terrace, benefits from the removal of the existing corrugated structure which abuts the boundary with a mono-pitched roof. This will be replaced by a random rubble stone wall at a slightly lower height and which does not project as far along the boundary. The proposed development will therefore appear less overbearing and will allow for a greater outlook and light into the garden of 2 Sydenham Terrace.

In light of the above, it is considered that the proposed development will not harm the amenities of any adjoining occupiers.

HIGHWAYS AND PARKING: Tynning Road is a very narrow residential street which is subject to a significant amount of on-street parking. The width of the road is such that there is only room for a single car to pass in areas where on-street parking occurs. A number of comments from third parties have also been received emphasising this point.

The proposal originally included an integral garage to provide an off-street parking space. However, the Highways Officer had concerns about whether the necessary access to this could be adequately achieved whilst parked cars were located opposite the garage. Furthermore, as discussed above, there were concerns about the impact of this garage upon the character and appearance of the scheme. Following negotiations, the garage was removed from the scheme and the application is now promoted without any off-street parking.

The Highways Officer has raised an objection on the grounds that any increase in demand for parking will only intensify the existing demand for on-street parking along Tynning Road. Their concern is that this would lead to parking of vehicles on the public highway in a manner which would interrupt the free flow of traffic and prejudice the safety of road users.

On-street parking is undoubtedly an issue on Tynning Road and it is clear that there is not much space for additional on-street parking. However, as acknowledged by the Highways Officer the proposed development is located in a sustainable location near the centre of Combe Down. There is also a bus service located nearby along North Road. The close proximity of such services will likely encourage future residents to walk rather than drive.

The LPA cannot control whether the future occupiers of the proposed dwelling own a vehicle or not. It is therefore a possibility that additional on-street parking will occur, replicating and reinforcing a situation on Tynning Road which is already undesirable. However, the impacts of this potential increase in on-street parking must be carefully considered and weighed against the benefits of the scheme.

The NPPF advises that the development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'.

The existing high level of on-street parking on Tynning Road will act to discourage potential occupiers from owning or keeping a vehicle at the property. As the parking in Tynning Road is not restricted or part of a residential parking zone, any vehicles owned by the occupiers of the proposed dwelling would have to park in the same manner as existing residents. This may mean some displaced parking onto surrounding street where more on-street parking is available.

The existing parking along Tynning Road is already relatively obstructive, in that it forces traffic to slow down significantly. The additional parking associated with one dwelling will not significantly alter this situation. In this respect, it is unlikely that there will be any additional adverse impact upon the free flow of traffic or the safety of road users along Tynning Road.

In light of the existing situation on Tynning Road, the possibility of the development remaining car-free and the availability of on-street parking in surrounding streets, it is considered that the lack of off-street parking provided will not have a 'severe' impact upon highways safety.

Any potential harm must also be balanced against the benefits of the development of providing any additional dwelling in a sustainable location.

In light of the above, it is considered that the Highways Officer's objections can be set aside and it is concluded that the proposal will not have any significant adverse impact upon highways safety.

Given the existing parking and access situation along Tynning Road, it is considered necessary and reasonable to require a construction management plan as a condition of any permission granted.

ECOLOGY: The proposal will affect a building that has some potential to be used by wildlife such as bats and nesting birds. The main loft space of the existing house has already been converted to living space and the majority of the existing building and its roof would not be affected by the proposal, and the outbuildings appear (from submitted photos) small and not to support features or conditions indicating a reasonable likelihood of use by bats. The Council's Ecologist considers that the risk of bats being affected by the proposals, even if present at the property, to be sufficiently low as to not require a protected species survey in this case.

CONCLUSION: The proposals accord with policies D.2, D.4, BH.6, NE.10, NE.11, T.1, T.24 and T.26 of the Bath and North East Somerset Local Plan and policy B1, B4 and CP6 of the Bath and North East Somerset Core Strategy and, in accordance with paragraph 17 of the National Planning Policy Framework, should be approved without delay.

RECOMMENDATION

PERMIT

CONDITIONS

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

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

2 Prior to the construction of the external surfaces of the dwelling hereby approved, a sample panel of all external walling materials to be used shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall thereafter be undertaken in accordance with the approved sample panel.

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

3 The first floor window in the north elevation of the dwelling hereby approved shall be obscurely glazed and fixed shut unless the parts of the window which can be opened are more than 1.7m above the level of the floor in the room in which it is installed. The window shall be retained permanently as such thereafter.

Reason: In the interests of residential amenity and preventing overlooking towards Granville House.

4 Prior to the commencement of the development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, hours of working, wheel washing facilities and any need for cranes for construction. The construction phase shall be undertaken in accordance with the CMP so approved.

Reason: In the interests of highways safety and residential amenity. This condition needs to be prior to commencement to prevent initial site works being undertaken which might harm highways safety or residential amenity.

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 P_00_001 P2	PROPOSED SITE PLAN & STREET ELEVATION
P_10_00 P2	PROPOSED GROUND FLOOR PLAN
P_10_01 P2	PROPOSED FIRST FLOOR PLAN
P_10_02 P2	PROPOSED SECOND FLOOR PLAN
P_10_03 P2	PROPOSED ROOF PLAN
P_20_01 P2	PROPOSED SECTION 1-1 AND ELEVATION A-A
P_20_02 P2	PROPOSED SECTION 2-2 AND ELEVATION B-B
P_20_03 P2	PROPOSED ELEVATIONS C-C AND D-D
E_00_00-P1	SITE LOCATION PLAN
E_00_01	EXISTING SITE PLAN
E_10_00	EXISTING GROUND FLOOR PLAN
E_10_01	EXISTING FIRST FLOOR PLAN
E_10_02	EXISTING SECOND FLOOR PLAN
E_10_03	EXISTING SECOND FLOOR PLAN

DECISION MAKING STATEMENT

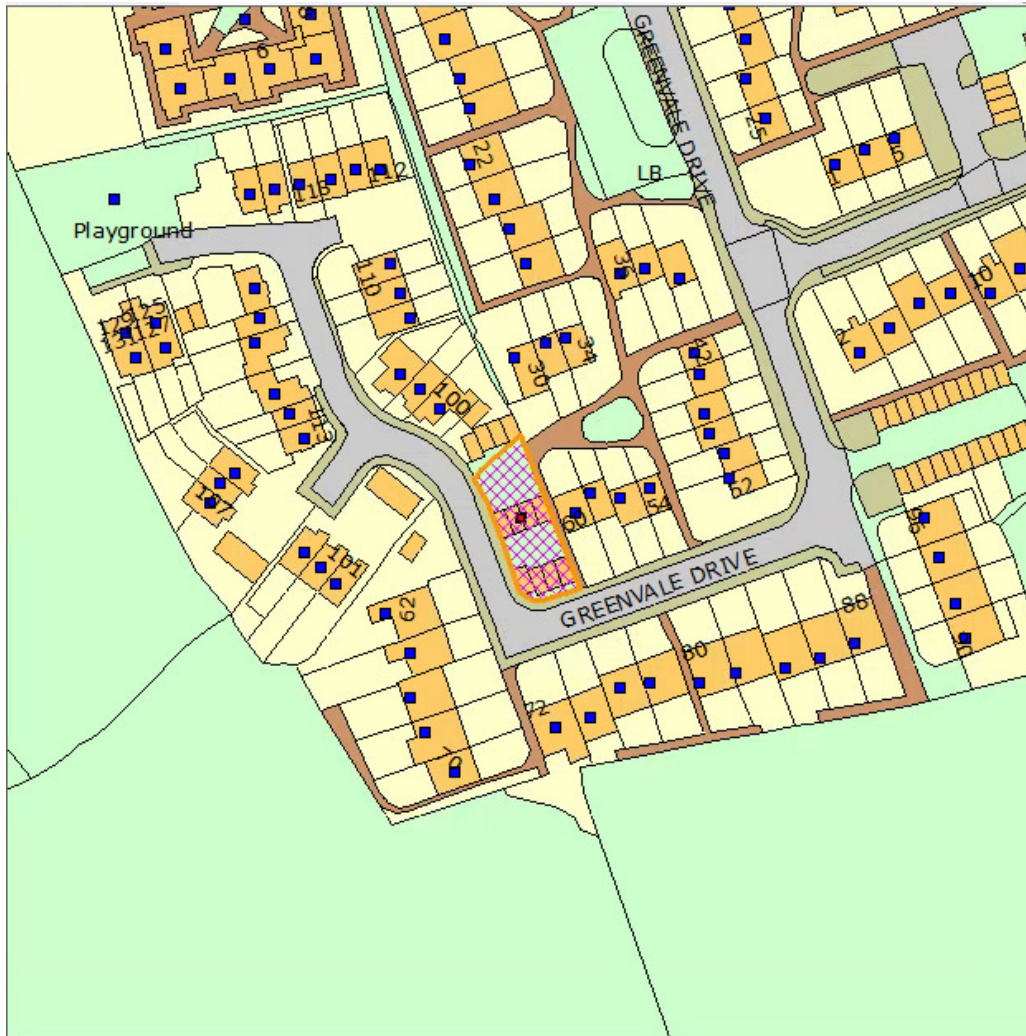
In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent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

2 ADVICE NOTE:

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

3 All species of bats and their roosts are legally protected. Demolition works to the roof should be carried out by hand, lifting tiles (not sliding) to remove. If bats are encountered all work should cease and the Bat Conservation Trust (Tel 0845 1300 228) or a licenced bat worker should be consulted for advice.

Item No: 002
Application No: 15/02859/OUT
Site Location: Garage Blocks Between 60 And 100 Greenvale Drive Timsbury Bath
Bath And North East Somerset



Ward: Timsbury **Parish:** Timsbury **LB Grade:** N/A
Ward Members: Councillor Douglas Deacon
Application Type: Outline Application
Proposal: Erection of 2no. three bedroom semi-detached houses with parking spaces following demolition of 8no. single garages (2 blocks of 4). (Outline application with access and layout to be determined and all other matters reserved)
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,
Applicant: Mr Iftakhar Ahmed
Expiry Date: 18th December 2015
Case Officer: Alice Barnes

REPORT

Reason for reporting the application to committee

The application is being referred as the parish council have objected to the application contrary to the case officers recommendation to permit. The parish council have objected as they consider the development will result in a loss of parking and the houses are considered to be unsympathetic.

The application has been referred to the chair who has agreed that the application will be considered by the committee.

Following the development management committee meeting of the 18th November the committee resolved to defer the application for a site visit and would re consider the application at the meeting of the 16th December. The site visit took place on the 7th December.

Description of site and application

Greenvale Drive is located on the south western edge of Timsbury village. The existing garage block occupies a corner plot within the estate.

This is an outline application for the construction of two dwellings following the demolition of eight existing garages. This is an outline application with only access and layout being considered at this time.

Greenvale Drive is characterised by two storey and single storey properties. Adjacent to the site are four two storey properties with pitched roofs and gable ends. The application site is a corner plot currently occupied by eight garages which would be removed.

The applicant has provided an indicative elevation and a block plan. The proposed plans indicate the provision of two storey properties with pitched roofs and gable ends. Parking will be provided towards the front of the properties.

Relevant History

DC - 02/01087/FUL - PERMIT - 29 January 2003 - Erection of 28 dwellings with associated roads, car parking and landscaping as amended by letters received 12 September 2002, 16 and 18 October 2002 and plans received 12 September, 16 and 18 October 2002 and 19 November 2002

DC - 02/02009/FUL - PERMIT - 29 January 2003 - Erection of 12 garages and 5 no. parking spaces as amended by letter and plans received 18.10.02

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Timsbury Parish Council: Object.

We are extremely concerned about the loss of parking in what is already a built-up area, which regularly requires police intervention to remove obstructions, leading to difficulties with access for emergency and other service vehicles. We also believe that this proposal conflicts with the 106 Agreement put in place with the construction of Pheasant's Chase in

2002. The current indication of the design of the houses is also felt to be unsympathetic and unattractive, detracting from the overall appearance of the area, especially in comparison to houses in Pheasant's Chase. The Parish Council ask that this decision be referred as an item for the Development Control Committee.

Highways: Objection. The proposed development has the potential to result in the loss of off-street parking and will encourage parking on the highway. Adequate provision has not been made on site for the parking of vehicles.

Councillor Shaun McGall: The site is on a 90 degree bend and the parking of construction vehicles would need to be controlled.

There is the potential for a collision during the construction period.

Parking spaces are at a premium. Additional parking on the drive could result in the loss of sightlines and the increased risk of collisions.

23 representations have been received objecting to the application for the following reasons;

The garages were completed in 2002 and until recently owned by the council.

When the dwellings were originally built the access road had to pass between 12 garages which were demolished. The provision of the existing garages was part of the section 106 agreement that accompanied the application.

The garages should not have been sold to a developer.

The vacant garages should have been sold to residents.

The local residents suffered hardship during the previous construction period.

Parking in the drive is a problem, there is little on street parking.

More garages are needed not less.

The construction process would be disruptive, resulting in heavy lorries accessing the site.

The additional traffic would be a safety hazard.

Children play in the street and the new development will cause further traffic and a safety hazard.

Further dwellings will put pressure on the existing drainage infrastructure.

There will be an increased in roadside parking.

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

RA.1 - Development in the villages meeting the listed criteria

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

D.2: General design and public realm considerations
D.4: Townscape considerations
T.24: General development control and access policy
T.26: On-site parking and servicing provision

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

OFFICER ASSESSMENT

This is an outline application for the construction of two dwellings following the demolition of eight existing garages. The applicant has applied to have access and layout considered at this time.

Principle

The application site is located within the housing development boundary where the principle of residential development is accepted subject to compliance with all other policies within the local plan.

Design and layout

The applicant has applied for access and layout but has provided indicative drawings of the proposed elevations. The proposed dwelling would be sited adjacent to number 60 so would continue the existing line of development. The indicative elevations would complement the appearance of the existing dwellings. The layout of the proposed development is considered to respond to the character of the surrounding area

Highways

The highways officer has objected to the application as the development will result in the loss of off-street parking spaces. However the applicant has stated that six of the existing garages are currently not in use. The two garages that are in use are currently used for storage. Therefore the existing garages are not used for the parking of cars so that the loss of the garages would not result in the loss of off-street parking. Therefore the proposed development is not considered to result in a loss of off-street parking and the loss of the garages does not warrant refusal of the application.

The proposed development would provide one space per dwelling. Maximum parking standards can require the provision of two spaces for a three bedroom dwelling. However parking has been provided by way of a space within the front garden and a further space would result in the loss of the majority of the front garden which would be visually harmful to the proposed development. There are no restrictions preventing parking on the street and on balance the provision of one space per dwelling is considered to be acceptable.

Amenity

The proposed dwelling would primarily look over the front and rear gardens of the properties therefore the development would be unlikely to result in increased overlooking of neighbouring properties and the proposed development is not considered harmful on these grounds. As this is an outline application the positioning of the windows would be considered at reserve matters stage. The proposed dwellings would be located adjacent to the side wall of number 60 therefore the proposed dwellings would not appear to be overbearing to the neighbouring occupiers.

Other matters

Comments have been made within the representations that the existing garages formed part of a section 106 agreement when the additional dwellings on Greenvale Drive were constructed under application 02/01087/FUL. When the dwellings under 02/01087/FUL were constructed this involved the demolition of some existing garages. The developer at the time was required to provide new garages to compensate for the loss of the original garages which was required by condition 10 of permission 02/01087/FUL. These were constructed under application 02/02009/FUL which includes the eight garages being proposed to be demolished under this current application. The original permission required the construction of the garages. It does not prevent the sale of the garages or their removal in the future. The application is therefore considered on its merits.

The highways officer has advised that condition 10 from application 02/01087/FUL would need to be removed. This is not considered to be necessary. The construction of the garages resulted in compliance with the condition and there is not a condition or legal agreement which protects from their demolition.

RECOMMENDATION

PERMIT

CONDITIONS

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

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 Approval of the details of the scale, appearance and landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and the Development management Procedure Order 2015.

3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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. The development shall thereafter be carried out in accordance with the details approved.

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.

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

Reason: In the interests of amenity and highway safety.

6 The development hereby permitted shall not be occupied or the use hereby permitted commence until the parking [and turning] area(s) have been surfaced in a consolidated material in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to avoid lose material on the highway

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

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

PLANS LIST:

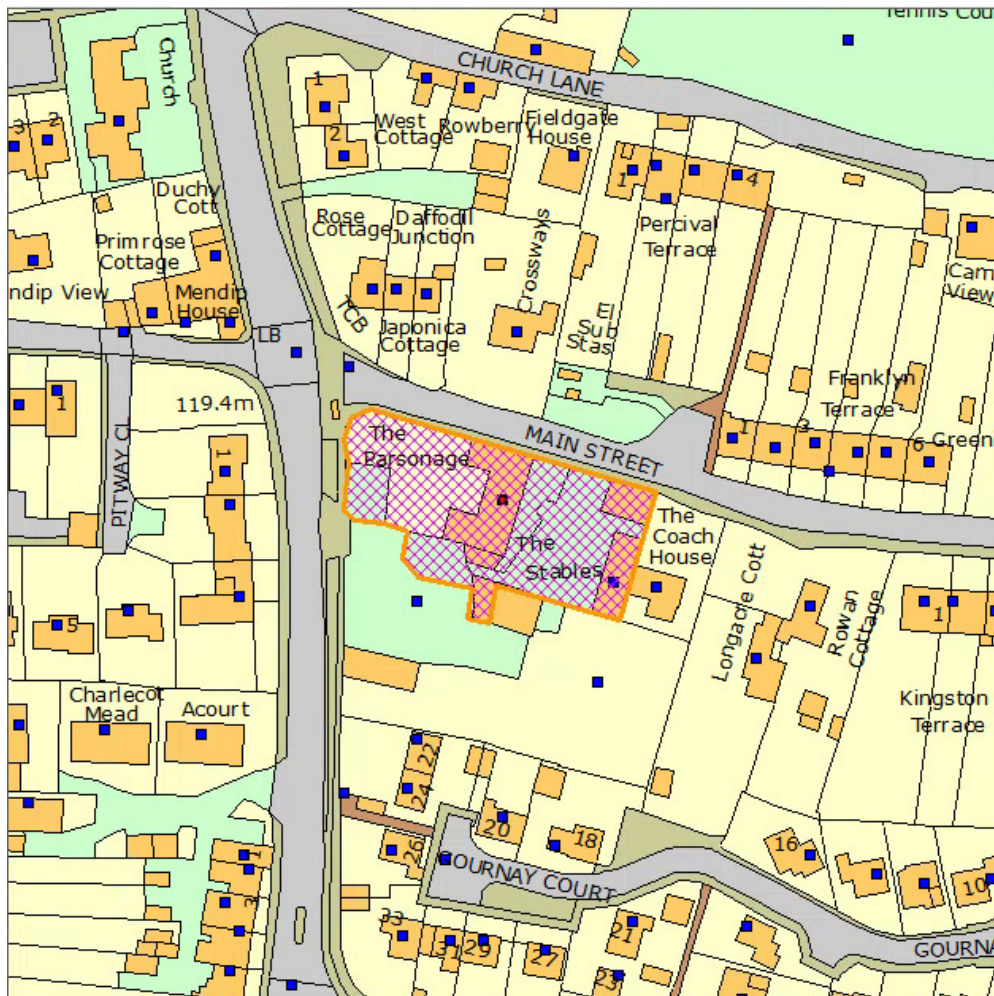
1 Plans List:
Site location plan
Block plan
Proposed front elevation

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: 003

Application No: 15/03632/LBA

Site Location: The Old Parsonage Main Street Farrington Gurney Bristol Bath And North East Somerset



Ward: High Littleton

Parish: Farrington Gurney

LB Grade: IISTAR

Ward Members: Councillor L J Kew

Application Type: Listed Building Consent (Alts/exts)

Proposal: Internal and external alterations to include erection of single storey lean-to extension (resubmission)

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

Applicant: Mr And Mrs B.T. Murray

Expiry Date: 5th October 2015

Case Officer: Adrian Neilson

REPORT

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

PROPOSAL: The application is a resubmission and seeks permission for the erection of single storey lean-to extension.

DESCRIPTION OF SITE AND APPLICATION: The application seeks consent for internal and external alterations to include erection of single storey lean-to extension (resubmission).

This revised application has omitted an internal opening however retains the single storey lean to extension as the previous proposal in 15/02425/LBA.

The site falls within the Housing Development Boundary and is a grade II star listed building. The building itself is a former house presently in use as a bed and breakfast that is understood to date from late C17.

The applications are supported by a Historical Statement and a Design & Access Statement.

RELEVANT PLANNING HISTORY:

DC - 11/01196/AR - RF - 1 June 2011 - Display of 1no. hanging sign on timber post.

DC - 11/04074/AR - RF - 11 November 2011 - Display of 1no. hanging sign on timber post. (Revised proposal)

DC - 13/01369/LBA - CON - 23 May 2013 - Internal alterations and retention of existing first floor en-suite shower room.

DC - 15/02424/FUL - WD - 29 July 2015 - Alteration and extension of existing kitchen

DC - 15/02425/LBA - WD - 29 July 2015 - Internal and external alterations for the alteration and extension of existing kitchen.

DC - 15/03574/FUL - PCO - - Erection of single storey lean-to extension (resubmission)

DC - 15/03632/LBA - PCO - - Internal and external alterations to include erection of single storey lean-to extension (resubmission)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Conservation Team: Objection (The Senior Conservation officer has confirmed that his original comments on 15/02425/LBA & 15/02424 stand in respect of this proposal:

The protected building is an outstanding example of a high status, multi-phase domestic historic building with much of its architectural interest and significance resulting from its later English Baroque detailing and character and the excellent submitted historic building report enables a good understanding of its history and development. The proposals are for the construction of a new single storey extension located to the side elevation to augment

the current provision for kitchen space. Whilst I am aware that due to the building being used predominantly as a guest house the owners require alterations to be made to the building that relate to their own private use I am concerned that this will cause unacceptable visual and physical harm. It is clear that attempts have been made to minimise the impact of the proposed extension however I am not convinced that this would be successful and the location for the extension will cause visual harm to the principal elevation, which is balanced and unimpeded by the existing historic extension that is set well back and at an oblique angle contained behind the garden, boundary wall. I am also mindful that the new extension does not 'sit' comfortably with the existing, historic extension and it lacks unity.

I am unable to offer support to the proposed alterations to the protected building however there may be an acceptable solution. I suggest that a new extension could be located in the same area that the historic extension currently occupies and, subject to detail, it is more likely that this would be more subservient to the principal building and would provide for a more unified solution. The historic extension appears to possess limited heritage value, not least because it has been subject to significant alteration and therefore there may be scope for further alteration and enlargement without detriment to the principal building.

Historic England:

The Old Parsonage is a highly significant building and one of the most prominent in Farrington Gurney. It is notable for its two facades, the older to the east and the slightly later, early C18 to the west and for its survival as a substantial house within the locality, with much historic character and fabric retained.

The proposal involves an extension to the kitchen (itself housed in a later extension), which would sit and be visible adjacent to the principal western elevation, with new openings formed to provide access. We consider that this extension would cause considerable harm to the striking and symmetrical western elevation, in addition to the harm caused by the new opening into the principal building. Although we have not been able to visit the site, having viewed the plans it would seem that there may be scope to extend the existing kitchen, remaining behind the high garden wall and within the rear courtyard. While the now rear elevation of the house is also of high significance, we would advise that this area has more scope for extension due to the existing outbuildings and its courtyard nature. We would hope that an amended design which achieves the applicants' desires would be possible here.

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to have special regard to the desirability of preserving listed buildings and their settings. Furthermore, the National Planning Policy Framework requires that 'great weight' be given to the conservation of heritage assets and their settings. In our view, this proposal would be contrary to national policy and legislation.

Recommendation

We are unable to support this application in its current form due to the harm caused to the significance of the listed building, and would recommend that the application be withdrawn or amended to take account of the issues raised and seek an alternative design.

Farrington Gurney Parish Council: Support comments (summarised) will best enable the property to survive as a business and a home and preserve it for the future.

Representations: 1 x letter of support from neighbour (summarised):

- support for the ongoing operation of the business
- viable use and operation of the existing business

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works. The Council's development plan comprises:

Bath & North East Somerset Adopted Core Strategy
Saved policies in the Bath and North East Somerset Local Plan (2007)
West of England Joint Waste Core Strategy (2011)

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

CP6 - Environmental quality

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

BH.2 - Listed buildings and their settings
D2 - General design and public realm considerations
D4 - Townscape considerations

OFFICER ASSESSMENT

The protected building is an outstanding example of a high status, multi-phase domestic historic building with much of its architectural interest and significance. The proposals are for the construction of a new single storey extension located to the side elevation. The application is the resubmission of an earlier proposal (29/07/15) which was withdrawn that has now omitted an internal opening.

Unfortunately the proposal still continues to raise significant objections in respect of the proposed siting of the extension which would cause an unacceptable level of visual harm to the principal elevation, the symmetry of which is particularly important and unimpeded by alterations. The proposal is therefore considered to fail to preserve the special

architectural interest of listed building and as such would fail to accord with national and local planning policy.

Suggestions have been made to consider the re-siting of the extension to the rear to enable the additional kitchen space to be provided but at the same time to preserve the building's principal elevation. However this has not been pursued and the resubmission of essentially the earlier proposal has been made.

Where there is less than substantial harm to the significance of a designated heritage asset, paragraph 134 of the National Planning Policy Framework requires the harm to be balanced against the public benefits of the proposal, including securing its optimum viable use. Recent Inspector decisions provide many examples where a proposal may be considered to be less than substantial harm which in itself is enough to resist development proposals. In addition, the Local Planning Authority does not consider that the proposal offers any wider public benefit and the existing use of the building will continue.

There is a duty placed on the Council under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant listed building consent for any works 'to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' The siting of the proposed extension is considered to fail to preserve the special architectural interest of the building and is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed location of the single storey extension would cause unacceptable visual harm to the principal elevation which is symmetrical and unimpeded by the existing historic extension. The proposed extension would therefore unacceptably harm the significance of the designated heritage asset and this would be contrary to the Planning (Listed Buildings and Conservation Areas Act) 1990, Section 12 of the National Planning Policy Framework (NPPF), policies CP6 of the B&NES Core Strategy and saved policies D4 and BH2 of the B&NES Local Plan.

PLANS LIST:

1 This decision relates to drawing nos/titled:

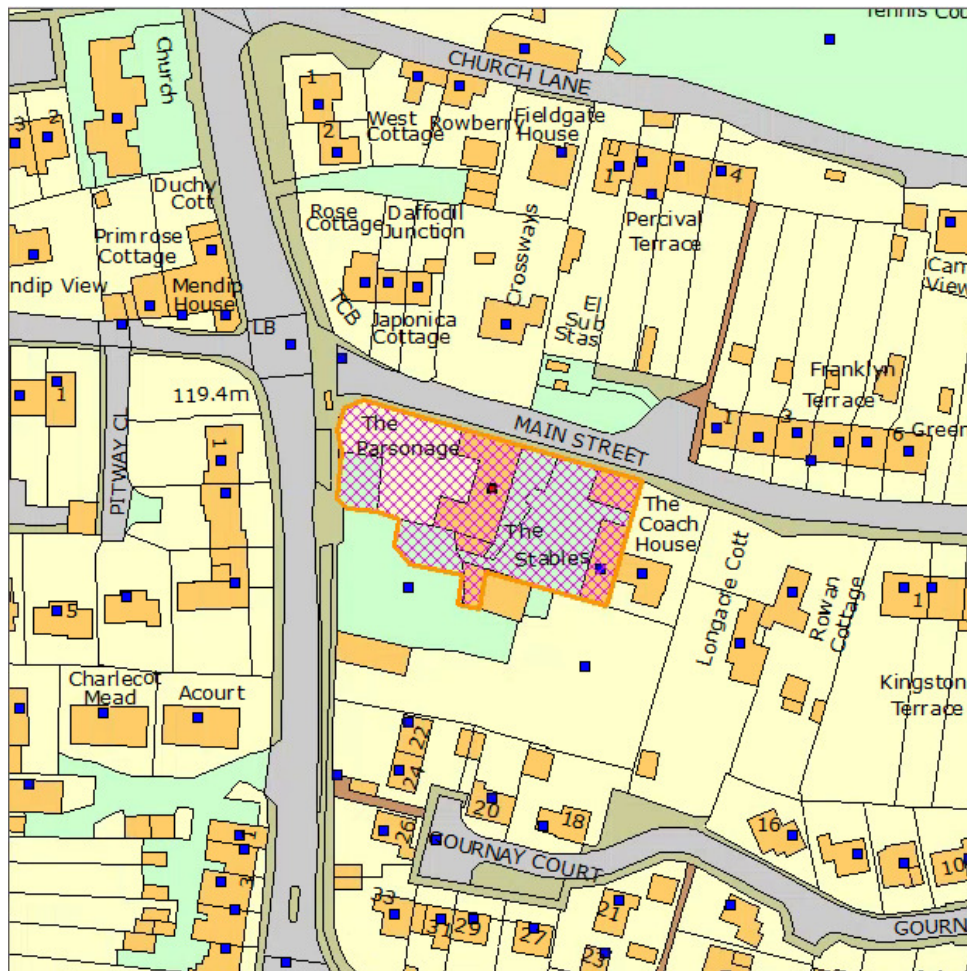
Location plan, 3153-P11A, 3158-P01A, 3153-P09A, 3153-P10A, 3153-P05A, 3153-P03, 3153-P06, 3153-P04 and 3153-P02A

DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. 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 choose not to withdraw the

application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No: 004
Application No: 15/03574/FUL
Site Location: The Old Parsonage Main Street Farrington Gurney Bristol Bath And North East Somerset



Ward: High Littleton **Parish:** Farrington Gurney **LB Grade:** IISTAR
Ward Members: Councillor L J Kew
Application Type: Full Application
Proposal: Erection of single storey lean-to extension (resubmission)
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Listed Building, SSSI - Impact Risk Zones,
Applicant: Mr And Mrs B.T. Murray
Expiry Date: 5th October 2015
Case Officer: Adrian Neilson

REPORT

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

PROPOSAL: The application is a resubmission and seeks permission for the erection of single storey lean-to extension.

DESCRIPTION OF SITE AND APPLICATION: The application seeks consent for internal and external alterations to include erection of single storey lean-to extension (resubmission).

This revised application has omitted an internal opening however retains the single storey lean to extension as the previous proposal in 15/02424/FUL and 15/02425/LBA.

The site falls within the Housing Development Boundary and is a grade II star listed building. The building itself is a former house presently in use as a bed and breakfast that is understood to date from late C17.

The applications are supported by a Historical Statement and a Design & Access Statement.

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DC - 15/02425/LBA - WD - 29 July 2015 - Internal and external alterations for the alteration and extension of existing kitchen.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Conservation Team: Objection (The Senior Conservation officer has confirmed that his original comments on 15/02425/LBA & 15/02424 stand in respect of this proposal:

The protected building is an outstanding example of a high status, multi-phase domestic historic building with much of its architectural interest and significance resulting from its later English Baroque detailing and character and the excellent submitted historic building report enables a good understanding of its history and development. The proposals are for the construction of a new single storey extension located to the side elevation to augment the current provision for kitchen space. Whilst I am aware that due to the building being used predominantly as a guest house the owners require alterations to be made to the building that relate to their own private use I am concerned that this will cause unacceptable visual and physical harm. It is clear that attempts have been made to minimise the impact of the proposed extension however I am not convinced that this

would be successful and the location for the extension will cause visual harm to the principal elevation, which is balanced and unimpeded by the existing historic extension that is set well back and at an oblique angle contained behind the garden, boundary wall. I am also mindful that the new extension does not 'sit' comfortably with the existing, historic extension and it lacks unity.

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Representations: 1 x letter of support from neighbour (summarised):

- support for the ongoing operation of the business
- viable use and operation of the existing business

POLICIES/LEGISLATION

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

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

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

- CP6 - Environmental Quality

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

- D.2: General design and public realm considerations
- D.4: Townscape considerations
- T.24: Access
- T.26: Parking
- BH.2: Listed buildings and their settings

National Policy

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

OFFICER ASSESSMENT

IMPACT ON THE LISTED BUILDING:

The protected building is an outstanding example of a high status, multi-phase domestic historic building with much of its architectural interest and significance. The proposals are for the construction of a new single storey extension located to the side elevation. The application is the resubmission of an earlier proposal (29/07/15) which was withdrawn that has now omitted an internal opening.

Unfortunately the proposal still continues to raise significant objections in respect of the proposed siting of the extension which would cause an unacceptable level of visual harm to the principal elevation, the symmetry of which is particularly important and unimpeded by alterations. The proposal is therefore considered to fail to preserve the special architectural interest of listed building and as such would fail to accord with national and local planning policy.

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RESIDENTIAL AMENITY:

The position and design of the extension would not be sited near residential properties so as to raise any residential amenity issues.

HIGHWAY SAFETY:

The proposal is not considered to represent any significant highway safety issues to justify a refusal on this basis.

OTHER ISSUES:

The proposal does not raise any other significant issues.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed location of the single storey extension would cause unacceptable visual harm to the principal elevation which is symmetrical and unimpeded by the existing historic extension. The proposed extension would therefore unacceptably harm the significance of the designated heritage asset and this would be contrary to the Planning (Listed Buildings and Conservation Areas Act) 1990, Section 12 of the National Planning Policy Framework (NPPF), policies CP6 of the B&NES Core Strategy and saved policies D4 and BH2 of the B&NES Local Plan.

PLANS LIST:

1 This decision relates to drawing nos/titled:

Location plan, 3153-P11A, 3158-P01A, 3153-P09A, 3153-P10A, 3153-P05A, 3153-P03, 3153-P06, 3153-P04 and 3153-P02A

DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. 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 choose 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.